

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

33rd Legislative Day

May 22, 1989

PRESIDENT ROCK:

The hour of twelve 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 afternoon by Pastor Milton Bost, Pasfield Southern Baptist Church, Springfield, Illinois. Reverend.

THE REVEREND MILTON BOST:

(Prayer given by the Reverend Milton Bost)

PRESIDENT ROCK:

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

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentleman of the Senate. Mr. President, I move that reading and approval of the Journals of Wednesday, April 26th; Thursday, April 27th; Friday, April 28th; Monday, May the 1st; Tuesday, May 2nd; Wednesday, May 3rd; Thursday, May 4th; Friday, May 5th; Tuesday, May 9th; Wednesday, May 10th; Thursday, May 11th; Friday, May 12th; Monday, May 15th; Tuesday, May 16th; Wednesday, May 17th; and Thursday, May 18th, in the year 1989, be postponed, pending arrival of the printed Journals.

PRESIDENT ROCK:

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

SECRETARY HAWKER:

Senate Resolution 327 offered by Senator Davidson and all Members.

Senate Resolution 328 offered by Senator Davidson and all Members.

Senate Joint Resolution 64 offered by President Rock.

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...(Machine cutoff)...House Resolution is President Rock,
Senator Collins and all Members.

They're all congratulatory.

PRESIDENT ROCK:

Consent Calendar. Resolutions.

SECRETARY HAWKER:

Senate Joint Resolution 65 offered by Senator Topinka.

It is also congratulatory.

PRESIDENT ROCK:

Consent Calendar. Messages from the House.

SECRETARY HAWKER:

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

Mr. President - I am directed to inform the Senate that
the House of Representatives has passed bills of the following
titles, in the passage of which I am instructed to ask the
concurrence of the Senate, to wit:

House Bills 29, 42, 45, 103, 115, 158, 189, 195, 247,
250, 294, 308, 321, 342, 442, 496, 522, 602, 604, 633, 634, 641,
649 and 683, 713, 714, 732, 737, 739, 753, 777, 795, 799, 853,
854, 870, 892, 895, 957, 972, 995, 1059, 1072, 1097, 1111, 1137,
1142, 1148, 1170, 1198, 1199, 1203, 1217, 1218, 1225, 1251, 1252,
1255, 1294, 1372, 1384, 1385, 1386, 1423, 1496, 1518, 1547, 1566,
1597, 1616, 1666, 1667, 1671, 1673, 1718, 1757, 1842, 1847, 1858,
1859, 1860, 1862, 1880, 1882, 1883, 1904, 1925, 1964, 2-0-0-6,
2014, 2031, 2115, 2125, 2139, 2198, 2255, 2272, 2294, 2314, 2333,
2334, 2345, 2437, 2441, 2449, 2461, 2482, 2485, 2487, 2497, 2513,
2579, 2582, 2589, 2599, 2651, 2655, 2656, 2657, 2662, 2663, 2665,
2693, 2733, 2737, 2786, passed the House, May 18, 1989.

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

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

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resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Joint Resolution 54.

And it is congratulatory.

PRESIDENT ROCK:

Consent Calendar. All right. Ladies and Gentlemen, as indicated, we will begin on Page 59 on the Order of Motions in Writing. These are Motions to Discharge the respective committees from consideration of bills; 30 affirmative votes will be required. In the meantime, while we're awaiting for the Members to gather their files together, Madam Secretary, with leave of the Body, let's move to Page 48 on the Calendar. We'll do House Bills 1st Reading. Page 48 on the Calendar, Ladies and Gentlemen. House Bills 1st Reading.

SECRETARY HAWKER:

House Bill 37 offered by Senator Marovitz.

(Secretary reads title of bill)

House Bill 62 offered by Senator del Valle.

(Secretary reads title of bill)

House Bill 274 offered by Senator Welch.

(Secretary reads title of bill)

House Bill 304 offered by Senator del Valle.

(Secretary reads title of bill)

House Bill 316 offered by Senator Etheredge.

(Secretary reads title of bill)

House Bill 548 offered by Senator Woodyard.

(Secretary reads title of bill)

House Bill 592 offered by President Rock and Senator Berman.

(Secretary reads title of bill)

House Bill 642 offered by Senator Hall.

(Secretary reads title of bill)

House Bill 776 offered by Senator Barkhausen.

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(Secretary reads title of bill)

House Bill 813 offered by Senator Marovitz.

(Secretary reads title of bill)

House Bill 873 offered by Senator Thomas Dunn.

(Secretary reads title of bill)

House Bill 879 offered by Senator Schaffer.

(Secretary reads title of bill)

House Bill 1083 offered by Senator Welch.

(Secretary reads title of bill)

House Bill 1107 offered by Senators Newhouse and DeAngelis.

(Secretary reads title of bill)

House Bill 1159 offered by Senator Karpziel.

(Secretary reads title of bill)

House Bill 1196 offered by Senator J.J. Joyce.

(Secretary reads title of bill)

House Bill 1207 offered by Senator Netsch.

(Secretary reads title of bill)

House Bill 1266 offered by Senators Severns and Macdonald.

(Secretary reads title of bill)

House Bill 1269 offered by Senators Smith and Macdonald.

(Secretary reads title of bill)

House Bill 1278 offered by Senator Barkhausen.

(Secretary reads title of bill)

House Bill 1356 offered by Senator Welch.

(Secretary reads title of bill)

House Bill 1401 offered by Senator Donahue.

(Secretary reads title of bill)

House Bill 1416 offered by Senator Hawkinson.

(Secretary reads title of bill)

House Bill 1429 offered by Senator Keats.

(Secretary reads title of bill)

House Bill 1553 offered by Senator Jones.

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(Secretary reads title of bill)

House Bill 1569 offered by Senators Smith and del Valle.

(Secretary reads title of bill)

House Bill 1577 offered by Senator Ralph Dunn.

(Secretary reads title of bill)

House Bill 1619 offered by Senator Berman.

(Secretary reads title of bill)

House Bill 1699 -- *DK*

(Secretary reads title of bill)

House Bill 1745 offered by Senator Schaffer.

(Secretary reads title of bill)

House Bill 1768 offered by Senator Smith.

(Secretary reads title of bill)

House Bill 1778 offered by Senator Keats.

(Secretary reads title of bill)

House Bill 1891 offered by Senator Zito.

(Secretary reads title of bill)

House Bill 2032 offered by Senator Demuzio.

(Secretary reads title of bill)

House Bill 2100 offered by Senator Zito.

(Secretary reads title of bill)

House Bill 2321 offered by Senator Daley.

(Secretary reads title of bill)

House Bill 2351 offered by Senator Thomas Dunn.

(Secretary reads title of bill)

✓ House Bill 2383 offered by Senator Jacobs.

(Secretary reads title of bill)

House Bill 2427 offered by Senator Welch.

(Secretary reads title of bill)

House Bill 2428 offered by Senator Welch.

(Secretary reads title of bill)

House Bill 2436 offered by Senators Weaver and Woodyard.

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(Secretary reads title of bill)

House Bill 2528 offered by Senator Berman.

(Secretary reads title of bill)

House Bill 2629 offered by Senator Hawkinson.

(Secretary reads title of bill)

House Bill 2649 offered by Senator Donahue.

(Secretary reads title of bill)

1st Reading of the Bills.

PRESIDENT ROCK:

Resolutions, Madam Secretary.

SECRETARY HAWKER:

House Bill 329 offered by Senator Madigan. Pardon me --
Senate Resolution 329 offered by Senator Madigan.

It is congratulatory.

PRESIDENT ROCK:

Consent Calendar. All right. Ladies and Gentlemen, we will commence on the Order to which we agreed, and that is Motions in Writing. If you will turn to Page 59 on the Calendar. There is something in excess of 195 Motions in Writing filed, which we will attempt to deal with, and then there are I'm told, about 30 amendments filed for the purpose of recalling bills from 3rd to 2nd Reading for the purpose of an amendment. If we can get to those two orders of business today and conclude them, we'll be doing fine. Top of Page 59 on the Order of Motions in Writing, Madam Secretary, read the motion. Senate Bill 29.

SECRETARY HAWKER:

I move to suspend all applicable rules and to discharge the Senate Committee on Elementary and Secondary Education from further consideration of Senate Bill 29, and that the foregoing Bill be placed on the Calendar on the Order of 2nd Reading. I request a roll call vote on this motion. Filed by Senator Maitland.

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PRESIDENT ROCK:

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President, Members of the Senate. Senate Bill 29 eliminates the five-Year limitation for high school deactivation. Some years ago this legislation passed to accommodate some schools who wanted to maintain the integrity of their grade schools and deactivate their high schools. There are two such of these provisions that are working now, and working well, and this simply takes the deadline or the five-year -- five-year portion off. I would appreciate the Body's support.

PRESIDENT ROCK:

Discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President. First of all, I have a parliamentary inquiry, if I may. Since this motion of Senator Maitland proposes to discharge the Committee on Elementary and Secondary Education, rather than the Special Committee on Elementary and Secondary Education, to which the bill was properly referred by the Senate Special Temporary Committee on Assignment, is this motion in order?

PRESIDENT ROCK:

Well, I am obviously prepared to rule on your inquiry, and, in fact, all the Motions to Discharge, as I read them, appear to be out of order, since every one of them refers to a certain named committee and not the proper and appropriate Special Temporary Committee. I think, however, rather than spin our wheels and ask that additional and new motions be filed, since it was our agreement, I would suggest that, with leave of the Body, a Member ought to -- ought to move to amend these motions, to correct this obvious error. Senator Demuzio.

SENATOR DEMUZIO:

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Well, in that case, Mr. President, perhaps I would ask leave of the Body, maybe after this bill? No, that's okay. Let's include this bill. I would ask leave of the Body that -- that we reflect that the motions are, in fact, in order with respect to your ruling.

PRESIDENT ROCK:

All right. Is leave granted? Leave is granted. The question is, shall all of these motions be amended as proposed to reflect the proper committee from which the discharge is requested. All in favor indicate by saying Aye. All opposed. Madam Secretary, leave has been granted, and the motion is allowed. Discussion on the motion? Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. I would like to point out to the Body that, unlike many of bills we'll be -- be asking to vote on in Motions to Discharge, this particular bill was already heard in Elementary and Secondary Education Committee and did fail, 8 to 2. An identical bill also failed to move from the Elementary and Secondary Education Committee in the 85th General Assembly.

PRESIDENT ROCK:

All right. Further discussion? Senator Maitland may close.

SENATOR MAITLAND:

Well, thank you very much, Mr. President. Senator Holmberg, I appreciate that explanation. First of all, I don't know where you got your 8 to 2 vote. That was not the vote in -- in committee, and I resent that -- resent that comment, quite frankly, because it was defeated in committee, and there was some misunderstanding on the bill. There was no question but what the votes were there to get the bill out. This is critically important to a couple of school districts in this State who have buildings that are beyond repair, and must maintain the integrity of the deactivation status, and I would simply -- this is a -- in my judgment, this is

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a bipartisan issue, and I would -- would urge the Body's support.

PRESIDENT ROCK:

All right. The question is, shall Senate Bill 29 be discharged from further -- from further consideration of the Elementary and Secondary Education Committee. And the Senator has asked that the bill be placed on the Order of 2nd Reading. 30 affirmative votes will be required. 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 29 Ayes, 8 Nays, and the motion fails. Read the next motion, Madam Secretary.

SECRETARY HAWKER:

I move to suspend all applicable rules and to discharge the Senate Special Temporary Committee on Elementary and Secondary Education from further consideration of Senate Bill 30, and that the foregoing motion be placed on the Calendar on the Order of 2nd Reading. I request a roll call vote on this motion. Filed by Senator Maitland.

PRESIDENT ROCK:

Ladies and Gentlemen, on the Order of Motions in Writing, and there will be a roll call on every motion, so it's not necessary that request be made. Senator Maitland. Senate Bill 30.

SENATOR MAITLAND:

Thank you Mr. President, Members of the Senate. This is the scaled-down version of the previous bill. This simply extends the deadline by five years and makes it a ten-year program. Again, this is critically important to a number of downstate school districts, and I would urge the Body's support.

PRESIDENT ROCK:

Discussion? Senator Holmberg.

SENATOR HOLMBERG:

Thank you Mr. President. First of all, I would like to

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apologize to Senator Maitland on the last bill. I misread the committee vote. It was 8-8-2. This bill -- Motion to Discharge Senate Bill 30, is on a bill that was posted for committee, and was then held at Senator Maitland's request. Opponents to the bill did not have an opportunity to testify, express their opposition, in a public hearing, when he could have had the bill called. And I would recommend that we not discharge from committee.

PRESIDENT ROCK:

All right. Senator Maitland, you wish to close? Senator Maitland has moved that Senate Bill 30 be discharged from further consideration by the Committee on Elementary -- Temporary Special Committee on Elementary and Secondary Education. Those in favor of the Motion to Discharge 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 27 Ayes, 14 Nays, 2 voting Present, and the motion fails. Senate Bill 67. Senator Jones. Senate Bill 77. Senator Dudycz. Read the motion, Madam Secretary. Senate Bill 77...(machine cutoff)...77, please.

SECRETARY HAWKER:

Senate Bill 77. I move to suspend all applicable rules and to discharge the Senate Special Temporary Committee on Transportation from further consideration of Senate Bill 77, and that the foregoing motion -- the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Dudycz.

PRESIDENT ROCK:

Senator Dudycz.

SENATOR DUDYCYZ:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, Senate Bill 77 authorizes the Secretary of State to issue special license plates to the surviving spouse or the parents of a

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deceased one who is awarded the Gold Star by the United States Department of Defense, and according to the Illinois Department of Veteran Affairs' estimates, there will be approximately 8,300 recipients in Illinois.

PRESIDENT ROCK:

Discussion? Any discussion? If not, Senator Dudycz has moved to discharge the Committee on Transportation from further consideration of Senate Bill 77, asks that it be placed on the Order of 2nd Reading. Those in favor of the Motion to Discharge 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 30 -- 31 Ayes, no Nays, none voting Present, and the motion prevails. Senate Bill 91. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to discharge the Committee on Revenue from further consideration of Senate Bill 91, and that it be advanced to Second Reading. Filed by Senator Topinka.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 91 provides an income tax credit to hospitals and nursing homes which operate a day-care center for employees' children, and the credit would not exceed 30% of the cost of operating the day-care center, not to exceed 30% of the employer's total income tax liability for the year with a three-year carry-forward provision. This comes out of meetings that I have held over the last year with all the various nursing associations, who feel that one of the main and primary reasons that the nursing shortage goes on is the fact that there is not enough day care on the premises or off the premises that are supported by the

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hospitals and nursing homes to allow nurses to get back into the system, to stay with the system, to deal with their various staggered hours and things of that sort. This is not limited to on-site or off-site -- premises, and it does not touch on non-for-profits. So it is rather limited, and I would ask for your favorable vote.

PRESIDENT ROCK:

Discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I rise in opposition to the Motion to Discharge Senate Bill 91. I think Senator Topinka has accurately described what the bill does, but it has several problems, the first of which is that we have already voted out of the Revenue Committee Senator Smith's bill, which would provide for some help to a broad range, that is all employers who are willing to provide for child care both on-premise and off-premise. This, which is a tax credit, limited to hospitals and nursing homes, is much too narrow in its scope. It probably, although it certainly reaches some employers who I am sure have a need, it doesn't even begin to reach all of the employers who have that kind of need. I'm not even sure that it would constitute a reasonable classification for purposes of constitutional validity. And I would point one last point, that a good many of the hospitals, and certainly some, if -- of -- of the nursing homes, are not-for-profit. They do not pay State income tax, and a tax credit would, I assume, do them no good at all. So that it seems to me that a) the -- it is much too narrowly focused; b) it is focused at some employers, who probably cannot even take advantage of the tax advantage that is intended to...to be offered here; and thirdly, in any event, we have a good solid bill that is already on the Calendar dealing with a very important subject, and it can be fully debated in connection with that. I would, therefore,

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oppose the Motion to Discharge.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Topinka may close.

SENATOR TOPINKA:

Well, yes, Mr. President and Ladies and Gentlemen of the Senate, I realize that there is an all-inclusive bill, but as we go forward at attempting to try and deal with day care, and being a rather conservative person, I think, a go-slow approach is probably a better way to go, and I would ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka has moved to discharge the Committee on Revenue from further consideration of Senate Bill 91. 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 25, the Nays are 11, none voting Present. The motion fails. Senate Bill 130. Senator Collins. 139. Senator Topinka. Senator Topinka. 139. All right. On the Order to Discharge is Senate Bill 139. Madam Secretary.

SECRETARY HAWKER:

I move to discharge the Committee on Revenue from further consideration of Senate Bill 139, and that it be advanced to 2nd Reading. Filed by Senator Topinka.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President, Ladies and Gentlemen of the Senate, this would use -- I'm sorry. This would require that the Illinois Department of Revenue return to the taxpayer any check or money order that was not made payable to the Department, within 15 days of receipt, unless the amount matched the amount on an

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accompanying Illinois Tax Return. This is an attempt to try and get back to people -- monies that they may have sent to the Illinois Department of Revenue by mistake, usually sending their Internal Revenue checks to the Department of Revenue by mistake, having them cashed, getting involved in a very complicated voucher system, having their monies locked up at no interest for long periods of time, not being able to pay the IRS, and generally winding up in a nightmare that is just too, too awful. Originally the bill was asking that tax returns be color-coded; that has been amended out. And I don't know of anybody that is in opposition, and I would ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Excuse me. Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I rise in opposition to the Motion to Discharge, not so much because what is being proposed here is that bad or certainly not that bad tax policy. There are a couple of problems. One is that this is hardly the kind of momentous issue that warrants a successful Motion to Discharge and a bill having a life all of its own, partly because the Department of Revenue indicated to us in the hearing that they already do this, and so, in a sense, the only part of this bill that is left which has to do with the cashing of checks, is already a matter of practice. I have strong suspicions that there might be some other purpose for this bill, if it should, in fact, reach the Floor. I would suggest to Senator Topinka - since there's nothing wrong with the substance of what she is trying to do - it's just the procedure - that she find a -- one of the administration technical cleanup bills and add it to one of those bills. Senator Rigney has several of them, they have been agreed to, and Senator Woodyard has another one. They have been agreed to for discharge; they are on the Calendar. This would be a simple amendment and I

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am sure either one of them would be happy to accept it, but I think it would be a mistake to allow this bill to fly on its own.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. You may consider this a -- a nonessential bill, Senator Netsch, but I will tell you, I have had a couple constituents who were really tied up by the Department of Revenue. One of them had a five thousand dollar check that she sent mistakenly to the Department of Revenue to pay an eight hundred dollar Income Tax bill, and then did not pay -- only paid eight hundred dollars on her Federal Income Tax. She got the checks mixed, and unfortunately, the Department of Revenue didn't seem to want to correct the mistake, and consequently, this woman had to go out and borrow money to pay her federal tax. She had to pay interest on her federal tax. We did -- finally did get the thing straightened out, but only after I personally made about a half a dozen phone calls. It seems to me that mistakes are made, and when they are made, I don't think we ought to be penalizing those who accidentally paid us more than they should have.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

I, too, rise in support. I had a similar constituent problem - I have actually had several - but recently, a large - relatively large - check was sent by mistake by one of my constituents to our Department of Revenue. He sent the Federal state to us and the State check to the Feds. Needless to say, we cashed it. We then waited nine months to give this gentleman or this company back the funds. The Feds were unwilling to wait nine minutes. The gentleman had to go to the bank and then wait month after month after month, while the Department of Revenue blamed the

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Comptroller, the Comptroller blamed the Department of Revenue, and the poor guy had a heck of a time - had to mortgage his house to meet his payrolls. This is something that we ought to stop, and this bill will do it. I think this bill ought to be discharged.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR TOPINKA:

Yes, if I may. You know, I am rather surprised, you know, at some of the comments from Senator Netsch, because she has been such a great advocate of getting people's money back to them when it is held, basically illegally, by the State and used for the State's purposes. There is no other purpose for this bill, Senator Netsch; I do wish to confirm that. It is strictly to try and take care of constituents who get in this snafu, for which there is really no out. Except there is one, and that is a local banker would have to make up this money if, indeed, the cash were, indeed, cashed illegally by the Illinois Department of Revenue. I think for the good of our constituents everywhere, please let this bill out of committee.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The -- Senator Topinka has moved to Discharge the Committee on Revenue from further consideration of Senate Bill 139. Those in favor will vote Aye, those opposed, Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 29, the Nays are 12, 3 voting Present. The Motion to Discharge fails. 154. Senator Topinka. Senate Bill 154, Madam Secretary.

SECRETARY HAWKER:

I move to suspend Senate Rule 5c, and that the Committee on -- the Special Temporary Committee on Executive be discharged from

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further consideration of Senate Bill 154, and that it be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Topinka.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President, Ladies and Gentlemen of the Senate. First of all, Senate Bill 154 received quite an active debate in committee and I think everybody kind of understood what it meant to do, which is to put the State back into the system of trying to help fund the asbestos removal which is the nightmare that we have put our school districts into, and which remains one of the single biggest problems that they face today. What this does is allow school districts to use the State for State Bonds, so that we, indeed, become the collateral to back up this procedure. In general, we...we also have an amendment here that does correct what was a problem that LRB had in some of the figures. That was discussed in committee. The amendment which would go on, on 2nd Reading, should this get out of committee, was quite acceptable to all concerned. I really think we have created the obligation. We should, you know, stand behind this, and finally end this problem for our schools, and give them a way out. And I would ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? Senator -- Senator Joyce? Discussion? If not, Senator Topinka has moved to discharge the Committee on Executive from further consideration of Senate Bill 154. 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 29, the Nays are 11, 2 voting Present. The Motion to Discharge fails. Senate Bill 159. Senator Kustra. Senator

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Kustra on the Floor? 161. Senator Macdonald. 161? Senator Macdonald, do you wish to have that bill called, that Discharge Motion? All right. Senate Bill 161, Madam Secretary. Discharge Motion.

SECRETARY HAWKER:

I move to suspend Senate Rule 5c, and the Special Temporary Committee on Revenue be discharged from further consideration of Senate Bill 161, and that it be placed on the Senate Calendar on the Order of 2nd Reading. Filed by Senator Macdonald.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. This is -- amends the Illinois Income Tax, to incorporate exemptions for blind and elderly taxpayers. Mine is not the only bill that does that, but I would certainly like to have this bill discharged. It seems to me that in fairness in this State, it is a poor way for us to make money off of the backs of the blind and the elderly. I think this is an important piece of legislation, and I would ask for its discharge.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Again, I am going to oppose the Motion to Discharge, and I would point out that this is getting to be a little bit strange. There is already a bill that has been voted out of the Committee on Revenue, Senator Dunn's bill, Senate Bill 136, which does exactly the same thing. There will be a full opportunity for everyone to vote on this issue and to express their viewpoint, and I would suggest, rather than having an exact duplicate voted out of the committee, that perhaps Senator Dunn would allow Senator Macdonald to join him as a co-sponsor on Senate Bill 136.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Thomas Dunn. No further discussion. Senator Macdonald, you may close. I beg your pardon, Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. I'd only like to acknowledge that one of the speakers from the other side last week said this to one of our Senators, when we were discussing duplicate bills. The individual said, "I guarantee you one thing Senator so-and-so. If you were on this side of the aisle, your bill would be dead whether it was Tabled or otherwise, because it would be pointed out to us immediately that this is duplicative. I would suggest you Table the bill." That was a Senator from the Republican side talking to one of our Senators because we had a duplicate of bill, and I just wanted to put that out for everybody's information.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Luft, do you want to send a transcript over? Further discussion? Senator Macdonald, you may close.

SENATOR MACDONALD:

Seems that I am caught in a -- a partisan argument here, but we have know idea what is going to happen to the other bill, and I would just ask for your support of discharge for this motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Macdonald has moved to discharge the Committee on Revenue from further consideration of Senate Bill 161. 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 26, the Nays are 8, 5 voting Present. The motion to discharge fails. 164. Senator Rigney. 183. Senator Etheredge. On Discharge Motions, bottom of Page 59, is Senate Bill 183, Madam Secretary. Read the motion.

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SECRETARY HAWKER:

I move to suspend all applicable rules and to discharge the Senate Special Temporary Committee on Executive from further consideration of Senate Bill 183, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Etheredge.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. What this bill does is to recognize the impact of inflation over the last six years on the requirement that employees of State and local government and school districts report their salaries. It raises the reporting threshold from thirty-five thousand to forty-five thousand dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Mr. President, Ladies and Gentlemen of the Senate, we addressed this issue in Senator Watson's bill just the other day, and it didn't receive enough votes to pass. Now we have another duplicative bill that should also not receive the votes to discharge the committee. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Netsch -- Senator Netsch, your light was open. She passes, forever. Further discussion? If not, Senator Etheredge, you may close.

SENATOR ETHEREDGE:

Thank you, Mr. President. I think that it is time for us to recognize the fact that inflation has indeed occurred over the last six years, and I would like to -- like for us all to have the opportunity to revisit this issue. I would ask for a favorable

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roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Etheredge has moved to discharge the Committee on Executive from further consideration of Senate Bill 183. Those in favor will vote Aye. Those opposed, No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 23, the Nays are 19, 3 voting Present. The Motion to Discharge fails. Senator Maitland, on 190. On the Order of Discharge Motions, at bottom of the page, is Senate Bill 190, Madam Secretary. Read the motion, please.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Special Temporary Committee on Higher Education from further consideration of Senate Bill 190, and that the foregoing bill 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. Senate Bill 190 is legislation recommended by the Illinois Community College Board, and as some of you may know, we are forming a new Community College District in the Bloomington-Pontiac-Lincoln Corridor. This addresses some technical changes, and also addresses the election of the Board of Trustees at large. And I would appreciate the Body's support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? If not, the question is, shall -- I beg your pardon. Senator Maitland has moved to discharge the Committee on Higher Education from further consideration of Senate Bill 190. Those in favor will vote Aye, those opposed, Nay. The

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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 29, the Nays are 10, 3 voting Present. The Motion to Discharge fails. Page 60. 196. Senator Hudson. On the Order of Discharge Motions, the top of Page 60, is Senate Bill -- the motion with respect to Senate Bill 196, Madam Secretary.

SECRETARY HAWKER:

I move that the Special Temporary Committee on Elementary and Secondary Education be discharged from further consideration of Senate Bill 196, and that the bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Hudson.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hudson.

SENATOR HUDSON:

Thank you Mr. President. Ladies and Gentlemen of the Senate, Senate Bill 196 removes the word "daily" from the physical education requirement (P.E.). P.E. would then become no more and no less important than any of the other mandated subjects being taught in schools in Illinois, such as math or English. I might tell you that this bill was requested by the Legislative Education Network of DuPage (LEND) and the Illinois Association of School Boards. I would say to you, Ladies and Gentlemen, also, that our students at this point in time are being caught between a rock and hard place, in this sense: there are mandates that we have passed in this Legislature that require certain courses to be taken in high school, and also the...the State Board of Education, the Illinois Association of School Boards and others are mandating certain subjects that have to be taken, and at the same time, the requirements to enter college are getting stiffer all the time. So the student is finding himself in a situation where he has very few credit hours to spend. So one thing this bill would do would be to give those students that have reached the level of seventh

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and eighth grades a -- that have reached the level of senior and junior years in their high school, to choose another subject. For example, if they wanted to pick up some math or they wanted to pick up chemistry or some other subject, they could have the option of doing that, rather than being forced to take a P.E. in those particular years. And this would give some flexibility to our local -- local school people. I think it's a --, I think it's an excellent concept, there's no danger that any of these kids are going to become physical derelicts because of this lessening of the P.E. mandate. It's an idea whose time has come, and it makes sense. And I would encourage you, folks, if you see fit, to discharge this bill from committee, so it could have a proper hearing on its merits.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? I'd like to point out that, thus far, at the rate that we are going, we will be here till midnight with respect to all of these Discharge Motions. Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. This bill is a good example of a bill that needs to be heard in committee. There is opposition to it, it's very controversial, and a full hearing is advisable to present the viewpoints of both opponents and proponents, and therefore, I rise against the Discharge Motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Hudson, do you wish to close? I am sorry, Senator Watson.

SENATOR WATSON:

Yes, thank you Mr. President. I was kind of surprised to hear the last speaker mention there is opposition to this, and there may be from a special interest, but certainly not from the kids. And I've got a junior in high school right now, and I've got a daughter that's a sophomore in high school, son's a junior. And

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we're going through this very dilemma right now, as parents, trying to decide a -- a course of activity and courses to take in high school for our kids to go to school -- to college. And we're sitting up here and we're going to mandate probably a poor curriculum to go into higher education - someday, shortly, we'll probably do that - and what -- we need to have the flexibility as parents, and as students, we need to have the flexibility to allow it -- our kids, who this is all about, not P.E. teachers, not some special interest group, but the kids. You know that's what we really ought to be concerned about. And unfortunately, they get lost in the shuffle up here all the time, because we're too darned interested in some -- protecting some teacher's job back at -- back home. Anyway, as a parent who wants to see my son and daughter get an opportunity to go to college, and to get the basic curriculum and courses needed in high school to do that, this is a good piece of legislation, and I support it. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Hudson may close.

SENATOR HUDSON:

In closing, Mr. President, I might say that there are only three states in the country now - Illinois, New Jersey and Rhode Island - in the entire nation here, that require four years of P.E. in high school and twelve years of P.E. in a child's elementary and secondary career. And I might say to you that at this moment, the State of New Jersey is also entering into some discussion in consideration about relieving their citizens of this -- of this requirement. It's an excellent idea, and simply because it's maybe a little controversial, there is no reason why we can't -- shouldn't bring it out and get a full discussion of this issue on the Floor on 3rd Reading. I would urge you to give us a Yes vote on this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator Hudson has moved to discharge the Committee on Elementary and Secondary Education from further consideration of Senate Bill 196. 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 21, the Nays are 15, 2 voting Present. The Motion to Discharge fails. Senate Bill 208. Senator Karpziel. 209. Senator Geo-Karis. On the Order of Discharge Motions, Senate Bill 209, Madam Secretary. Read the motion.

SECRETARY HAWKER:

I move to suspend Senate Rule 5c, and that the Special Temporary Committee on Local Government be discharged from further consideration of Senate Bill 209, and that it be placed on the Senate Calendar on the Order of 2nd Reading. Filed by Senator Geo-Karis.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, this bill would require two-thirds vote of the total number of members entitled to sit on the county board in order to authorize a condemnation of land in an unincorporated area. We have found there has been -- when county boards change, they get into all kinds of political chicanery. I hate to say it, but it's happened in my county, it's happened in other counties, and this bill only applies to forest preserve districts in collar counties under six hundred thousand population. The Illinois Farm Bureau supports this bill, and I ask for a favorable vote to --

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. I received a number of letters, as I am

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sure most of you have, from citizens in Kane County and Lake County, who have wanted some legislation similar to this. It is a good piece of legislation. It certainly makes the elected officials have to respond to those who feel that their land is being -- taken unfairly. I would suggest strongly that all of us think about those letters, and support this legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. This bill was assigned to the Forest Preserve District Subcommittee of the Local Government Committee. So many people wanted to testify on both sides on this particular piece of legislation. That subcommittee was scheduled for 4/26, but was cancelled due to the Republican boycott. Senator Geo-Karis is a hyphenated co-sponsor of Senate Bill 206, now on 3rd Reading, that deals with same subject matter and that bill, I think, could take care of this. Although this bill doesn't impact upon DuPage County, the Forest Preserve District of DuPage County did sign a witness slip in committee in opposition, and also, the Lake County Forest Preserve is also in opposition. Senator Geo-Karis should give her own constituency the courtesy of a hearing in that subcommittee.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The -- the board just lit up like a Christmas tree. Further discussion? Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. Well, unfortunately, these bills, this whole package of bills dealing with eminent domain and condemnation powers on the part of forest preserve districts got caught up in our Senate dispute, and that's unfortunate. It's unfortunate for the people that live in Lake County and Kane County, because they have been having a tremendous problem up

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there. I don't know how many of you have been receiving letters, or have seen any of the articles or the editorials in the newspapers dealing with this subject, but this subject has gotten very hot in these two counties for different reasons and on different pieces of property, and in different ways, obviously, but still it's the whole idea of local government being able to come in and take your property. Now in Kane County, the Forest Preserve Commission was going to come in and take three hundred and eighty feet of somebody's backyard on the riverfront. In three cases, they were going to take all the property and the homes. In other cases, where the property was large, they were going to take two acres. Twenty-six homes along the riverfront were going to have all this property taken. For what? Was it a major highway that had to be built? Was it some major municipal building that had to be built? No. It was a bike path. Now, I ask you why you have to take two acres or three hundred and eighty feet or three homes for a bike path? It is ridiculous. Something has to be done about putting some restrictions on eminent domain powers of these forest preserve districts. This only applies to Lake County and Kane County, and, I believe, Will. And it's a very simple bill. Some of the bills are a little bit more stringent than this, but this one simply says that it will take two-thirds vote of the Forest Preserve Commission in order to pass a condemnation of someone's property. I think this is a very simple concept, and I think that it is very fair. And as far as the DuPage County Forest Preserve District being opposed to it, who cares? The bill doesn't even cover them, and I have talked to them and I think they have neutralized their position since they sent out their letters. The Forest Preserve District Chairman in Kane County, the one who is going to be doing all this damage, he has even come to agree with this bill. I urge your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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All right. Channel 20 has requested permission to tape. Is leave granted? Leave is granted. Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, Members of the Senate, I think, as the roll call in a few moments will demonstrate, this is not a partisan issue. In fact, perhaps to my friends on the other side of the aisle, it may appear to be an intramural war on this side of the aisle you might be tempted to want to participate in. Simple fact is that I think it's a very justifiable and defensive thing -- defensible thing to hold a little higher standard for condemnation of people's homes and working farms, for what is essentially recreational type activities. I think that a simple majority is a reasonable requirement when one's dealing with controversial things and things that serve the general public in a more universal fashion, such as roads and sewer easements and that sort of thing. But in both Lake and Kane - and I have the honor of living in the middle - and having watched the, shall we say smoke on both horizons, we have seen, I think, some activity perhaps well-intended, that I think flies in the face of what most of us are comfortable with in the form of government control. It's obvious to me that this bill is the only train coming through the station on this issue, and that the forces may be well able to defeat this in the House, but I think at least the Senate ought to go on record as saying that people's homes and farms and property are protected by this higher standard, when the government's sole reason for wanting the property is a recreational type activity.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? If not, Senator Geo-Karis, you may close.

SENATOR GEO-KARIS:

Mr. President --

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PRESIDING OFFICER: (SENATOR DEMUZIO)

I am sorry. Senator Dunn. I beg your pardon. Senator Thomas Dunn.

SENATOR THOMAS DUNN:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates she will yield. Senator Thomas Dunn.

SENATOR THOMAS DUNN:

Why was Will County included in this?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

It applies to the collar counties under six hundred thousand population, that's -- Will County, I think, comes under that classification.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dunn.

SENATOR THOMAS DUNN:

Is that the only reason?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Yes, and if you help me get my bill discharged and you don't want it in, I have no objection.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dunn. All right. Further discussion? If not, Senator Geo-Karis may close.

SENATOR GEO-KARIS:

Mr. President, you heard good reasons to help me get this bill discharged. As I said, the Illinois Farm Bureau supports this bill, and it's really unconscionable when people's homesteads - and older people can't fight back - are taken just because the county

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board decides to go ahead and offer condemnation whether anyone likes it or not. There should be negotiation. Condemnation should be used sparingly. And I ask for a favorable vote to discharge.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis has moved to discharge the Committee on Local Government from further consideration of Senate Bill 209. Those in favor will vote Aye, those opposed, Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 29, the Nays are 8, 5 voting Present. The Motion to Discharge fails. 210. Senator Geo-Karis. Senator Geo-Karis, 210? On the Order of Discharge Motions, Senate Bill 209, Madam Secretary. Read the motion. I'm sorry. 210.

SECRETARY HAWKER:

I move to suspend Senate Rule 5c, and that the Committee on Local Government be discharged from further consideration of Senate Bill 210, and that it be placed on the Senate Calendar on the Order of 2nd Reading. Filed by Senator Geo-Karis.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate. I have said it before, and I'll say it again: condemnation should be used sparingly. There should be negotiation. And when we have constant condemnation where people who are in control of the county board just go ahead and do it whether it's right or not, I think it shouldn't be done. This bill allows for a backdoor referendum in a condemnation of property by a forest preserve district. I urge your favorable consideration. It applies only in Kane, Lake and Will Counties.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Is there discussion? Senator Holmberg.

SENATOR HOLMBERG:

If I may just reiterate that this again is one that was assigned to subcommittee. Local Government really wanted to hear these bills. We probably had more correspondence on these, both for and against, than any other bill we've had in a long, long time. I would recommend that it not be discharged, because Senator Karpel has a bill in the same subject area, and has amended another bill onto that already.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Geo-Karis may close.

SENATOR GEO-KARIS:

I submit it is not on the same subject matter, and I ask for favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis has moved to discharge the Committee on Local Government from further consideration of Senate Bill 210. Those in favor will vote Aye, those opposed, Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 31, the Nays are 10, 4 voting Present. The Motion to Discharge carries, and the bill, Senate Bill 210, will be placed on the Order of 2nd Reading. I beg your pardon. Senator Raica, for what purpose do you arise?

SENATOR RAICA:

Mr. President, on a point of personal privilege, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point.

SENATOR RAICA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. With us this afternoon we have children from the Pershing School in my district and their chaperone, Marie Schiff. I would

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like them to stand and be recognized, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Will our guests in the gallery please rise and be recognized by the Senate. Welcome to Springfield. Motion to Discharge Senate Bill 211, Madam Secretary.

SECRETARY HAWKER:

I move to suspend Senate Rule 5c, and that the Committee on Local Government be discharged -- be discharged from further consideration of Senate Bill 211, and that it be placed on the Senate Calendar on the Order of 2nd Reading. Filed by Senator Geo-Karis.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate. This bill applies again to counties under three million. It requires that if litigation over the condemnation of property by a forest preserve district is dismissed for any reason, then the district must pay the defendant's court costs, attorney's fees, and expenses of litigation. I want to call the attention to everyone here, the members of the forest preserve district in the counties of Kane, Lake and Will, are the same members who sit on the county board. I ask for your favorable consideration, because it's -- it's been, in the past, when a forest preserve district doesn't get the price they want, then they just drop it, while in the meantime that poor owner is stuck for two or three years' litigation, and the properties is attached -- attacked and targeted, and I don't think it's fair. And I ask for favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Holmberg.

SENATOR HOLMBERG:

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Thank you, Mr. President. I would just like to point out, again this was another subcommittee assignment, and the Forest Preserve District of DuPage County did sign in in opposition to the bill, as did the Lake County Forest Preserve District.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If -- Senator Geo-Karis, do you wish to close? Senator Geo-Karis.

SENATOR GEO-KARIS:

Simply to say that the subcommittee was cancelled at your request, not at mine. And I ask for a favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis has moved to discharge the Committee on Local Government from further consideration of Senate Bill 211. Those in favor will vote Aye, those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 30, the Nays are 12, 5 voting Present. The motion carries, and the -- Senate Bill 211 will be placed on the Order of 2nd Reading. 217. 227. Senator Friedland. On the Order of Senate -- Motions in Writing is Senate Bill 217. Beg your pardon - 227. Read the bill.

SECRETARY HAWKER:

I move to suspend Senate Rule 5c, and that the Committee on Transportation be discharged from further consideration of Senate Bill 227, and that it be placed on the Senate Calendar on the Order of 2nd Reading. Filed by Senator Friedland.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Friedland.

SENATOR FRIEDLAND:

Thank you, Mr President and Ladies and Gentlemen of the Senate. Senate Bill 227 would provide that fines collected for weight limit violations on township roads be returned to the

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townships. Last session, Senator Kelly and I had identical legislation that passed the Transportation Committee 13 to nothing, and overwhelmingly passed in the Senate, and became stymied in the House. And I'd urge your favorable consideration of this important measure.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? Senator Luft. All right. Discussion? If not, Senator Friedland has moved to discharge the Committee on Transportation from further consideration of Senate Bill 227. 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 38, the Nays are -- I beg your pardon. On that question, the Ayes are 39, the Nays are 5, 1 voting Present. The motion carries, and Senate Bill 227 is discharged from committee and is ordered placed on the Order of 2nd Reading on the Calendar. Senate Bill 233. Senator Etheredge. On the Order of Discharge Motions, Senate Bill 233, Madam Secretary, please.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge Senate Committee on Elementary and Secondary Education from further consideration of Senate Bill 233, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Etheredge.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. What this bill seeks to do is to give the downstate school districts a longer period of time before filing their tax levy certificates. Right now, discussions are going on between the county officials and representatives of school boards, to see if

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it would be practicable to delay the filing of these tax levy certificates to -- until the month of February. Right now, the deadline is the last Wednesday in December. So I would ask that you favorably consider this Discharge Motion, so that those discussions can go forward in the hopes that we can find a -- an agreement in regard to the delay of the filing for these certificates.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. As far as we can tell, in the Elementary and Secondary Education Committee, you know, changing this one day looks to us like a vehicle bill. It's our understanding that it is. It was introduced on behalf of the Local Educational Network of DuPage, and since we don't know exactly what it will eventually be used for, I think it should remain in committee.

PRESIDING OFFICER: (SENATOR DEMUZIO)

(Machine cutoff)...discussion? If not, Senator Etheredge may close.

SENATOR ETHEREDGE:

Thank you, Mr. President. Senator Holmberg, this is indeed a vehicle bill, and it will be used for the purpose that I described before. What we are trying to do is to see if agreement can be reached on a later date. I can assure you and the other Members of the Senate that that is the only -- purpose for which this bill will be used. I would ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge has moved to discharge the Committee on Elementary and Secondary Education from further consideration of Senate Bill 233. Those in favor will vote Aye, those opposed, Nay. The voting is open. Have all voted who wish? Have all

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voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 32, the Nays are 10, 4 voting Present. The motion carries, and Senate Bill 233 is discharged from Committee on Elementary and Secondary Education, is ordered placed on the Calendar on the Order of 2nd Reading. Senate Bill 234. On the Order of Discharge Motions, on the motion with respect to Senate Bill 234, Madam Secretary.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Insurance, Pensions and Licensed Activities from further consideration of Senate Bill 234, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Mahar.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and Members. The purpose of this bill is to limit -- attempt to limit -- binge consumption of alcohol by restricting the ability of liquor licensees in the State of Illinois from offering free drink promotions. This bill is patterned after those thirteen other states, of which thirteen other states have adopted, and it includes each of the recommendations offered by the 1984 Illinois DUI Task Force. I'd be happy to entertain any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. What this bill tries to do, really, is to tell the retailer that he's got to set specific prices for retail goods that he is selling at his establishment. Plus, if a retailer, and this is really the issue. The issue is not driving and drinking; that is not the issue at hand here. Everybody is

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against a person drinking too much, getting in his car, and causing some problem. We're all against that, but that's not the issue. The issue is that this retailer can go out of business with this bill. This retailer needs incentives to stay in business. Everybody in the retail industry is involved in the business of incentives. This hurts that man who is trying to make a living selling food, other merchandise, as well as liquor, at a retail establishment. This is not the approach to stop the drunken -- drunken driving problem in Illinois. It's the wrong approach. It hurts the small businessman, and we should oppose this motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. I totally agree with the previous speaker, but it does a little bit more than that. It also imposes, if a person is guilty, a Class B misdemeanor or six months or five hundred dollar fine. And I don't know about this gentleman's neighborhood, but in my neighborhood, if you're at an establishment and people are sitting around having a cocktail or two and watching a ball game, it's customary that the house may buy a drink, and unfortunately, under this bill, this would not be permissible. It says, "No drinks may be served free of charge or at a price less than the regular price." Besides imposing very strict restrictions on the individual who has a license to serve liquor, it also provides a total restriction about enjoying his premises as his guest. I think this is a bad idea. I'm glad this bill -- I'm sorry -- it should have been killed in committee, but we have the opportunity to do it here as well. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Mahar may close.

SENATOR MAHAR:

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Thank you, Mr. President, Members. Let me address just a couple of the criticisms offered by the previous speakers. First of all, for those of us who are also concerned about the undue regulations placed on business, I think it's interesting to note there is no opposition that has been stated from the State Chamber of Commerce, the Small Businessmen's Association, the Retail Merchants of the State of Illinois. And the retailers, if this bill were to pass, those liquor licensees in our State may set whatever price they wish. There is nothing in here that indicates what price beer should be, mixed drinks should be, or any alcoholic beverage. They may do so, and in a free market place, they may survive if they provide the best quality service and the best product. As far as the concerns related to whether or not "happy hours," as this has been called, is related to -- there is a corrolation between happy hours and drunk driving, I would suggest there is. First of all - I already mentioned this - are, the DUI Task Force recommendations, which was also supported by the Illinois Retail Liquor Association; and number two, the statistics that we've received from the -- the Department of Transportation and their traffic surveys indicate that still, even today with all of our excellent laws and leadership and DUI legislation, that forty to forty-five percent of all accidents are still caused by alcohol, and interestingly enough, the percentage of about forty percent -- thirty-five, I am sorry -- thirty-five percent of those accidents occur during what traditionally is called "The Happy Hour," from four until nine, and the most heavy preponderance of those days which that occurs is on Wednesday and Friday nights, when happy hours are most ameable. I would suggest to you that -- that I would agree not only with the thirteen other states, but also the eleven communities in the State of Illinois, two most recently in the last couple of months, who have adopted local happy hour ordinances, and I would ask for your most

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favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Mahar has moved to discharge the Committee on Insurance, Pensions, and Licensed Activities from further consideration of Senate Bill 234. 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 34, the Nays are 6, 3 voting Present. The motion carries, and Senate Bill 234 is discharged from the Committee on Insurance --

END OF TAPE

TAPE 2

-- Pensions and Licensed Activities and is ordered placed on the Order of 2nd Reading. Senate -- motion with respect to Senate Bill 235, Madam Secretary.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Elementary and Secondary Education from further consideration of Senate Bill 235, and that the foregoing bill 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. This is a concept that's been around here before, and has passed this Body. It simply says that -- that when a school district consolidation referenda is being held, that that question must

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pass in all districts that are affected. And I would appreciate your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. This issue is one that has passed, has been vetoed. It's -- the issue of consolidation is one that has always been controversial and debate in a hearing, in committee, we believe is essential on a bill like this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Maitland may close. All right. The question is, shall -- Senator Maitland has moved to discharge the Committee on Elementary and Secondary Education from further consideration of Senate Bill 235. Those in favor will vote Aye, those opposed, Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 28, the Nays are 10, 2 voting Present. The Motion to Discharge, with respect to Senate Bill 235, fails. 238. Senator Barkhausen. On the Order of Motions to Discharge is Senate Bill 238, Madam Secretary.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Finance and Credit Regulations from further consideration of Senate Bill 238, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, Senate Bill 238 is an administration bill from the Secretary of State's Office of a

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noncontroversial nature. It does two things. First, it permits bank holding companies to organize under the Business Corporation Act with the written consent from the Commissioner of Banks and Trusts. Secondly, it extends the civil immunity that we have previously granted under select circumstances to directors of not-for-profit corporations, to include those corporations that might be organized other than on the -- under the Illinois Not-For-Profit Corporation Act. I'd be happy to answer any questions, and would otherwise ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and Members. I rise in opposition to the motion by Senator Barkhausen, for several reasons. He is correct in saying that the Secretary of State had introduced this legislation, but it is our understanding that there are further amendments to this legislation which we haven't seen. Also, I think we should bring to the attention of the Membership that bank groups may very well be opposed to this legislation, due to the fact that the bank holding companies that Senator Barkhausen spoke of can now file under the Bank Corporation Act, without approval of the Commissioner. I think that these groups and individuals deserve at least an opportunity to express their views in a public hearing. It also may be used, Ladies and Gentlemen, as a vehicle for corporation takeovers. If that's the case, I think that, too, deserves a public hearing, and we also have a bill on that subject that's out on the Calendar, Senate Bill 1217. So for those three reasons, I urge, at least Members on this side, to strongly oppose the motion by Senator Barkhausen to discharge.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Barkhausen moves to discharge the Committee on Finance and Credit Regulation -- sorry. Senator Barkhausen, to close.

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SENATOR BARKHAUSEN:

If I could just say in closing, I -- as Senator Zito was speaking, I had a representative of the Secretary of State's Office whispering in my ear that any amendment that they were considering for this bill is apparently going on Senator Luft's Senate Bill 237, so he doesn't need to worry about this being a vehicle for further Secretary of State amendments. And with that, I would simply renew my motion for a favorable roll call.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Barkhausen moves to discharge the Committee on Finance and Credit Regulations from further consideration of Senate Bill 238. All those in favor, vote Aye. All those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 30 voting Aye, 16 voting Nay, 1 voting Present. And the motion carries and Senate Bill 238 is discharged from the Committee on Finance and Credit Regulation, and is ordered placed on the Calendar on the Order of 2nd Reading. Senate Bill 239. Senator Barkhausen. Read the bill, Madam Secretary.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Finance and Credit Regulations from further consideration of Senate Bill 239, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, Senate Bill 239 is the first of several that I have today -- which I ask your indulgence and your support. There are eight to ten bills on this list today that are

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recommendations of the National Conference on Uniform State Laws, of which I and eight other appointees for the legislative leaders, and five by the Governor, are members. Some of this is fairly technical stuff, but I don't think that any of it should be terribly controversial. This first one, Senate Bill 239, is actually something that we've passed before unanimously. It creates the Uniform Federal Lien Registration Act, which we had already done in part, in that we now require the registration of -- of federal liens affecting real property, but this goes beyond that to require the registration of liens also lying against personal property. In addition to that, as this bill had been amended last year, so, too, this has an additional provision that resolves a ongoing dispute of sorts between the title companies and the Department of Revenue, and it provides for the creation of trust funds into which proceeds can be put to satisfy tax liens owed to the Illinois Department of Revenue. As I say, we have passed this before, and I again ask for your support of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Zito.

SENATOR ZITO:

Thank you, Mr. President, Members. Once again I rise in opposition to the motion by Senator Barkhausen. It's correct that he said the bill is identical to a bill that we had last year, in the last General Assembly, Senate Bill 2136, and never followed through on any action. There was opposition, and the bill never went anywhere. Currently the IRS files all notices of federal tax liens with the recorder of the county in which the property is located. Now the intention of this amendment is -- to the Insurance Code is to permit real estate closings to continue, despite the existence of a Department of Revenue lien. Finally, I think that the bill should not have been assigned to Finance; it should have probably been assigned to Revenue. I just think

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there is a number of problems with the bill. We heard it once before, it didn't go anywhere, and I would ask Members to vote No on this motion.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Lechowicz.

SENATOR LECHOWICZ:

I would just like to point out, Mr. President, to the Membership of the Body, that this is one of forty-four Motions to Discharge by Senator Barkhausen that's on our agenda for today. It's not just a few - there are forty-four motions, and I am sure if we each filed the same number of motions, we'd probably have about twenty-five hundred motions to be dealing with, so this is not one of a few - it's one of forty-four. Thank you.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Barkhausen, to close.

SENATOR BARKHAUSEN:

Mr. President and Members, the action last year on Senate Bill 2136 was unanimously favorable; it also passed the House. There was an amendatory veto on a very technical aspect of the bill, dealing not with the Uniform Act provisions, but with the provision for the title escrow funds for the Department of Revenue, and only because of inaction in the House on that amendatory veto did this fail to become law, and I simply ask for your support of it at this point.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Barkhausen moves to discharge the Committee on Finance and Credit Regulation from further consideration of Senate Bill 239. 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? Take the record. The motion carries. On that question, there are 30 Ayes, 14 Nays, 1 voting Present. The motion carries, and Senate Bill 239 is discharged from the

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Committee on Finance and Credit Regulation, and is ordered placed on the Calendar on the Order of 2nd Reading. Senate Bill 240. Senator Watson. Read the bill, Madam Secretary.

SECRETARY HAWKER:

I move to suspend Senate Rule 5c, and that the Committee on Revenue be discharged from further consideration of Senate Bill 240, and that it be placed on the Senate Calendar on the Order of 2nd Reading. Filed by Senator Watson.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. This particular piece of legislation simply expands the number of enterprise zones in this State from, currently, sixtyseven, to seventy-four. We statutorily limit the number of enterprise zones that will be established in this State, and this increases it by seven. I don't know if you're aware, though most of you should be aware, of the impact that the enterprise zone concept has had on the economic development in most of our communities. If you're fortunate enough to have an enterprise zone in your particular district, you'll -- you understand what I'm talking about. I -- I have three in my legislative district, and it has had an immense success in those communities in regard to trying to attract industry and jobs. And in my community, as it is in most of downstate Illinois, we're having real problem in attracting industry. This provides the local communities an incentive by which to bring jobs and industry for the people of their particular area. I would hope that most of you, at least thirty of you, will agree with me and support this legislation and this motion. Thank you.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Netsch.

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SENATOR NETSCH:

Thank you, Mr. President. I guess I don't feel passionately about this bill, one way or the other. I would point out a couple of factors, however. One is that, as Senator Watson indicated, it increases the number of enterprise zones from sixty-seven to seventy-four, and I guess I would say again, as I have said a couple of times in recent years, why don't we stop going through this game every session - actually every year of every session - and simply make the entire State an enterprise zone, because we are fast approaching that. The thing that bothers me about it, is that while I think there is no question that it has been helpful in some areas, we -- as with most of our programs, we don't stop and go back and look and see whether it really makes sense or what adjustments ought to be made to it to make it work more effectively. Instead, we just keep increasing the number of enterprise zones every year. I would make one other point to Senator Watson, and I -- I made this point in committee - if you had been there to hear it - with respect to this bill and one or two others. We had a lot of fairly technical peripheral bills dealing with the enterprise zone concept. My feeling was that if we are going to do our committee work well, that they really all ought to be part of the same piece of legislation. There is a bill on the Floor that deals with enterprise zones, and I would just strongly urge that you - and I think Senator Woodyard had a couple of enterprise zone bills - that you locate that bill and see if it couldn't all be put together, so we at least know what we are doing with respect to that subject before the end of the Session.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President and Members of the Senate. I rise in

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support of this motion. It's pretty hard for me to disagree with my very gracious chairlady, but I can cite you a few examples in my district, and I have six enterprise zones. The City of Mt. Vernon wouldn't have had the expansion in General Tire. Walgreen wouldn't be locating the midwest area distribution center. These things are really vital if we're going to be competitive in attracting industry and keeping industry into our area. A lot of people try to argue that it takes away revenue. That's not true. All an enterprise zone does is give business a little time to recoup their investment before they put them on a tax roll, and what we've got to remember is it puts a lot of people to work, and when they go to spending money in the community, that's what makes it all happen. And I think this is a very good piece of legislation, and I rise in support of it.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Watson, to close.

SENATOR WATSON:

Yes, thank you, Mr. President. I appreciate the previous speaker's comments. I believe his district, and others of us in downstate, realize the importance of enterprise zones. Senator Netsch, you commented that if I'd have been in committee - I was in committee. And if you recall, this bill was heard in committee, I had a mayor from my district who came up and spoke in behalf of the legislation, Senator Netsch, and it was your decision at that particular time not to take a roll call and a vote on the issue. I was ready and there and prepared to have that bill voted on. Unfortunately, that was your decision. So don't -- in regard to providing the whole State be an enterprise zone, I take some exception to that, because what happens is the communities must compete, and they send in applications to the Department of Commerce and Community Affairs before they are dedicated as an enterprise zone. There has to be some need

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locally. There's some communities, honestly, in this State, that don't need that incentive or don't need the jobs necessarily that are needed in many others. So this has been a good thing for most of the areas in the State, and I think it's a good thing that needs to be supported here today, and I hope you will vote Yes. Thank you.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Watson moves to discharge the Committee on Revenue from further consideration of Senate Bill 240. All those in favor, vote Aye. All those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 41 voting Yes, 4 voting Nay, 1 voting Present. And the motion carries, and Senate Bill 240 is discharged from the Committee on Revenue, and is ordered placed on the Calendar on the Order of 2nd Reading. Top of Page 61. Senate Bill 253. Senator Raica. Read the bill, Madam Secretary.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Judiciary from further consideration of Senate Bill 253, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Raica.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This amends the Marriage and Dissolution of Marriage Act with respect to the medical examination required to obtain a marriage license. It changes the wording of the examining physician's certificate to read that he certifies the test for syphilis did not indicate the active presence of syphilis, rather than he believes that the examinee may enter into the marriage

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without danger of transmitting syphilis to the other party or to any issue of the marriage. And all it does is that the physician -- is saying that at this time, when the test was taken, that the -- that there was no syphilis present, and not that in two years or three years within the marriage that one of them may have obtained syphilis. And I am just asking for a favorable roll call.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. As much as I think the sponsor is a good sponsor, I am going to rise in opposition to this bill. You know, they can't -- the Medical Society can't have it both ways. They are saying that they want us to save millions and millions of dollars -- and therefore, get rid of the AIDS test, and yet, at the same time, they want us to continue the syphilis test. Now there were twenty eight cases of AIDS that were discovered in the premarital tests, and fourteen cases of syphilis discovered. If we're going to do this, let's do it. Let's get rid of the whole thing or quit playing games. I would suggest a No vote on this.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Zito.

SENATOR ZITO:

Yes, thank you, Mr. President. I am sorry to speak, but Senator Fawell spoke last week on the same issue. I rise in support of the motion, and I can't believe, Senator Fawell, that you would object to us taking a test of something at least we have a cure for. We sit around here and pass legislation constantly about testing for AIDS, and no one's more concerned about the AIDS testing than I am, but at least we have a cure for this. And now to prohibit the testing of this at the time of a marriage is just totally ridiculous, and I wish the conversation would cease.

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PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Raica to -- I'm sorry. Senator Tom Dunn.

SENATOR THOMAS DUNN:

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

PRESIDING OFFICER: (SENATOR D'ARCO)

He indicates he will yield.

SENATOR THOMAS DUNN:

What is the origin of this legislation?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Raica.

SENATOR RAICA:

It was brought up by the Med Society.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Dunn.

SENATOR THOMAS DUNN:

What is its purpose?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Raica.

SENATOR RAICA:

All -- all they want is changing the way it is currently stated now, and they want to have it read that -- that the test for syphilis did not, at the time the test was taken - either the male or the female did not have syphilis - instead of reading that they can enter into the marriage without the danger of transmitting syphilis, because there is an incubation period, and it could be anywhere from one year to two years.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Tom Dunn.

SENATOR THOMAS DUNN:

Well, there is no guarantee on there by the physician, the examining physician that he is guaranteeing that someone won't pass on the disease, is there - in the original certificate?

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PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Raica.

SENATOR RAICA:

I guess the way the original, the way the original certificate is worded, you could -- at that -- some point hold the physician accountable for it, because it says enter without the danger of transmitting, and we don't know whether that's possible, you know, with two to three years down the road.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Tom Dunn.

SENATOR THOMAS DUNN:

Has that happened?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator --

SENATOR RAICA:

I don't have an answer. I don't know.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Raica, to close.

SENATOR RAICA:

I am just asking for everybody's support on a piece of legislation.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Raica moves to discharge the Committee on Revenue from further consideration of Senate Bill 2-5-3. All those in favor, vote Aye. All those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 37 Ayes, 7 Nays, none voting Present, and Senate Bill 2-5-3 -- the motion carries, and Senate Bill 2-5-3 is discharged from the Committee on Judiciary, and is ordered placed on the Calendar on the Order of 2nd Reading. Senate Bill 258. Senator Schaffer. Read the bill, Madam Secretary.

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SECRETARY HAWKER:

I move to suspend Senate Rule 5c, and that the Special Temporary Committee on Elections and Reapportionment be discharged from further consideration of Senate Bill 258, and that it be placed on the Senate Calendar on the Order of 2nd Reading. Filed by Senator Schaffer.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, Members of the Senate, Senate Bill 258, which is sponsored by myself and Senator Demuzio, is a bill that has passed out of this Chamber previously, I think virtually unanimously, and ran into problems in the House. It simply would allow a county chairman to appoint a - this is downstate only - to appoint a precinct committeeman from with -- outside the precinct but within the county, but it prohibits that appointment from the time of filing till the time of the county convention, so it couldn't be used to pack a county convention and influence the election or reelection of a county chairman. The simple fact is that both political parties - and I might add this bill has the active support of the Republican State Chairman as the Democratic State Chairman is a hyphenated co-sponsor - the simple fact is that both parties have problems filling precinct committeeman vacancies downstate, and this bill would give them the flexibility to maximize volunteer political participation, and I think would strengthen the two-party system and affect both political parties in an advantageous manner. And I think it should be sent forward.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Any discussion? If not, Senator Schaffer moves to discharge the Committee on Elections and Reapportionment from further consideration of Senate Bill 2-5-8. The voting is open. All those in favor, vote Aye. All those opposed, vote Nay. The

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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 46 Yeas, 1 voting Nay, none voting Present. The motion carries, and Senate Bill 2-5-8 is discharged from the Committee on Elections and Reapportionment, and placed on the Calendar on the Order of 2nd Reading. Senate Bill 265. Senator Schaffer. Read the bill, Madam Secretary.

SECRETARY HAWKER:

I move to suspend Senate Rule 5c, and that the Committee on Transportation be discharged from further consideration of Senate Bill 2-6-5, and that it be placed on the Senate Calendar on the Order of 2nd Reading. Filed by Senator Schaffer.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, Members of the Senate, this bill is proposed by the Lake County Board. It's part of their legislative package. And what it simply does would allow a highway authority - in this case a township or county authority - to convey interest in a vacated highway to a bona fide organization of property owners or a subdivision association. For those of you familiar with the Chain O'Lakes area, you know that we have a plethora of little subdivision road associations, and occasionally we have township or county roads that interact with those, that the county or township would more logically like to see in the hands of the subdivision association. Both the Township Officials of Illinois and the County Highway Superintendents Association support the bill, and it's specifically designed to solve some small problems in the Chain O'Lakes area of Lake County.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Any discussion? If not, Senator Schaffer moves to discharge the Committee on Transportation from further

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consideration of Senate Bill 2-6-5. All those in -- voting -- all those in favor, vote Aye. All those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 43 Yeas, no Nays, 1 voting Present. The motion carries, and Senate Bill 2-6-5 is discharged from the Committee on Transportation, and placed on the Order of -- the Calendar on the Order of 2nd Reading. Senate Bill 269. Senator DeAngelis. Read the bill, Madam Secretary.

SECRETARY HAWKER:

I move to suspend Senate Rule 5c, and that the Committee on Executive be discharged from further consideration of Senate Bill 269, and that it be placed on the Senate Calendar on the Order of 2nd Reading. Filed by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator DeAngelis.

SENATOR DEANGELIS:

Thank you, Mr. President. Senate Bill 2-6-9 increases the number of the members of the Cook County Sheriff's Merit Board from three to five. Most of you know that that board is the board that's responsible for the classification of all deputy sheriffs and employees of the County Department of Corrections. We passed this bill almost unanimously the last time. The members of the board are appointed by the sheriff with the advice and consent of the county board. In addition to that, no more than three of the five members can be members of one party. I urge your support for the Discharge Motion on Senate Bill 269.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? If not, Senator DeAngelis moves to discharge the Committee on Executive from further consideration of Senate Bill 2-6-9. All those in favor, vote Aye. All those opposed, vote Nay. The voting is open. Have all voted who wish? Have all

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voted who wish? Have all voted who wish? Take the record. On that question, there are 38 Yeas, 5 Nays, none voting Present. The motion carries, and Senate Bill 2-6-9 is discharged from the Committee on Executive, and is ordered placed on the Calendar on the Order of 2nd Reading. Senate Bill 2-8-3. Senator Etheredge. Read the bill, Madam Secretary.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Appropriations II from further consideration of Senate Bill 283, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Etheredge.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the bill that establishes the maximum grant award for the Illinois State Scholarship Commission. I would ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? If not, Senator Etheredge moves to discharge the Committee on Appropriations II from further consideration of Senate Bill 2-8-3. All those in favor, vote Aye. All those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 43 Yeas, 3 Nays, none voting Present. The motion carries, and Senate Bill 2-8-3 is discharged from the Committee on Appropriations II and is ordered placed on the Calendar on the Order of 2nd Reading. Senate Bill 2-8-7.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Appropriations II from further consideration of Senate Bill 2-8-7, and that the foregoing bill be placed on the

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Calendar on the Order of 2nd Reading. Filed by Senator Etheredge.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you. Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the rate bill for the community colleges. It establishes the rates for reimbursement per credit hour.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, Senator Etheredge moves to discharge the Committee on Appropriations II on Senate Bill 287. Those in favor signify -- or will vote Aye. Those 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, please, Madam Secretary. On that question, the Ayes are 50, none voting Nay, the Presents are none. And the motion to discharge Appropriations II Committee on Senate Bill 257 <sic> carries. The middle of Page sixty-one on the Motions in Writing to Discharge Senate Bill 296. Senator Kustra. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

I move to suspend Senate Rule 5c, and that the Committee on Judiciary be discharged from further consideration of Senate Bill 296, and that it be placed on the Senate Calendar on the Order of 2nd Reading. Filed by Senator Kustra.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and Members of the Senate. This is a bill that arose out of the Cecilia Florez case. It received quite a bit of notoriety across the State. It's the case of the little girl who was so severely beaten by her mother that thirteen bones were broken, and her mother was sentenced to the penitentiary.

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She served, and upon being released, was given custody of the child. In the meantime, the child had been placed in custody of some foster parents, who wanted to keep her and make her part of their family. This bill -- the bill addresses the issue by trying to limit the discretion which courts and agencies, such as the Department of Children and Family Services, have in cases like this. Right now in the State of Illinois, you can -- there is a procedure which allows for the termination of parental rights when there have been two or more findings of physical abuse. There is no Statute on the books right now that provide or require the Department to file a petition for termination of parental rights when a parent has been convicted of aggravated battery on their own child, and that's basically what this law is intended to do. I know of no opposition to it. The Department of Children and Family Services stands neutral, because they are embarrassed over the fact that this could even happen, and I would ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, Senator Kustra moves to discharge the Committee on Judiciary from further consideration of Senate Bill 296. All 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, please, Mr. Secretary. On that question, the Ayes are 49, the Nays are none, none voting Present, and the motion carries. Senate Bill 296 is discharged from the Committee on Judiciary and is placed on the Calendar on the Order of 2nd Reading. On the Order of Motions in Writing is Senate Bill 312. Senator Keats. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move to suspend all applicable rules, and to discharge the Senate Committee on Judiciary from further consideration of Senate

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Bill 312, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Signed, Senator Keats.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Keats.

SENATOR KEATS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill has no known opposition. It's a small business bill. To explain it, if you're an employee, you have certain protections in a bankruptcy action for garnishment, wage deductions, et cetera, against your pension and your retirement plan; but if you are self-employed, you don't have these same protections. All this says for a small businessperson, if they are self-employed, they will have the same protection rights in a bankruptcy proceeding that an employee would have, and that's all it does. It's strictly geared towards small business people, and I'd appreciate your support.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Thomas Dunn.

SENATOR THOMAS DUNN:

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

PRESIDING OFFICER: (SENATOR LUFT)

He indicates he will yield.

SENATOR THOMAS DUNN:

Will there be any amendments to this bill?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Keats.

SENATOR KEATS:

Certainly none that I know of. I would not accept anything major. The bill is really just trying to shift this power, and I would say no amendment, unless there is a technical one. That's no problem.

PRESIDING OFFICER: (SENATOR LUFT)

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Senator Dunn.

SENATOR THOMAS DUNN:

Thank you, Mr. President. I rise in opposition. I think this is a perfect example of a bill that should have gone through the committee process, and I would point out to my colleagues that all civil procedure bills go to subcommittee in our committee, and then are recommended to the committee, so I would urge a No vote on this.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Well, just to correct the record, Mr. President and Ladies and Gentlemen of the Senate, I received a notice from the Illinois Trial Lawyers that there is strong opposition to this bill, and the Motion to Discharge, because supposedly it broadens the exempted assets from debtors for rent and bankruptcy as well. And I would take issue to the fact that the gentleman says there is no known opposition. I am sure if they notified me, they notified everybody else as well, and I'd just like to make the record straight. Thank you.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator D'Arco.

SENATOR D'ARCO:

Mr...Mr. President, this may look like an innocent bill, but in fact, this bill is -- it could be used to protect the wealthy, self-employed person in our society. Now what this bill says is that a doctor who has a big healthy pension fund, a big, healthy IRA, or a lawyer who has a big, healthy IRA, or any self-employed person is exempt from creditors. A creditor can't garnish that account, even though he is owed money from this self-employed person, under this bill. We don't want to do that; that's not what we should be about. An employee's pension fund is a

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different situation, and there are reasons to protect that fund against garnishment. This is not what that is all about; this is for the self-employed guy that has an IRA, that has it funded, and wants to be protected against his creditors. This is a bad idea, and we should oppose this motion.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I would just point out that from the analysis, it appears that this would also protect assets from child support orders. If there is a judgment for back-due child support, you wouldn't be able to enforce this, under this provision, so I would urge a No vote as well.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Keats, you wish to close?

SENATOR KEATS:

The bill came from a trial lawyer. I never got any letter against it. That's what happens when you trust a trial lawyer. Let me read you what this bill does again. I appreciate what they are saying, but let me read you what it does again, because we're talking apples and this bill is oranges. If you are an employee, if you work for a company, you have certain protections under a bankruptcy action, deals with garnishment, wage deductions, et cetera. You're protected, your pension fund, your retirement fund et cetera, but if you work for yourself, you don't have those same protections. It also gives you protections on account of illness, disability, death, age, or length of service, to the extent necessary that matches what an employee would get. That's all the bill does. Somehow I've caught on something I -- looks controversial. I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR LUFT)

All right. Senator Keats moves to discharge the Committee on

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Judiciary from further consideration of Senate Bill 312. All those in favor will vote Aye. Those opposed, Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 27, the Nays are 22, none voting Present, and the motion fails. On the Order of Motions in Writing, in the middle of Page 61, is Senate Bill 318. Senator Keats. That's out of the record. On the Order of Motions in Writing, Senate Bill 321. Senator Keats. Read the bill, please -- or the motion, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move to suspend all applicable rules, and to discharge the Senate Committee on Public Health, Welfare and Corrections from further consideration of Senate Bill 321, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Keats.

SENATOR KEATS:

This bill comes from the Juvenile Court of Cook County and from the staff there. It's not my own personal bill, and I have submitted to everybody here a copy of a letter from Judge Arthur M. Hamilton, who some of you know is the Presiding Judge of the Juvenile Court of Cook County. What the bill does - actually, I should say the counselors who work for Judge Hamilton and the judges themselves have come up with this idea. They're working with -- basically with unwed teenage mothers, and what do you try and do to maintain family structure, help the child as best you can. And so what the bill does is say if you are underage, your AFDC check doesn't go to you so you move on to an apartment so you have a justification to become pregnant and get out of the house. This goes to your family, whoever the head of your household is. There was one thing left out of the bill that would deal with

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emancipated minors, et cetera. That amendment is drafted for 2nd Reading, and that was requested by Judge Hamilton himself, but I had no chance to amend the bill on that. But as I say, this comes from the Juvenile Court of Cook County, and I would appreciate your favorable --

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. To my colleague, Senator Keats, this is a bad bill. This bill is written in violation to the federal law; the Department of Public Aid opposes the bill and has rules, regulations that address the issues in the bill; and several welfare advocate groups oppose the bill, and would really love to have had the opportunity to testify on this bill. And those you were talking about an amendment, those who opponent have never been able to see an amendment. So I say that we vote against this piece of legislation.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Keats, you wish to close?

SENATOR KEATS:

If I could correct one of the statements. The new Federal Family Support Act does specifically okay this, and again, it can't be too far against the law. It comes from the presiding judge and the staff of the Juvenile Court of Cook County. I'd appreciate your vote.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Keats moves to discharge the Committee on Public Health, Welfare and Corrections from further consideration of Senate Bill 321. All those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 30,

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the Nays are 17, 2 voting Present, and the motion carries. Senate Bill 321 is discharged from the Committee on Public Health, Welfare and Committee and placed on the Calendar on the Order of 2nd Reading. On the Order of Motions in -- I am sorry. All right. Senator Smith has asked for a verification of the...(machine cutoff)... If everybody will be in your seats, Senator Smith has asked for a verification of those who voted in favor of the motion on Senate Bill 321. Would you please read the roll call, please, Mr. --

ACTING SECRETARY: (MR. HARRY)

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

PRESIDING OFFICER: (SENATOR LUFT)

Senator Smith, do you have any questions?

SENATOR SMITH:

Yes. Where -- Fawell.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Fawell? She's over here on our side.

SENATOR SMITH:

Senator Donahue.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Donahue? Senator Donahue is in the back.

SENATOR SMITH:

Senator Watson.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Watson? Senator Watson is in the back.

SENATOR SMITH:

All right. Thank you, sir.

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PRESIDING OFFICER: (SENATOR LUFT)

All right. The roll has been verified. There were 30 Yeas, 17 Nays, 2 voting Present, and the motion carries. I'm sorry. The Motion to Discharge Senate Bill 321 from further consideration of Public Health, Welfare and Corrections Committee -- it carries, and the bill will be placed on the Order of 2nd Reading. On the Order of Motions in Writing is Senate Bill 322. Senator Keats. 323. Senator Keats. Out of the record. 324. Senator Keats. Out of the record. At the bottom of page, Motions in Writing, is Senate Bill 325. Senator Keats. Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. This bill extends a little --

PRESIDING OFFICER: (SENATOR LUFT)

I'm sorry. I'm sorry.

ACTING SECRETARY: (MR. HARRY)

I move to suspend all applicable rules, and to discharge the Senate Committee on Judiciary from further consideration of Senate Bill 325, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Signed by Senator Keats.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. What this bill, in reality, does is extends the next logical step beyond a bill Senator Savickas passed a couple of years ago, in terms of allowing small businesses to represent themselves. This, by Statute, sets up the Small Claims Court. It exists today, but this has to set it up by Statute. That is not the major version of the bill, but it raises the maximum to ten thousand dollars in the Small Claims Court, instead of twenty-five hundred. It also would also allow corporations to defend themselves in front of the case, and also would ban attorneys in the Small Claims Court. This change would

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be very helpful to small business, and I would appreciate your favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Welch.

SENATOR WELCH:

This is incredible. This is unconstitutional, to begin with. Secondly, you are telling a person they cannot hire a lawyer to appear in court? How can you justify taking away a constitutional right to be having a day in court before a jury? It's basically meaningless, if a person has a right to be in court but can't be represented by somebody who knows what they are doing. Now this lawyer-bashing is kind of getting out of hand, Senator. I think that, you know, that's all this is. Obviously, the Illinois Supreme Court is going to declare this unconstitutional as well, because the Illinois Constitution says they set up the courts. This is basically a waste of time.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. What we should do here probably, and what we haven't done - and there should be bills to address the problem in Small Claims - is to create an arbitration panel that deals with Small Claims. I mean, everybody is leaning in that direction. I think the judges are leaning in that direction. Here you're talking about people who have a claim of ten thousand or less. That's a lot of money - ten thousand dollars. Now, the person goes into court, and seeking that kind of money, may want to be represented by a lawyer. I'm not saying he has to be represented, but ten thousand dollars, to a lot of people, is a lot of money, and he wants to protect himself in that situation. He may be able to hire an attorney for five hundred dollars to represent him in that situation. I think it's unworkable, and I

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just think maybe you should take it out of the record.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Dunn.

SENATOR THOMAS DUNN:

Thank you, Mr. President. Well, Senator Keats this may be Small Claims in your district, but it's big claims in my district. I would suggest to you that to send in the consumer to face corporate executives would be a very unfair thing to do to consumers.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR LUFT)

He indicates he'll yield.

SENATOR GEO-KARIS:

Does your bill make it optional to the person who wants to -- who has the claim to either hire an attorney or not hire an attorney?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Keats.

SENATOR KEATS:

No, the optional portion is going to this court. I think there is a misunderstanding. I am looking at the wording your coming up with. The misunderstanding -- this is an optional court; both parties have to agree to go here. If the two parties agree to go, then they don't have an attorney. If one of the two wants an attorney, then they don't go to this court. That's what we're saying. We are just making sure that both sides have an attorney, or both sides don't. It's voluntary to go in, and if you do go, you both agree you won't have an attorney.

PRESIDING OFFICER: (SENATOR LUFT)

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Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, as long as both parties have to do it, I don't see any harm in it, and I have been practicing forty-six years. I don't see any harm in it.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Mr. President, I just want to point out that all law associations of the State and the administrative office of the Illinois Courts are in opposition to this bill. Thanks.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Keats, you wish to close?

SENATOR KEATS:

Yeah. Very quickly. This change is extremely helpful to small business. Again, it's a voluntary action. I can't drag you into court and then say you can't have a lawyer. You and I agree to say, "Look, we both can't afford the attorney process and the five-year delay. Let's you and me go to Small Claims Court and work this thing out." Senator D'Arco is totally correct - arbitration is the solution - but at this point there is no way to do this. This is essentially an arbitration option, voluntarily entered into by two parties.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Keats moves to discharge the Committee on Judiciary from further consideration of Senate Bill 325. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 27, the Nays are 25, 1 voting Present, and the motion fails. At the top of Page 62 on the Order of Motions in Writing. At the top of the Page, 62, is Senate Bill 327.

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Senator Keats. 327. Out of the record, please. Motions in Writing. Senate Bill 350. Senator Woodyard. Motions in Writing. Senate Bill 377. Senator Barkhausen. Read the motion, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move to suspend all applicable rules, and to discharge the Senate Committee on Judiciary from further consideration of Senate Bill 377, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Signed by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, Senate Bill 377 would create a new Act, dealing for the first time under Illinois law with the rather novel question of surrogate parenthood. The Act is fairly straightforward, it attempts to follow the rationale of the New Jersey Supreme Court decision in the Mary Beth Whitehead case, and basically declares that any agreements or contracts on this subject are unenforceable between the parties. It further seeks to discourage these contracts by providing that any person acting as a broker in setting up such an arrangement is guilty of a Class A misdemeanor, a relatively minor penalty, but a criminal penalty nonetheless. And it further provides that a surrogate mother, acting in that capacity, may not receive any money in excess of the amount expended for the medical care, and if she does, is potentially subject to a Class C misdemeanor - again a minor penalty, but again seeking to discourage these arrangements. Based on my previous conversations with the representatives of the Illinois Catholic Conference, I think it is fair to represent that they support this legislation. I'd be happy to try to answer any questions, and would otherwise ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR LUFT)

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Discussion? Senator Dunn.

SENATOR THOMAS DUNN:

Thank you, Mr. President. I would rise in opposition. This bill was in our committee last year, and never got out of committee, and I know of no urgency at this time to prevent a public hearing to discuss the merits of the bill. I am in opposition to --

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator D'Arco.

SENATOR D'ARCO:

Thank you. Mr. President, will the Senator yield for a question?

PRESIDING OFFICER: (SENATOR LUFT)

He indicates he will yield.

SENATOR D'ARCO:

Senator Barkhausen, I mean, is it your intent to eliminate all surrogacy contracts in the State of Illinois?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Barkhausen.

SENATOR BARKHAUSEN:

I don't know that they'd ever be eliminated, Senator D'Arco. It's the intent of the legislation, by the provisions that I outlined, to discourage them by making them unenforceable and by providing these misdemeanor penalties for those who act as brokers and for surrogate mothers who accept money in excess of expenses, but it doesn't make them illegal per se. It simply makes them unenforceable.

PRESIDING OFFICER: (SENATOR LUFT)

Senator D'Arco.

SENATOR D'ARCO:

You see, the problem is, we're mixing good portions with bad portions. We all want to eliminate brokerage of these contracts.

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We all want to eliminate fees for service for these contracts. But what about situations where a woman cannot conceive and somebody donates the sperm to allow that woman to become impregnated? What is so terrible about that situation? It may -- there is nothing wrong with that. That's a good, legitimate reason for a woman to have a baby under those circumstances. Your bill would prohibit that activity. That's an act of generosity on the part of somebody to help this woman conceive and bear a child, and you're denying that person that right. There is a lot of bad things in these contracts, and we should prohibit those, but don't take out the good things just because there is some bad provisions in the law.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen. For the record, the gentleman's representation was not accurate. The Illinois Catholic Conference is not in favor of this bill.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? If not, Senator -- Barkhausen, do you wish to close?

SENATOR BARKHAUSEN:

Mr. President, first, if I may, in response to Senator D'Arco's --

PRESIDING OFFICER: (SENATOR LUFT)

Excuse -- I am sorry, Senator, I am sorry. Your light was on and then it went off. I'm sorry. Senator DeAngelis had something to say.

SENATOR DeANGELIS:

Well, at my age, that happens quite often. A question of the sponsor, please.

PRESIDING OFFICER: (SENATOR LUFT)

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He indicates he will yield.

SENATOR DeANGELIS:

Does this apply also to in vitro fertilization?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator DeAngelis, if I can attempt to answer your question, and respond to the comments of Senator D'Arco at the same time. It doesn't respond in any way to -- to arrangements or activities that are of a voluntary nature that -- that are of a -- what I would describe as a noncommercial nature. It simply attempts to discourage the surrogate parenthood contracts by outlawing the receipt of money for facilitating this type of activity, but it doesn't prevent it from going on. So in the in vitro context, if there is a -- whether it's a sperm donation or a -- of course, it isn't necessarily involved in in vitro, which would answer your question point blank by saying no, it doesn't apply, but to respond to Senator D'Arco, if there is a sperm donation that's a donation, and not one for compensation, or if otherwise all of these activities proceed without the prohibited commercial transactions being a part of them, then there would be nothing that would be prohibited by this Act. Senator Rock, to respond to your point, I discussed this legislation with Jimmy Lago, and he voiced support for it. Perhaps he was not at the time speaking for the Conference, because I have not spoken to him in some time, but based on his interest in the legislation, I made the representation that I did.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Barkhausen, you wish to close? All right. All right. Senator Barkhausen moves to the discharge the Committee on Judiciary from further consideration of Senate Bill 377. All those in favor will vote Aye. All those opposed,

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Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 19, Nays, 27, 2 voting Present, and the Motion to Discharge Senate Bill 377 fails. On the Order of Motions in Writing is Senate Bill 397. Senator Barkhausen. Read the bill, please, Mr. Secretary -- or the motion. I'm sorry.

ACTING SECRETARY: (MR. HARRY)

I move to suspend all applicable rules, and to discharge the Senate Committee on Judiciary from further consideration of Senate Bill 397, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Signed by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, Senate Bill 397 amends the Vehicle Code to create the new offense of illegal transportation of cannabis or other controlled substances in a motor vehicle. It authorizes the Secretary of State to suspend the driver's licenses of those who are guilty of this offense, and it makes this a separate offense, categorized as a Class C misdemeanor under the Criminal Code. It is in some ways similar to the penalties that are already on the books for illegal transportation of alcohol. But unlike alcohol, which is not, by itself, -- the consumption or possession of which is not, of course, by itself, illegal, the possession or use of cannabis and controlled substances is, and therefore, it is the feeling of those supporting this legislation, that it is certainly more than justified to make this a separate criminal offense, even though in this legislation we're only making it a Class C misdemeanor, and to authorize the Secretary of State to suspend or revoke driver's license for the commission of this offense. I'd be happy to answer questions, and otherwise,

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would again ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Thomas Dunn.

SENATOR THOMAS DUNN:

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

PRESIDING OFFICER: (SENATOR LUFT)

He indicates he will yield.

SENATOR THOMAS DUNN:

Is a seed of marijuana sufficient enough to do what your bill wants to do?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Barkhausen.

SENATOR BARKHAUSEN:

I believe, Senator, that the -- that the legislation talks in terms of possession, so possession of even a small amount, I believe, would trigger the sanctions under this bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Dunn.

SENATOR THOMAS DUNN:

Would that not also call for a confiscation of the vehicle?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Barkhausen.

SENATOR BARKHAUSEN:

I honestly don't know the answer to that, Senator. If it -- if the violation of the -- not for this particular offense, I am told.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Dunn.

SENATOR THOMAS DUNN:

Well, I thought under the confiscation Statute, that if an individual was transporting drugs, the vehicle was subject to confiscation.

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PRESIDING OFFICER: (SENATOR LUFT)

Senator Barkhausen.

SENATOR BARKHAUSEN:

I am told that we are not changing current law in that respect, Senator. I believe it's true -- it's fair to say that if the offense of dealing or delivery of these illegal substances were involved, of course then the vehicle could be confiscated under the -- under existing criminal law, but we are not doing anything new in that regard with this legislation.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Dunn.

SENATOR THOMAS DUNN:

When do I knowingly operate a motor vehicle with some of this substance in it when it's left by a child in my car?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator, there could be -- could be situations that would be up to the prosecutor using prosecutorial discretion, or if the charge is brought up to a court or a jury to determine whether, in fact, there was knowing possession, but as you know, that is language which exists under other parts of the Criminal Statute and it's up to law enforcement officials and courts to determine when circumstances warrant a finding of knowing possession.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Dunn.

SENATOR THOMAS DUNN:

Why should I be subjected to that?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Because you are subjected to it right now under other

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provisions of the Criminal Code that make punishable the knowing commission of certain illegal acts.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Dunn.

SENATOR THOMAS DUNN:

Then why do we need this?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Because this is not now illegal, and in my judgment, and I think the judgment of others, it should be. We are -- Members, we are trying to -- to tell our constituents that we are getting serious about the mere possession of illegal drugs, and if we are, indeed, to do that, I think it's a very minor step - a justified one, but a very minor step - to make this offense at a minimum a Class C misdemeanor, which is all we are doing here. And to authorize - not require, but to authorize - the Secretary of State, for the commission of this offense, to seek this suspension or the revocation of a driver's license.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Dunn.

SENATOR THOMAS DUNN:

I don't think there is any question that everybody is serious about trying to stop drugs but this bill is flawed. I urge a No vote.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator D'Arco.

SENATOR D'ARCO:

Senator Barkhausen, maybe you can clarify something for me about the language in the bill. Under your provision, if a person is a passenger in a vehicle, and he himself is not carrying any cannabis, he can be guilty under this section of the law, as it is

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described in your bill, as I understand it. Is that correct?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Barkhausen.

SENATOR BARKHAUSEN:

If the person knows or under all the circumstances, reasonably should have known, that the cannabis or controlled substances are within the vehicle -- yes, the penalties would apply.

PRESIDING OFFICER: (SENATOR LUFT)

Senator D'Arco.

SENATOR D'ARCO:

All right. My question is, would he be entitled to a hearing -- would he be entitled to a hearing, and if so, where is that indicated in this legislation?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Well, in the first place, Senator, let me elaborate on my earlier answer. If the individual is a passenger, the most that can happen to him is that he is guilty of a Class C misdemeanor, but the -- but the loss of license -- the loss of license would only apply to the driver of the vehicle, but anyone else in the vehicle who has knowledge of the possession of the illegal drugs could also be guilty of a Class C misdemeanor.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator D'Arco. All right. Further discussion? I am sorry. Senator D'Arco.

SENATOR D'ARCO:

I understand, you know, if he's guilty, he's guilty, and maybe he should be punished, but is he entitled to a hearing under this section of the law? That's all I'm asking. Is this passenger going to be entitled to a hearing to determine if he is in violation of this law?

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PRESIDING OFFICER: (SENATOR LUFT)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Yes, Senator, of course he'd be entitled to a hearing as he would be for the commission of this or any other offense.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes. Thank you, Mr. President. A point of order.

PRESIDING OFFICER: (SENATOR LUFT)

State your point.

SENATOR COLLINS:

Now I have been -- I have been listening now since we began this session on the discharge -- Order of Motions to Discharge, and since I have been here in the Senate for thirteen years, I have never before known to discuss the merits of a bill when there is a Motion to Discharge. I would -- would think, as in the past, the Motion to Discharge is determined by whether or not a bill was given a hearing or an adequate hearing in the committee, and that alone would determine whether or not we would discharge a bill. But apparently everyone's discussing the merits of the bills, and I guess we will be here forever discussing the bills. And I think we ought to move on to whether or not the bill should be discharged and placed on the Order of 3rd -- 2nd Reading.

PRESIDING OFFICER: (SENATOR LUFT)

Thank you, Senator Collins. We all agree we're in different circumstances, and I hope the sponsors will try to limit their discussions. Further discussion? Senator Hall.

SENATOR HALL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR LUFT)

He indicates he will yield.

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SENATOR HALL:

Senator Barkhausen, if I drive out of my driveway and I see you walking down the street and I pick you up and give you a lift and I am pulled over and we find the substance in that car, would this apply to you?

SENATOR BARKHAUSEN:

If they can't show that you were knowingly in possession of these illegal drugs, no, it wouldn't apply to that person.

PRESIDING OFFICER: (SENATOR LUFT)

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

SENATOR BARKHAUSEN:

I'd simply ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR LUFT)

All right. Senator Barkhausen moves to discharge the Committee on Judiciary from further consideration of Senate Bill 397. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 29, the Nays are 16, 2 voting Present, and the motion fails. On the Order of Motions in Writing is Senate Bill 298. Senator Barkhausen. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move to suspend all applicable rules, and to discharge the Senate Committee on Judiciary from further consideration of Senate Bill 3-9-8, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Signed by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, this one is a little different, but

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on the same subject matter. I think many of us would agree that one of the greatest remaining problems we have in trying to get at the drunk driving problem is that those who are supposed to have lost their licenses, because of a conviction for DUI or because they have failed or refused to take a breathalyzer test, flaunt the suspension or the revocation of their license by the Secretary of State, and continue to drive, taking the risk that law enforcement officials either won't apprehend them, or that even if they are apprehended, that they are continuing to drive on a suspended or revoked license will be lightly treated by the authorities. I have felt for some time that the Secretary of State's Office ought to do what they apparently used to do in the enforcement of the Financial Responsibility Law which is rather than -- or in addition to revoking or suspending a driver's license, that they ought to revoke or suspend registration. Meaning removing license plates, and that is what this bill does. I happen to feel that -- that it could more effectively be enforced with an amendment that simply provided that once one is found guilty of the offense of driving on a suspended or revoked license after a DUI conviction, that the suspension or revocation of registration ought to go into effect by means of a nonrenewal of that registration, rather than perhaps a physical removal of existing plates, and that is something that I think could be done with an amendment, but otherwise, I'd be happy to answer any questions, and seek your support on this Motion to Discharge.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Severns.

SENATOR SEVERNS:

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

PRESIDING OFFICER: (SENATOR LUFT)

He indicates he will yield.

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SENATOR SEVERNS:

Is it correct that the Secretary of State is opposed to this bill, as written?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Barkhausen.

SENATOR BARKHAUSEN:

I think it's correct to say, Senator, that they do have misgivings, because of the requirement presently in the bill regarding the physical removal of plates, and their feeling that that would necessitate some additional manpower and they're conscious about the amount of their budget and they don't really want any -- to have to hire any additional personnel.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR LUFT)

He indicates he will yield.

SENATOR HAWKINSON:

In the case of joint registration, do you still revoke the registration? In other words, does the spouse lose the plates as well?

SENATOR BARKHAUSEN:

As the bill is written, Senator, that would happen, and I know that makes some people feel uneasy. It's -- it's -- I would be amenable perhaps to an amendment on that subject, but it's my feeling that the spouse ought to be held somewhat responsible and accountable for the actions of a spouse, or I should say other family members should -- they should be responsible for each other. If we're really going to get serious about these people and really going to get them off the road, I think the only effective way to do it is to remove registration and not to assume

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that once a license - not plates, but a license - is suspended, that people automatically are going to be staying off the road.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? If not, Senator Barkhausen moves to discharge the Committee on Judiciary from further consideration of Senate Bill 398. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 24, the Nays, 17, 2 voting Present, and the motion fails. On the Order of Motions in Writing is Senate Bill 3-9-9. Senator Barkhausen. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move to suspend all applicable rules, and to discharge the Senate Committee on Judiciary from further consideration of Senate Bill 399, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Signed by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, Senate Bill 399 adds to our felony murder provisions under the Illinois Death Penalty Statute, the commission of Calculated Criminal Drug Conspiracy as one of the felonies which -- the commission of which, in conjunction with the death of a victim, would make a defendant eligible for the death penalty. There are, under our existing Statute, a number of felonies such as robbery, armed robbery, aggravated criminal sexual assault, and several others, which, when committed in conjunction with the death of a victim, make one eligible for the death penalty, and this legislation purposes to add to that series of felonies the commission of a Calculated Criminal Drug Conspiracy. I'd be happy to answer your questions.

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PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, Senator Barkhausen moves to discharge the Committee on Judiciary from further consideration of Senate Bill 3-9-9. Those in favor will vote Aye, those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record please, Mr. Secretary. On that question, the Ayes are 41, the Nays are 8, 1 voting Present, and the motion carries. Senate Bill 399 is discharged from the Committee on Judiciary and is ordered placed on the Calendar on the Order of 2nd Reading. On the Order of Motions in Writing is Senate Bill 419. Senator Etheredge. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move to suspend all applicable rules, and to discharge the Senate Committee on Appropriations I from further consideration of Senate Bill 419, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Signed by Senator Etheredge.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the appropriations bill for the Illinois Sports Facility Authority. I would request your favorable consideration on this Motion to Discharge.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, Senator Etheredge moves to discharge the Committee on Appropriations I from the further consideration of Senate Bill 419. 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, please, Mr. Secretary. On that question, the Ayes are 26,

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the Nays, 15, 2 voting Present, and the motion fails. On the Order of Motions in Writing is Senate Bill 455. Senator Davidson. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move to suspend all applicable rules, and to discharge the Senate Committee on Judiciary from further consideration of Senate Bill 455, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Signed by Senator Davidson.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and Members of the Senate, this bill we got from two or three other states who have already done this. This is to help, one, keep you to be able to say no on the use of drugs. What it says, if you're under the age -- a teenager and have not yet received a driver's license and if you are convicted of using alcohol or a controlled substance, you're prohibited from applying for or training for or otherwise acquiring a driver's license instructional permit. If you already have a driver's license and you are convicted, it would prohibit you from having a license permit during the period of supervision, probation or conditional discharge. There are exceptions for those youths who need to drive to maintain employment.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, Senator Davidson moves to discharge the Committee on Judiciary from further consideration of Senate Bill 455. All those in favor will vote Aye. All 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, please, Mr. Secretary. On that question, the Ayes are 51, the Nays are 1, none voting Present, and the motion carries. Senate Bill 4-5-5 is discharged from the Committee on Judiciary, and is

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ordered placed on the Calendar on the Order of 2nd Reading. In the middle of the page, Senate Bill 4-5-8. Senator Davidson. On Motions in Writing. Senate Bill 458. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move to suspend all applicable rules, and to discharge the Senate Committee on Judiciary from further consideration of Senate Bill 458, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Signed by Senator Davidson.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President, Members of the Senate, this came from the Guardianship Advocacy Commission, and it does, basically, two things. If the guardian of a person and the guardian of the estate are not the same person, it requires each to notify the other of actions taken. We have had apparently a history of one being a guardian and one being the estate, and they haven't talked to one another or notified another. Second part requires the court to use clear language that is understandable to an ordinary person. In the bill there is a long dissertation - I have the amendment if this bill is placed on 2nd - by the Guardianship Commission to shorten that to very short language, and has the support of all the people I've talked to. Appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, Senator Davidson moves to discharge the Committee on Judiciary from further consideration of Senate Bill 4-5-8. All 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, please, Mr. Secretary. On that question, the Ayes are 51, the

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Nays are none, none voting Present, and the motion on Senate Bill 458 -- the motion carries. And Senate Bill 458 is discharged from Committee, and is ordered placed on the Calendar on the Order of 2nd Reading. (Machine cutoff)...

PRESIDING OFFICER: (SENATOR D'ARCO)

469. Senator Madigan. 474. Senator Macdonald. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move to suspend Senate Rule 5c, and that the Committee on Transportation be discharged from further consideration of Senate Bill 474, and it be placed on the Senate Calendar on the Order of 2nd Reading. Signed by Senator Macdonald.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. This bill was requested by the township official of Illinois, and it amends the Highway Code and increases the equipment in building tax to ten percent of the taxable property of a road district.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? Senator Brookins.

SENATOR BROOKINS:

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

PRESIDING OFFICER: (SENATOR D'ARCO)

She indicates she will yield.

SENATOR BROOKINS:

Senator Macdonald is this a tax increase?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Macdonald.

END OF TAPE

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TAPE 3

SENATOR MACDONALD:

This may be a tax increase, but it -- it requires a front-door referendum, so that it cannot be just automatically passed on.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Brookins.

SENATOR BROOKINS:

It is a front-door referendum.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any further discussion? If not, Senator Macdonald moves to discharge the Committee on Transportation from further consideration of Senate Bill 4-7-4. All those in favor vote Aye, all those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 38 voting Yes, 5 voting Nay, 1 voting Present. The motion carries, and Senate Bill 4-7-4 is discharged from the Committee on Transportation, and is ordered placed on the Calendar on the Order of 2nd Reading. Senate Bill 475. Senator Macdonald. Senator Macdonald? Yes?

SENATOR MACDONALD:

Thank you, Mr. President...

PRESIDING OFFICER: (SENATOR D'ARCO)

No. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move to suspend Senate Rule 5c, and that the Committee on Transportation be discharged from further consideration of Senate Bill 475, and it be placed on the Senate Calendar on the Order of 2nd Reading. Signed by Senator Macdonald.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Macdonald.

SENATOR MACDONALD:

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Thank you, Mr. President. This also -- this bill also was requested by Township Officials of Illinois. It amends the Highway Code and it increases to twenty-five percent the present road district hard road tax of sixteen percent of assessed value of taxable property. This also requires a front-door referendum.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I thought we were on 476. I am sorry. 475 did not come to my...

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Lechowicz. All right. Senator Macdonald moves to discharge the Committee on Transportation from further consideration of Senate Bill 475. All those in favor, vote Yes -- Aye. All 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 37 voting Yea, 6 voting Nay, 3 voting Present, and the motion carries, and Senate Bill 475 is discharged from the Committee on Transportation, and is ordered placed on the Calendar on the Order of 2nd Reading. Senate Bill 476. Senator Macdonald. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move to suspend Senate Rule 5c, and that the Committee on Revenue be discharged from further consideration of Senate Bill 476, and that it be placed on the Senate Calendar on the Order of 2nd Reading. Signed by Senator Macdonald.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. This bill amends the Revenue Act to allow town collectors to collect taxes levied within their

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respective townships after January 1st, 1990. This does not apply to Chicago, and it requires county collectors to release books to such collectors. The Illinois Constitution provides for the township collector to be elected with other township officials, to take office during -- following January 1st. Prior to 1970, township collectors participated in the collection of real and personal property. This participation did cease in 1970, as a result of a ruling by a Cook County Court Judge, who ruled that the compensation for township collectors was unconstitutional. Of course, since the ruling, the Illinois Constitution has been changed, and the township collectors have remained an active part of township government. Many township budgets include a line item for the township collector. Several parts of Illinois there are active township tax collectors that collect the first installment of real property taxes and help citizens with tax payment issues and problems. I think that this is an excellent opportunity for us with more and more people wanting help with their taxes, to reinstate the township tax collectors, and so I urge your discharge for this motion.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Again, this is a bill that I must say I don't feel passionately moved by, one way or the other, but I would make a couple of points about it. One is that to the best of my information, there are effectively only five counties which still have the office of township collector - Cook, Peoria, Madison, Will and Sangamon - and I am informed that the Cook County Board opposes this piece of legislation. I have no information about the other county boards. I think one of the problems is that this office is a little bit of an anachronism, and whether this makes sense or not, I think is at least open to

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very serious question, and of course, because of the fact that the sponsor was not there to present the bill, we never really had an opportunity to raise questions and to explore the issue. My feeling is that probably on the merits, it makes no sense to - I shouldn't say it makes no sense - it is probably not the better approach to reinforce and reestablish these township collectors, particularly where it is opposed by their own county boards, but in any event, it is the sort of thing that, it seems to me, does require further hearing.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. It's correct that the genesis of the town collectors is a 19th century way of thinking, the time when ... collectors rode the district and collected taxes, and unfortunately that -- there are five areas in the State that still have the town collector - five counties. But in Cook County, as of December of '69, a court decision enjoined the Cook County Township Collectors from collecting taxes. What this bill would do then, it would alleviate that, and it would be a step in the wrong direction, and I believe that the County Board made a wise decision in opposition to this bill, and I believe that if they had the opportunity to testify, as has been brought to my attention, that they would be against this bill. And I think we should make sure that this bill does not get out, and it should be -- remain on the Table. I oppose the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Macdonald, to close.

SENATOR MACDONALD:

Thank you, Mr. President. While my distinguished colleagues across the aisle have stated a point of view of the Cook County

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Board, I would like to say that there are thirty suburban townships that surround Chicago, and just as the assessors, who are a very viable part of local governments in those thirty townships, certainly give forth very meaningful service, I think the collectors could also have a very real part in helping people and in collecting taxes. So I would urge that you discharge this bill from committee so that we can further discuss it.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Macdonald moves to discharge the Committee on Revenue from further consideration of Senate Bill 4-7-6. All those in favor, vote Aye. All those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 27 voting Yes, 19 voting Nay, 1 voting Present, and the motion fails. Senate Bill 4-8-3. Senator Dudycz. Read the bill. I am sorry. Read the motion, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move to suspend all applicable rules, and to discharge the Senate Committee on Insurance, Pensions and Licensed Activities from further consideration of Senate Bill 483, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Signed by Senator Dudycz.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Dudycz.

SENATOR DUDYCH:

Thank you, Mr. President, Members of the Senate. Senate Bill 483 deals with the Chicago Police Article of the Pension Code. What it does is raises the minimum widows' and retirement annuity, and I ask your support for the Motion to Discharge from Insurance, Pensions and Licensed Committee, please.

PRESIDING OFFICER: (SENATOR D'ARCO)

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Senator Jones.

SENATOR JONES:

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

PRESIDING OFFICER: (SENATOR D'ARCO)

He indicates he will yield.

SENATOR JONES:

Senator Dudycz, what is the -- the local property tax increase as the result of this bill?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Dudycz.

SENATOR DUDYCZ:

Senator, I have no information regarding any property taxes involved in this bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Jones.

SENATOR JONES:

Well, thank you. Well, it is a property tax, for your information. It is. However, the bill is really not needed, because that -- this provision is incorporated in Senate Bill 95, so therefore it is not needed. We had many, many pensions bills in the -- committee, and we put many of them together so that we would know what the fiscal impact would be, and I know you, being a fiscal conservative as relate to local property tax, I don't think you want to continue to increase things. But the bill is not needed, simply because this provisions -- these provisions are already incorporated in another bill. So I oppose the Gentleman's motion.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Dudycz, to close.

SENATOR DUDYCZ:

Thank you, Mr. President. Senator Jones, Senate Bill 95, which you referred to, has many aspects to it. It has the

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State-funded system in it, has the State universities, the General Assembly retirees, it has downstate police, the General Assembly Judges System, and last year's omnibus bill, some technical changes to it. The -- the provisions in 483 were requested by the retired policemen in Chicago. They indicated to me that they did not wish this to be a vehicle bill, but just be passed out of here as clean as -- clear as possible. And I think that if it goes out of here in the form that you have it in 95, it will not be the way that they requested it. And I ask support of both sides of the aisle for the Motion to Discharge 483.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Dudycz moves to discharge the Committee on Insurance, Pensions and Licensed Activities from further consideration of Senate Bill 4-8-3. All those in favor, vote Aye. All those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 29 voting Yes, 5 voting Nay, 1 voting Present, and the motion fails. Senate Bill 4-8-8. Senator Dudycz, for what purpose do you arise?

SENATOR DUDYCYZ:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR D'ARCO)

State your point.

SENATOR DUDYCYZ:

Mr. President, I would request that next time that you request a roll call, would you please slow it down a little bit? I am sure that some of our Members wish to have their votes recorded, and did not have the opportunity to, since you did request kind of quick.

PRESIDING OFFICER: (SENATOR D'ARCO)

We are trying to move things along, but I will take...

SENATOR DUDYCYZ:

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...I understand that, Mr. President, I understand that, but it seems like some of us, when we have our bills that we request to have voted on, we have a quick vote on it, and I don't think that's fair.

PRESIDING OFFICER: (SENATOR D'ARCO)

That is not my intent, Senator Dudycz, and I apologize if -- if that happened, and I -- I will not do that again. I apologize. All right. Next bill is Senate Bill 4-8-8. Senator Schuneman. Read the bill, Madam Secretary -- read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Judiciary from further consideration of Senate Bill 488, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Schuneman.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. This bill simply raises the penalty for knowingly reporting a false bomb threat. It arises out of a series of incidents in my district, and during those incidents, it was discovered by the public and the press and others that there seems to be a contradiction in State law in that knowingly reporting a false fire alarm is a felony, while knowingly reporting a false bomb threat is simply a misdemeanor, and this bill is simply intended to bring the Statutes into compliance with what I think should be, since the reporting of a false bomb threat brings out not only the fire departments, but also police and every other emergency unit in the area.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Any discussion? If not, Senator Schuneman moves to discharge the Judiciary Committee from further consideration of

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Senate Bill 4-8-8. All those in favor, vote Aye. All those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 45 voting Yes, none voting Nay, 1 voting Present. And the motion carries, and Senate Bill 488 is discharged from the Committee on Judiciary, and is ordered placed on the Calendar on the Order of 2nd Reading. Senate Bill 4-9-1. Senator Maitland. Read the bill -- read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Elementary and Secondary Education from further consideration of Senate Bill 4-9-1, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Maitland.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President, Members of the Senate. Senate Bill 491 is admittedly a vehicle bill, is a formula bill. This side of the aisle does not have a shell bill out at this point; we always have that opportunity. As you might well be aware, the -- there is an effort being put forth for bipartisan support of formula reform. This could well be the vehicle for that -- that issue, and I would appreciate allowing this bill out on 2nd Reading.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Any discussion? If not, Senator -- Any discussion? Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. I would just like to point out to Members of the Senate Body that there are already two School Aid Formula vehicle bills -- Senate Bill 961 and Senate Bill 986,

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currently on 3rd Reading.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Any further discussion? If not, Senator Maitland moves to discharge the Committee on Higher Education from further consideration of Senate Bill 491. 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 31 Ayes, 8 Nays, 2 voting Present. The motion carries, and Senate Bill 491 is discharged from the Committee on Higher Education, and is ordered placed on the Calendar on the Order of 2nd Reading. Senate Bill 4-9-3. Senator Maitland. Senator Maitland. Read the bill, Madam -- read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Higher Education from further consideration of Senate Bill 4-9-3, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Maitland.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate, Senate Bill 493 is -- is a bill that -- that creates a separate board for Illinois State University. As you well know, there is a bill currently residing on 3rd Reading that creates a separate bill for Northern, and regardless of what your position is on that issue, it seems to me, imperative to -- in the event that bill passes -- to address the problem of where does Illinois State and Sangamon State go, in the event this takes place. I would appreciate very much the opportunity of having this bill out on 2nd Reading, with the opportunity to debate the issue in later days.

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PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? If not, Senator Maitland moves to discharge the Committee from Higher Education from further consideration of Senate Bill 4-9-3. All those in favor, vote Aye. All those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. The motion fails. Senate Bill -- Senator Maitland, for what purpose do you arise?

SENATOR MAITLAND:

Well, I guess I was just going to renew the point that Senator Dudycz made. I know that votes were still going on, and I -- you know, they simply were. And I lost the battle, I understand that, but votes were still going on after you -- you made the call.

PRESIDING OFFICER: (SENATOR D'ARCO)

Well, I thought I had slowed down the call, and I deliberately slowed down the call, and I looked at the board, and I was trying to get everybody, you know, who cared to vote to vote, so I disagree with you. Senator Schaffer, for what purpose do you arise?

SENATOR SCHAFFER:

Mr. President, and on the same issue, when you have a third of the Senate hasn't even had a chance to vote, I don't see how you can close the board down. There were eighteen people not voting on that bill, and while there are a couple of empty chairs here, there certainly aren't eighteen. I realize that we are -- we have a long day and a long Calendar, but when a third of the Senate hasn't had an opportunity to vote, I think that there is every reason to give us a little more time. Particularly with this rather interesting voting system, which is taking a little getting used to.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Next bill, Senate Bill 531. Senator Barkhausen.

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SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Judiciary from further consideration of Senate Bill 531, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, Senate Bill 531 is an effort to recreate under Illinois law, by Statute, what is known as tenancy by the entireties, as distinguished from joint tenancy. Most of you, I am sure, are familiar with the legal concept and rules of joint tenancy, whereby the joint tenants have equal shares in real estate, but one of the joint tenants can deed away his or her interest to another party. What this is intended to do is to create an additional option for husbands and wives holding property together, because under tenancy by the entireties, the tenancy would exist as long as the marriage lasts. In that way, one spouse could not convey away his or her interest and defeat the tenancy; similarly, one spouse could not go out and mortgage or otherwise encumber the property in a way that effectively defeated the interests of both spouses and -- and took away their property interest in the tenancy by the entireties. I know from talking to many of my colleagues, that there is interest in trying to get at situations where one spouse - oftentimes a husband who runs amuck during the course of a marriage, that goes out and attempts to mortgage the property to come up with a lot of money, and effectively defeats the wife's interest in the property by creating this large lien against it. So the tenancy by the entirety is an effort to avoid that sort of problem and provide that if a -- for example, a mortgage is going to be entered into, it would have to be done with the consent of both spouses. It has

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the support of a representative of the president of one of the leading title companies in the State. It's a technical subject. I'd be happy to try to answer questions and would otherwise urge a favorable roll call.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Lady from Lake, Senator Geo-Karis.

SENATOR GEO-KARIS:

Thank you, Mr. Speaker. Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he will.

SENATOR GEO-KARIS:

Senator, are you saying that if we were to have the tenancy by the entireties, would that automatically mean that if the husband and wife are joint tenants, that they would come under that?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

No, Senator. They'd have to elect to become tenants by the entireties. Any existing joint tenancy would remain a joint tenancy under the existing laws of joints tenancy, unless there were an affirmative step taken - a conveyance - a reconveyance into a tenancy by the entireties.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, I support the -- the Motion to Discharge. I think it will be a much fairer situation.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Cook, Senator Dunn. I am sorry. Senator D'Arco.

SENATOR D'ARCO:

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Thank you, Mr. President. We already have tenancy by entirety in the State of Illinois. A husband and wife can put their property in joint tenancy, tenancy in common, tenancy by entirety, do anything they want today in the State of Illinois. That's the law now. This bill restricts the rights of a husband and wife, and requires that it only remain in effect as long as they're married. Now why he wants to do that to protect the interest of one party as against the other, I don't really understand, because it works both ways under the law now. There is no reason to change the law. The law is workable, and there is no reason to change it at this point.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Lady from DuPage, Senator Fawell. Fawell, please.

SENATOR FAWELL:

Thank you very much. I had a bill like this a couple of years ago. We do not have tenancy in the entirety in this State as of right now. The reason I had it was exactly the reason why Senator Barkhausen now has it. There are women who have discovered upon -- upon a divorce, that all the equity in the house has been taken away and spent, and this bill would prevent that practice. I was told originally that that was impossible, that that could not happen. I know of several cases now where that exact thing has happened, including one of the lobbyists right here in Springfield, if you'd like to -- if you want to talk to me, I can tell you who it is. But this is a good idea. This is a good bill, and it's long overdue.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Whiteside, Mr. -- Senator Schuneman.

SENATOR SCHUNEMAN:

On a point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

State your point, sir.

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SENATOR SCHUNEMAN:

Mr. President, there has been some complaint on the last few bills about the Chair cutting off the vote quickly. I'd like to make a point that on Senate Bill 483, which was...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

531.

SENATOR SCHUNEMAN:

No, no. 483, Mr. President, which was Senator Dudycz's bill, I pressed my green button. The light on my desk came on. Now Senator Dudycz shows me the roll call, and I'm recorded as not voting. I simply want to make the point, Mr. President, that our equipment here must not be working the way it's supposed to work, and that perhaps we ought to allow a few more seconds to have these votes recorded, because I definitely voted on that bill, but the official roll call shows that I didn't vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Thank you, sir. We'll have the electrician check your switch as well. And I'd like to make sure all the switches are checked before the first of June when we will really be busy around here. Senator Dunn, the gentleman from Will. Senator Dunn.

SENATOR THOMAS DUNN:

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

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he'll yield.

SENATOR THOMAS DUNN:

What's the position of the Bar Association?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

I honestly don't know, Senator. You know, one of the problems of not having hearings because of the unfortunate unique situation

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we all found ourselves in, was -- was that oftentimes we didn't get the sort of input that we might have liked, but -- as far as I know, they don't have a position.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

...Dunn.

SENATOR THOMAS DUNN:

Exactly. And I would -- just learned that the Bar Association is opposed to this.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen, to close.

SENATOR BARKHAUSEN:

For the reasons suggested earlier by me and Senator Fawell, Mr. President, I urge a favorable roll call.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen moves to discharge the Committee on Judiciary from further consideration of Senate Bill 531. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Clerk, take the record. On this question, there are 31 Ayes, 14 Nays, 3 recorded as Present. And the motion carries, and the matter is discharged from Judiciary Committee, and placed on 2nd Reading. Senate Bill 532. Senator Barkhausen. Out? 533. Senator Barkhausen. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Judiciary from further consideration of Senate Bill 533, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President, this is a Secretary of State administration

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bill dealing with the Uniform Limited Partnership Act, which they administer through their Corporations Division. It does a number of technical things expanding on the revised Uniform Limited Partnership Act that we passed here approximately three years ago. None of it is terribly earthshaking. I'd be glad to answer any questions there may be about it, and otherwise ask for your support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

...(machine cutoff)...Any discussion? The question is, shall -- Senator Barkhausen moves to discharge the Committee on Judiciary from further consideration on Senate Bill 533. All those in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? The clerk will take the record. On this question, there are 47 Ayes, 3 Nays, 2 recorded as Present. And the motions carries, and Senate Bill 533 will be placed on the Order of 2nd Reading. Senate Bill 536. Senator Maitland. Read the bill -- read the motion. I am sorry, Madam Secretary.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Elementary and Secondary Education from further consideration of Senate Bill 536, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Maitland.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. Senate Bill 536 is a part of the Farm Bureau Chief Program that's been talked about around these Chambers for several weeks now, and this is the bill that requires the State Board to develop and operate a pilot telecommunication program for a few participating

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school districts in rural Illinois for the years of 1990 and -- for school year 1990-91. As you know, there is a program right now, the Star Program, that's in place in a number of school districts, run out of Western Illinois University. This is really a newer ware of this -- of this -- of technology. This is interactive to a TV, and I think it's a program that has a lot of -- a lot of hope for the future for rural school districts, and I would appreciate your support. It does have bipartisan support; there are a number of Republican and Democratic sponsors of this bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Maitland moves to discharge the Committee on Elementary and Secondary Education, and to place Senate Bill 536 on the Calendar on the Order of 2nd Reading. All in favor, vote Aye. All opposed, vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Clerk will take the record. On this question, there are 52 Ayes, no Nays, none recorded as Present. And the motions carries, and Senate Bill 536 will be on 2nd Reading. Senate Bill 537. Senator Etheredge. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Elementary and Secondary Education from further consideration of Senate Bill 537, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Etheredge.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, this is another element of the Chief Program, as sponsored by the Farm Bureau. Basically, what this bill says, that if the State

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does not fund mandates, then the school districts are not obligated to buy those mandates. Specifically exempted from this provision are the special education, the school lunch programs, transportation programs and the high school graduation requirements; otherwise, for all other mandates, if the State does not see fit to fund them, then the school districts are not obligated -- to offer them. I would be...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. As Senator Etheredge has explained, this is a bill that would discontinue or modify programs mandated, certainly an issue that deserves a hearing in committee. Very controversial; we have seen this issue time and time again. We always have people wishing to speak on both sides. Last year's Mandates Task Force stated that even if all mandates were eliminated, no significant savings would be realized because of all the big ticket costs of teachers, administrators and buildings - those things would need to be continued. This needs very careful debate; I would recommend that it stay in committee.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I simply want to point out while this bill may be controversial here, it isn't controversial back home. You go down and walk your main street and ask people what they think about this idea, and I suspect that you'll get seventy-five or eighty percent of them will tell you, "You bet. Go to Springfield and pass that bill." It's a good idea; we ought to support it.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Maitland, to close. Etheredge, to close. I'm sorry.

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SENATOR ETHEREDGE:

Thank you, Mr. President. I would just point out that we have strong bipartisan support in the sponsorship of this legislation, and I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Etheredge moves to discharge the Committee on Elementary and Secondary Education, and to place it on the Order of 2nd Reading. Senate Bill 537. All in favor, vote Aye. All opposed, vote Nay. The voting is open. On this question -- have all voted who wish? Have all voted who wish? Take the record. On this question, there are 45 Ayes, 6 Nays, 1 recorded as Present, and the motion carries. And Senate Bill 537 is on the Order of 2nd Reading. Senate Bill 544. Senator Barkhausen. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Insurance, Pensions and Licensed Activities from further consideration of Senate Bill 5-4-4, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, the bill is straightforward. It -- it does what it says it does. It might be somewhat controversial, though. It proposes to repeal the prohibition under our campaign finance laws - actually under the Illinois Insurance Code - that now exists, prohibiting contributions by insurance companies. The reason for the bill is the feeling that the prohibition is unfair and discriminatory, even through some representatives of the insurance industry like the law the way it is. I would point out that there are industries - I would mention the utility industry -

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far more regulated than the insurance industry, which are not subject to the same prohibition. It simply makes no sense. If we are to allow corporate contributions in general, there is no particular reason to single out the insurance industry for this prohibition. I'd be happy to try to answer any questions, but I think the bill is self-explanatory, and I ask for your support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Jones.

SENATOR JONES:

Yes. Thank you, Mr. President and Members of the Senate. I wish the sponsor had availed himself to appear before the committee on this piece of legislation. It is rather controversial, especially in light of the fact that we have so many issues related to insurance and the consumers in the State of Illinois, and not that I arise to oppose the gentleman's motion, but the whole question as to whether or not we should be considering removing this exemption, in light to the fact that -- of what's happening in California and the issues that are before the people of the State of Illinois as relates to the insurance industry. So on this issue, I suggest everyone vote their conscience.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen, to close.

SENATOR BARKHAUSEN:

I simply ask for your support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen moves to discharge the Committee on Insurance, Pensions and Licensed Activities from further consideration on Senate Bill 544. All in favor, vote Aye. All opposed, vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Clerk will take the record. On this question, there are 29 Ayes, 16 Nays, 1 recorded as Present. And

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the motions fails. Senate Bill 545. Senator Barkhausen. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Judiciary from further consideration of Senate Bill 545, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, this should be noncontroversial. It is the recommendation of the Supreme Court relating to those provisions of the Civil Procedure Code providing for certain motions that deal with the dismissal of suits, but specify different grounds for the reason for the dismissal. Right now combined motions can be made. The Supreme Court has suggested to us that we ought to amend the Code of Civil Procedure providing that where combined motions are filed, that they -- that each individual part of it specify the separate reason for seeking that dismissal. I ask for your support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Dunn, the Gentleman from Will.

SENATOR THOMAS DUNN:

Thank you, Mr. President. A question of the sponsor, if he will yield.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he'll yield.

SENATOR THOMAS DUNN:

Will there be any amendments?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

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No.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Dunn.

SENATOR THOMAS DUNN:

Well, once again, I rise again in opposition, because this is civil procedure matters that have not gone through committee, and there has been no testimony on.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen, to close.

SENATOR BARKHAUSEN:

I'd ask for your support. It is a recommendation of the Supreme Court, and I think it's of some importance.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen moves to discharge the Committee on Judiciary from further consideration of Senate Bill 545. All in favor will vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Clerk, take the record. On this question, there are 28 Ayes, 19 Nays, 3 recorded as Present. And the motions fails. Senate Bill 546. Senator Barkhausen. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Insurance, Pensions and Licensed Activities from further consideration of Senate Bill 546, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Lady from Cook, Senator Topinka, for what purpose do you seek recognition?

SENATOR TOPINKA:

I want to speak to the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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All right. Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, Senate Bill 546 revises and updates the Uniform Anatomical Gift Act. For one thing, to comply with requirements that have come about under Federal Medicaid and Medicare Laws since the 1968 Anatomical Gift Act was passed, and in light of recommendations made by the Uniform Law Commission in 1987. Among the changes, one is to delete the requirement that has existed under the Uniform Act and under Illinois law, that witnesses have to sign the donor card. Secondly, it also allows for those who are concerned about anatomical gifts being made or donations being taken in instances where there may be some question about the donor's intent, it allows an individual to specifically note on a document that he or she does not want his or her body to be used for this purpose. I'd be happy to answer any questions, and otherwise urge your support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The Gentleman from Cook, Senator Jones.

SENATOR JONES:

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

PRESIDING OFFICER: (SENATOR LECHOWICZ)

He indicates he will.

SENATOR JONES:

Senator Barkhausen, does this piece of legislation mandate that anyone that is admitted to the hospital for a general checkup or a woman having a child, or whatever - does it mandate that the hospital employees, with the consent of the physician, must ask them do they want to make a organ donation?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator, I believe that it does, but that is inserted here

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because, I am told through the information that I have, that that's not required by federal law and regulation. When I referred to Medicaid and Medicare laws and regulations, that's what I was talking about.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Jones.

SENATOR JONES:

Well, this legislation does mandate such for anyone that has been admitted to a hospital. This bill is a very controversial bill. It is a controversial issue as such, and for us to act on this legislation without proper hearing, without proper input, I think it would not be wise in the best interest of the people of the State of Illinois. To -- this bill is far-reaching, so the Medical Society, the religious community, the hospitals, and so forth, should have some input. This bill deserves a hearing in committee where we can receive input from all, because if one goes in just to have their tonsils removed, they would have to be asked this particular question, "Are you willing to donate some of your organs in the event that you don't make it?" And I don't think that is the best way - the direction that we should be going in. So I recommend that the gentleman's motion not pass.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Lady from Cook, Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate, with all due respect to the sponsor, who I think is trying to accomplish something here, the Anatomical Gifts Act really is functioning quite well. I guess, working under the basis that if it isn't broken you don't need to fix it, I think we ought to kind of look at this in that direction. Furthermore, this bill has a widespread ramification, in that it removes the only definition of death that we have in all of our Statute, and I think that is

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saying a lot. I think we ought to leave it just the way it is, and leave this bill in committee.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen, to close.

SENATOR BARKHAUSEN:

Mr. President, I'd just try to point out in closing, that of course there is a great shortage, still - even with the revisions we have made under our law, there is a shortage of necessary donations. The bill does allow for one to specifically provide that they don't want to make the donation, but it otherwise encourages people by having hospitals include, as part of their inpatient registration form, the question of whether one is willing to make this donation. Between that provision and the removal of the witness requirement, we are trying to increase the availability of these types of gifts. I think the subject matter, and the bill itself, is urgent, and I ask for your support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen moves to discharge the Committee on Insurance, Pensions and Licensed Activities from further consideration of Senate Bill 546. All those in favor, vote Aye. All opposed, vote No. Voting is open. Have all voted who wish? Have all voted who wish? Clerk, take the record. On this question, there are 19 Ayes, 26 Nays, 1 recorded as Present. And the motions fails. Senate Bill 547. Senator Barkhausen. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Judiciary from further consideration of Senate Bill 5-4-7, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

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SENATOR BARKHAUSEN:

Mr. President, Members, this is another proposal of the Conference on Uniform State Laws - I hope less controversial than the last. This is an attempt, really, to help our senior citizens, by providing, under Statute, a form what is called a "custodial trust," that any person can use to place their property into trust, either with themselves as trustee or with another as trustee, to provide for the control of property in the event that one becomes incapacitated. By providing this form in Statute, we are hopefully giving people of modest means the opportunity to create this very simple and limited-purpose trust without the necessity of creating the more lengthy and expensive legal documents that otherwise have to be created when a -- a trust is otherwise set in place. I'd be happy to answer your questions, and otherwise seek your support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Gentleman from Will, Senator Dunn.

SENATOR THOMAS DUNN:

Thank you, Mr. President. A question of the sponsor, if he will yield.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

He indicates he will yield.

SENATOR THOMAS DUNN:

What's the Bar Association's position, Senator Barkhausen?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen. Question?

SENATOR BARKHAUSEN:

I don't know, Senator.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Dunn.

SENATOR THOMAS DUNN:

Well, once again, I rise in opposition, because this is a very

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complicated, far-reaching bill that's had absolutely no discussion, not only in committee, but it ought to be referred to a subcommittee to get the input of the Bar Association.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen, to close. Leave to ask for a roll call?
Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President, I do ask for your support. This is a very carefully drafted bill. Representatives of senior citizens organizations, before the Conference on Uniform State Laws that put this bill together, express keen interest in it because of the potential for creating these simple trusts and affording senior citizens the opportunity to save considerable amounts of money in legal fees. I ask your support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen moves to discharge the Committee on Judiciary from further consideration of Senate Bill 547. All those in favor, vote Aye. All opposed, vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Clerk, take the record. On this question, there are 28 Ayes, 16 Nays, 2 recorded as Present. And the motions fails. Senate Bill 548. Senator Barkhausen. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Judiciary from further consideration of Senate Bill 5-4-8, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President, Members, this is another Uniform Act that I am again sponsoring, because I am the only Senator that is on this

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group, and feel some responsibility to -- to try to seek the approval of this legislation. It creates the Uniform International Wills Act, and it's a technical subject, but it's seeking to establish a procedure whereby wills that are drafted by foreign citizens can be proven and their estates can be administered in this country, and by the same token, whereby Illinois citizens holding property overseas might seek to have their property probated when the time comes, in foreign countries. This bill is submitted pursuant to a international convention - essentially a treaty - which has been entered into providing a uniform law on the form of an international will. I think it is completely noncontroversial, but I'd be happy to answer your questions.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The Lady from Macon, Senator Severns.

SENATOR SEVERNS:

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

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he will.

SENATOR SEVERNS:

Senator, is this the same bill that was held in committee last session?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

It was never assigned to one of the substantive committees, Senator. I believe I introduced it along with some of these others, but I think it was held in the Rules Committee for no compelling reason.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? Senator Barkhausen, to close.

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SENATOR BARKHAUSEN:

I'd ask for your support. Thank you.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen moves to discharge the Committee on Judiciary from further consideration on Senate Bill 548. All in favor, vote Aye. All opposed, vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Clerk, take the record. On this question, there are 29 Ayes, 19 Nays, 2 recorded as Present. And the motions fails -- it's lost. Page 64 on the Calendar, Motions in Writing, Senate Bill 549. Senator Barkhausen. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Finance and Credit Regulations from further consideration of Senate Bill 5-4-9, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, this is the Uniform Fraudulent Transfer Act. It repeals the existing Uniform Fraudulent Conveyance Act of 1918, and replaces it with this Statute. It's an attempt to protect the interests of creditors against unsecured debtors who might seek to transfer property to defeat the interest of the creditor. It's been adopted in twenty states. It is replacing the existing law on a similar subject, largely because of revisions to the Federal Bankruptcy Code of 1978, which make obsolete many of the provisions of the earlier Statute. I'd be happy to answer your questions, and otherwise ask your support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Cook, Senator Zito.

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SENATOR ZITO:

Thank you, Mr. President. I don't mean to further dampen the Barkhausen parade, but I rise in strong opposition to this motion. This bill is intended to regulate transfers between associated companies -- and I don't know if you necessarily agree or disagree with that; I happen to disagree with it, but all it's going to do is frustrate the rights of the creditors. Now, if the situation is going to involve ourselves in that kind of dilemma, I would think that at least we would have the opportunity to hear both sides of the issue. I may further say that Senate Bill 9-6-5, which Senator Barkhausen introduced last year on this exact same subject matter, never made it out of the Judiciary Committee. I don't see any purpose to continue this discussion on Senate Bill 5-4-9. I think it's much too complex of an issue, and if, in fact, we are going to deal with this type of subject matter, we should have both sides come in and hear testimony from both. I stand in opposition.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen, to close.

SENATOR BARKHAUSEN:

Mr. President, in closing, if I could respond to Senator Zito. Contrary to what he said about this frustrating the interest of creditors, it will further protect them, because one of the problems with the earlier Uniform Fraudulent Conveyance Act, which is repealed and replaced by this Statute, is that conveyance can be taken to apply only to real property, whereas this also deals with fraudulent transfers of personal property. The ISBA, earlier when this bill was filed - and it never had a hearing then, which is why it didn't go anywhere, and it was never subjected to a vote before - but they have endorsed it, so that might interest Senator Dunn, who has raised that question about some other legislation. As I said, it's been adopted in twenty states, and this is an

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attempt to make law on this subject uniform throughout the states, and I ask your support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen moves to discharge the Committee on Finance and Credit Regulations from further consideration of Senate Bill 549. All those in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Clerk will take the record. On this question, there are 25 Ayes, 23 Nays, none recorded as Present. And the motions fails. Senate Bill 551. Senator Barkhausen. And if the engineer can hear my voice, would you kindly raise the temperature in the -- in the room? There have been some requests of some of the Members that they're cold. We'll have to speed up our pace, and we'll all get a little warmed up. Madam Secretary, please read the motion on 5-5-1.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Judiciary from further consideration of Senate Bill 5-5-1, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President, this is the Uniform Enforcement of Foreign Judgments Act, which is now on the books in the form of a 1948 Statute, and we are seeking to update it, again pursuant to recommendations made by the Conference on Uniform State Laws. It simply simplifies the procedure for taking a judgment that is registered in one state and bringing it into another state so that it can be enforced. It provides for a more summary procedure and simplified means for serving notice on the debtor than previously existed. I'd be glad to answer your questions.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Lady from DuPage, Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR LECHOWICZ)

He indicates he will.

SENATOR FAWELL:

Would this also be -- would this cover the child support judgments that are made in other states that the women are trying to collect?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

It certainly could, Senator. However, there maybe other Statutes on that subject that supersede this. I don't know.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. Well, I've been on the Child Support Task Force now for about three years, and I will tell you, one of the biggest problems we've got in this State are trying to collect judgments for women whose husbands have flown the State, gone to California, Florida, Georgia - probably three of the worst - and it just seems to me anything that would simplify this, and perhaps make it so that the other states understand what we're doing, would certainly merit our support. And I would strongly suggest we vote Yes for this bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Will, Senator Dunn.

SENATOR THOMAS DUNN:

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

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he will.

SENATOR THOMAS DUNN:

Will there be any amendments to this, Senator Barkhausen?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

No, I promise there won't be.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Dunn.

SENATOR THOMAS DUNN:

Senator Barkhausen, my analysis says that this involves a major change in the civil procedure dealing with the subject matter. Why did you characterize it as simple?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Because I think it is. I don't know why our analyses should be different, but I think really all it does is to provide for a notice of a judgment in another state by means of certified mail rather than by personal service, and of course, the reason for that is that the debtor already has notice of it, because he would have gotten notice before the judgment was entered initially.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Dunn.

SENATOR THOMAS DUNN:

Well, in Illinois, all you have to do is enroll the judgment here to collect it. Is that not true?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

You have to do that, but then you have to personally serve the

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debtor of the -- by giving them notice of the enrollment or registration of the judgment within the State, and this requires notice by mail, rather than by personal service.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? Senator Dunn.

SENATOR THOMAS DUNN:

Why shouldn't he have that right to service the summons -- guaranteed notice?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

The argument is, because he has already had notice of the -- of the proceeding in the other state, and is -- is still going to be getting notice by means of the mail.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Dunn.

SENATOR THOMAS DUNN:

If he has already had notice in the other state, and you say he is not entitled to summons, why is it necessary to have notice -- by mail then?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Sort of a middle-ground position between no notice and personal service is to require notice by mail. Simple procedure, and it's less expensive.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen, to close.

SENATOR BARKHAUSEN:

Simply ask for a favorable roll call, Mr. President.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen moves to discharge the Committee on

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Judiciary from further consideration on Senate Bill 5-5-1. All in favor signify by saying Aye -- I am sorry. All in favor signify by voting Aye. All opposed, by voting No. The voting is open. Have all voted who wish? Have all voted who wish? Clerk will take the record. On this question, there are 27 Ayes, 19 Noes, 2 recorded as Present. And the motion fails. Senate Bill 5-5-2. Senator Barkhausen. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Judiciary from further consideration of Senate Bill 5-5-2, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, I appreciate your indulgence. I am almost done here on this great roll that I'm on. 5-5-2 is, again, a Uniform Act, dealing with creating a framework -- statutory framework for premarital agreements. Right now, premarital agreements can, under certain circumstances, be enforceable in Illinois, but this creates some safeguards for those entering into them and for those who might potentially be cheated by an agreement that takes undue advantage of them. I'd be happy to answer your questions, but I'd simply point out that in an age when, as we all know, there are an increasing number of marriages between spouses who have previously been married, have children by the prior marriage, have accumulated property prior to this second or subsequent marriage, that there is increasing -- increased reason for entering into premarital agreements, and there ought to be a statutory framework, rather than a guessing game, about where courts will stand, that allow people to predict the enforceability of these agreements. And I'd ask for your support.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator D'Arco.

SENATOR D'ARCO:

Yes. Thank you, Mr. President. How does this bill compare with Senate Bill 547?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

It's basically the same, and that one lost. So I believe this matter has already been addressed. Senator Barkhausen.

SENATOR BARKHAUSEN:

If that was a serious question, I'll be glad to try to answer it. The other one dealt with a completely different subject matter of trust. This, as I explained, is dealing with the subject of premarital agreements.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

...(machine cutoff)...Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. Obviously, this is a very serious subject - premarital agreements. I don't know if any of you have ever signed one or have -- or any of you ever intend to sign one. Adeline, you've signed one?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Easy, Adeline.

SENATOR D'ARCO:

But you intend to, you say?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Geo-Karis, to respond.

SENATOR GEO-KARIS:

Mr. President, to answer Senator D'Arco, if he has a prospect I'd be interested. But anyway, Mr. President and Ladies and Gentlemen of the Senate, I think this is a good bill, because there are questions about whether -- what constitutes a good premarital agreement. You have families, you have people who are

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older, they have children, each side has children, I think they are entitled to make a good premarital agreement with each other, and I think this would facilitate matters and would establish the law, so that we don't have the ups and downs on premarital agreements that we have now. There are so many cases on -- on premarital agreements - we go both ways. And I think if we can set up a procedure we can follow, I think we will be doing a good service to the people, and I urge favorable consideration of this Motion to Discharge.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator D'Arco.

SENATOR D'ARCO:

Thank you. Mr. President, this does a little more than that. I mean, it also provides for full disclosure of all property and financial obligations of all the parties involved. Now, whether -- whether that's done or not done may be part or not part of an agreement that two parties may wish to enter into. Now you are limiting those parties to specific instances, where they have to disclose everything and anything about all their moral, physical, emotional and wherewithal concerning their whole entire lives, and I don't think that's what we want to do here.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen, to close.

SENATOR BARKHAUSEN:

Mr. President, yes, the bill does require a full financial disclosure. I don't know about moral and physical, and I hope that if they are entering into a marriage there might have been some physical disclosure as well, but really, we are talking about a -- about a financial disclosure in the absence of which one certainly wouldn't want to enter into an agreement dealing with financial matters, unless one knew, in fact, what assets both spouses had. As Senator Geo-Karis explained - I know she does a

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fair amount of work in this area - there is great uncertainty now as to what constitutes an enforceable agreement, and I know that this would help to provide greater certainty for those contemplating such agreements. I ask for your support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen moves to discharge the Committee on Judiciary from further consideration on Senate Bill 5-5-2. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Clerk will take the record. On this question, there are 25 Ayes, 17 Nays, 3 recorded as Present. And the motion is lost. 5-5-3. Senator Barkhausen. Please read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Executive from further consideration of Senate Bill 5-5-3, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Let me try one more, Mr. President. I -- I can't go to my annual meeting of this group unless I say I tried. Senate Bill 5-5-3 is not controversial, but it's probably, at least in volume, it's bigger than any of these other proposals, many of which are not terribly substantial. But this one is, and I think it symbolizes the importance of the -- of the subject matter, which is to put within the Uniform Commercial Code that governs the whole banking industry in negotiable instruments -- generally, it creates a new Article 2A. We have right now Article 2, and have had for several years, which governs the purchase and sale of personal property of goods -- tangible personal property, I should say. Article 2A deals with leases. We all know that leasing, in

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our economy today, is a very big business amounting to an estimated one hundred and fifty billion dollars a year nationally, and yet what -- what constitutes a lease and what promises and representations are made under a lease, and what remedies there are for parties that are defaulted against under a lease, are all -- have all been determined by -- by varying court rulings. The drafting of Article 2A is -- has proceeded over a period of several years, involving legal experts in the field and representatives of industries -- many of them registered in support of this bill, such as the National Equipment Dealers Association, who are now asking us to pass this legislation. As I say, it is somewhat involved, but I'd be happy to answer any questions. I would point out there are several states, such as California, that have passed this already, and the State of Minnesota, just this last week. I'd be glad to answer your questions.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The gentleman from Will, Senator Dunn.

SENATOR THOMAS DUNN:

Thank you, Mr. President. And will the sponsor yield?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

He indicates he will.

SENATOR THOMAS DUNN:

Senator Barkhausen, what's the Bar Association's position on this bill?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

I have heard, Senator, from the CBA, they support the bill. They have some amendments that they are interested in, but they do support the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Senator Dunn.

SENATOR THOMAS DUNN:

Once again we are dealing with a bill that has far-reaching effects. We are dealing with a bill that belongs in a subcommittee to have testimony on, and we are dealing with a bill that is the first bill that I have seen today that has four pages of analysis.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

...(machine cutoff)...Senator Barkhausen, to close.

SENATOR BARKHAUSEN:

I ask for your support, Mr. President and Members, for the reasons that I explained.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen moves to discharge the Committee on Executive from further consideration on Senate Bill 5-5-3. All in favor, vote Aye. All opposed, vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Clerk, take the record. On this question, there are 28 Ayes, 17 Noes, 2 recorded as Present. And the motion fails. Senate Bill 5-5-7. Senator Philip. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to suspend Senate Rule 5c, and that the Committee on Judiciary be discharged from further consideration of Senate Bill 5-5-7, and that it be placed on the Senate Calendar on the Order of 2nd Reading. Filed by Senator Philip.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Philip.

SENATOR PHILIP:

Thank you, Madam President and Ladies and Gentlemen of the Senate. That's the first time I've said that; it sounds very good. Senate Bill 5-5-7 amends the Criminal Code. If you would be convicted of a felony with a firearm in your possession, it

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would be an automatic ten-year minimum sentence, a Class X felony, and you wouldn't be available for probation. If you are a law and order type person, this is our answer to all these guns running around in the wrong people's possession. I'd be happy to answer any questions. I'll ask for a favorable vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? Senator D'Arco.

SENATOR D'ARCO:

Thank you, Madam President. Senator Philip, I want you to know that the Department of Corrections is against your bill. Of course, you probably already know that, and I guess the reason they are against your bill is because they -- they have got a housing problem as is, as you well know. And we don't have enough bed space to house criminals - in this State, in our counties, in the local/municipal prisons, wherever you go, we don't have enough beds to house criminals. Now interestingly enough about your bill, you provide that it is a Class X felony -- I mean it is ten years instead of six years, but I want you to know that firearms also include stun guns and taser guns, so the ten-year increase would apply to stun gun and taser guns, but interestingly enough, it wouldn't apply to machetes or axes or cleavers. Now to tell you the truth, if I was confronted with somebody who was going to rob me with a machete, I'd be a lot more scared than I would if he had a stun gun and said, "I am going to take your money from you." I am -- in fact, that would cause a lot more apprehension than if he confronted me with a taser gun. Now I don't know if that is what you want to do, but if that's what you want to do, maybe you should amend this bill to include those other weapons as well. And then we can just beat the bill down with the amendment on it.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Philip.

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SENATOR PHILIP:

Thank you, Madam President. You know what? They're under the old definition now; they already are in Class X. I'd be happy to take those two out on 2nd Reading, Senator, if that would serve your purpose. All we're trying to say, very simply, is that if you are convicted of a felony with a firearm on <sic> your possession, that you have a ten-year sentence without probation. Now I happen to think that is a step in the right direction. You want to keep these people from using firearms. This idea that we are going to ban firearms, and nobody is going to have a firearm, is a lot of baloney. We know during prohibition - and I was alive then - it was illegal to have liquor, but there was liquor all over the place. You will never ban guns. The way to get to these people who use firearms is very simple: lock 'em up, and don't let 'em out early.

PRESIDING OFFICER: (SENATOR COLLINS)

Any further discussion? If not, Senator Philip. Senator D'Arco, your light's not on. Okay.

SENATOR D'ARCO:

Thank you, Madam President. You know, Pate, you are -- you are really mixing the issues up; you really are mixing issues up, and believe me, I know this bill is going to pass, and that's great, you know. But that's not what this is all about. A ban -- no one is saying we should ban handguns in this bill. Believe me, this has nothing to do with banning handguns. Now how you got to banning handguns or banning automatic weapons from your bill, I can't imagine. Your bill increases the penalty for armed violence with a weapon. Instead of making it a Class X six-year minimum, six-year minimum, you make it a ten-year minimum. Now we know what that does. It's nonprobationable, it puts more people in jail for longer times, and it lets out more people. That's the problem with your bill. Ask DOC; they are letting out people by

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the droves. When we going to face this reality here? We got a serious overcrowding problem in the State of Illinois in our prisons. That's a fact, Pate, and this is gonna make it worse, that's all. I want to put people in jail, just like you do. You think I want to let criminals out of prison? But that's what your -- the effect of this bill is going to do, he is going to let more prisoners out, that are -- that are committed -- that have committed lesser offenses, because of the impact of this bill. I know this bill is going to pass, but that's the fact.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Philip may close.

SENATOR PHILIP:

Thank you, Madam President. Thank you, Senator D'Arco, for your favorable comment, and I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Philip moves to discharge the Committee on Judiciary from further consideration of Senate Bill 5-5-7. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 43 Ayes, 6 Nays, 1 voting Present. The motion carries, and it will be placed on the Order of 2nd Reading.

END OF TAPE

TAPE 4

-- Senate Bill 5-5-9. Senator Philip. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to suspend Senate Rule 5c, and that the Committee on

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Judiciary be discharged from further consideration of Senate Bill 5-5-9, and that it be placed on the Order of -- pardon me. That it placed on the Senate Calendar on the Order of 2nd Reading. Filed by Senator Philip.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Philip.

SENATOR PHILIP:

Thank you, Madam President and Ladies and Gentlemen of the Senate. Senate Bill 5-5-9 is a -- would establish a pilot project - one in the Cook County Court, one in the DuPage County Court - to permit drug testings of defendants who are charged with a felony offense or offense involving controlled substance, who have consented to testing as a condition for bail. In other words, the court would have them tested for drugs. I assume if they didn't test positive, they'd get the bail. If they tested positive, they'd probably keep them in the slammer. They've done this in the District of Columbia, and it has reduced the -- the -- how should I say it -- the rearrest rates by 70 percent. Be happy to ask <sic> any questions, and ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? If not, Senator Philip moves that Senate Bill 5-5-9 be discharged from further consideration of the Judiciary Committee, and be placed on the Order of 2nd Reading. Those in favor will 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 50 Ayes, 1 Nay, none voting Present. The motion carried, and it will be placed on the Order of 2nd Reading. Senate Bill 5-7-9. Senator Kustra. Read the motion, Madam Secretary. Excuse me, Madam Secretary. Senator Philip on 5-6-4. You want to -- read the motion, Madam Secretary.

SECRETARY HAWKER:

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I move to suspend Senate Rule 5c, and that the Committee on Elections be discharged from further consideration of Senate Bill 564, and that it be placed on the Senate Calendar on the Order of 2nd Reading. Filed by Senator Philip.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Philip.

SENATOR PHILIP:

Thank you, Madam President, Ladies and Gentlemen of the Senate. This amends the Election Code. As you are probably aware, we file at a different time for all statewide offices than we do for delegates and alternate delegates to the National Nominating Convention. Why we do this I have no reason. What this does is make the filing dates uniform. So you'd file for everything at the same time. The rationale behind it is for precinct captains and precinct committeemen, instead of going around twice with the petitions, you'd go around once with the petitions. I'd be happy to answer any questions, and ask for an affirmative vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you -- Madam President and Ladies and Gentlemen of the Senate. If this bill were a matter of law, then we would have violated the last two of our Democratic National Committee party rules governing the delegate selection process. I think that this bill, frankly, is untimely, that we can address this next year or 1991. I don't know what the reason for the urgency of this bill is, but I would suggest that since we haven't had an opportunity to really look at it to study what our rules are going to be for the next National Convention, that this bill is certainly untimely at this point.

PRESIDING OFFICER: (SENATOR COLLINS)

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Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I am not aware of what your rules are, Senator, quite frankly. I am just trying to make it easy for the guys that are out there knocking on doors and collecting signatures, and I think the easiest thing is to have somebody circulate all the petitions for all the offices at the same time that file at the same time. I can't understand why your -- your party rules would be against that. And I would think that the Statute would prevail over party rules, whether they are your party rules or my party rules. And ask for an affirmative vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Philip moves to discharge the Committee on Election and Reapportionment from further consideration of Senate Bill 564. All in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wished? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 33 Ayes, 17 Nays, 2 voting Present. The motion carried, and it will be placed on the Order of 2nd Reading. Now, Senate Bill 579. Senator Kustra. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Transportation from further consideration of Senate Bill 5-7-9, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Kustra.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Madam President. This is a proposal of the Illinois Alcoholism and Drug Dependence Association. It changes

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the blood alcohol concentration at which a person is presumed to be driving under the influence of alcohol from .10 to .08. This was first recommended by the Governor's DUI Task Force. It's supported by the Secretary of State, the Department of Transportation, Public Health, State Police, DASA and the American Medical Association. This bill does not, of course, dictate how much people can drink. It does say that we need a clear-cut standard as to when people drink and drive. And by lowering it to .08 it brings us into conformity with the best medical evidence on this subject. I would ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? If not, Senator Kustra moved to discharge the Committee on Transportation from further consideration of Senate Bill 579. All in favor will 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, Madam Secretary. On that question, there are 43 Ayes, 3 Nays, none voting Present. The motion carries, and Senate Bill 579 will be placed on the Order of 2nd Reading. Senate Bill 581. Senator Hudson. Senate Bill 583. Senator Kustra. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Insurance, Pensions and Licensed Activities from further consideration of Senate Bill 5-8-3, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Kustra.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Madam President. This, too, is a proposal of the Illinois Alcoholism and Drug Dependence Association. It is designed to deter individuals who purchase gas at gasoline

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stations from buying single cans of alcohol and drinking and driving. The bill is intended to prohibit the sale of one twelve-ounce can of beer, and to prohibit the sale of one twelve-ounce bottle of wine cooler in gas stations which have a liquor license. This bill does not prohibit the sale of a quart of beer, nor does it prohibit the sale of a pint of distilled spirits. There is some confusion about whether or not the language is appropriate. We have agreed to add an amendment on 2nd Reading, and with the acceptance of that amendment, the Beer Distributors, the Retail Merchants and the Petroleum Marketers do not oppose this bill. I would ask for your...

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? Senator Jones.

SENATOR JONES:

Yes. Thank you, Madam President. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR JONES:

Senator, who wants this bill? Because the way the bill is drafted, to me, it was -- seems that -- you are attempting to get those persons to purchase more than just one can of beer.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Kustra.

SENATOR KUSTRA:

That's right, Senator Jones. That's -- first of all, who wants it -- the Illinois Alcoholism and Drug Dependence Association came forward with this bill as part of their legislative package this year. I do not believe the bill was drafted appropriately, and if you're reading the original copy, you are probably right. The Beer Distributors, Retail Merchants and Petroleum Marketers went to the Association, asked if they would redo an amendment -- or do an amendment which would limit it

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to, as I said before, the sale of one twelve-ounce can of beer and one twelve-ounce bottle of wine cooler. They said they would. I agreed to introduce it, and with that, those organizations are in support of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Jones.

SENATOR JONES:

Well, I don't know how the Secretary of State would feel about the legislation, because, to me, you are trying to get a person to buy not one can of beer, but to buy six cans of beer. And, you know, it goes contrary to what we attempt to do about drunk driving in the State of Illinois. However, does this legislation preempt home rule?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Kustra.

SENATOR KUSTRA:

No. Not to my knowledge; it's not intended to do so.

PRESIDING OFFICER: (SENATOR COLLINS)

Any further discussion? Senator Jones.

SENATOR JONES:

Well, I rise to oppose the gentleman's motion, because your small local units of government and those home rule units, this would preempt home rule and small units of government, the mayor is usually the chief officer as related to liquor. Laws -- laws are used to govern like the City of Chicago, and then they have a Liquor Commission. This does preempt home rule, and -- but again, the way the bill is drafted, to me, even with your amendments, you're encouraging persons to buy more than just a can of beer; you are encouraging them to buy a six-pack. And, to me, a person may not get drunk off one can of beer but they might get drunk off of a six-pack. I think this runs contrary to the Secretary of State Jim Edgar's efforts to eliminate drunk drivers in the State

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of Illinois. And I oppose the gentleman's motion, and suggest that we vote No on this motion.

PRESIDING OFFICER: (SENATOR COLLINS)

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

SENATOR KUSTRA:

Thank you, Madam Chairman. I think what we're trying to do here, is to get at the problem of single-can purchases. Why would someone go to a gasoline station which happens to have a liquor license, and purchase one can of beer? It's probably to get back into the car with it. Now that -- that retailer also sells to other people in the community. We certainly don't want to restrict all sales of alcohol, a six-pack or a case, whatever it is. That person might be wanting to take that home. But when is the last time you've seen somebody buy one can of beer, put it in their pocket, and take it home? That can's going into the car, to be drunk while driving. We don't want that. This does something about it. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Kustra moves to discharge the Committee on Insurance, Pensions and Licensed Activities from further consideration of Senate Bill 583. Those in favor will 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, Mr. Secretary. On that question, there are 37 Ayes, 8 Nays, 2 voting Present. The motion prevails, and it will be placed on the Order of 2nd Reading. Senator Schuneman. Senate Bill 587. Read the motion, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move to suspend Senate Rule 5c, and that the Committee on Executive be discharged from further consideration of Senate Bill 587, and that it be placed on the Senate Calendar on the Order of 2nd Reading. Signed, Senator Schuneman.

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PRESIDING OFFICER: (SENATOR COLLINS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Madam President. This bill was introduced at the request of Timberlake Playhouse. Timberlake Playhouse is a small, not-for-profit volunteer summer theater group at Mt. Carroll, Illinois, and they, like many others, have been struggling to exist. They get a little money from the Illinois Arts Council, and up until this past year, they have been exempted from the requirement that their books be subjected to a CPA audit. Apparently, now the ruling has come down that their ticket sales have to be included as a contribution. And when you do that, they are just a little bit over the fifty thousand dollars threshold that would trigger a CPA audit. They estimate that that audit is going to cost them about two thousand dollars a year, which is going to be a severe financial blow to such a small organization. So basically, what this bill does, it is very narrowly drawn, and it would allow that contribution -- or that ticket sales not be included as a part of contributions, for purposes of this auditing Act. I would ask for your support.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? Senator Thomas Dunn.

SENATOR THOMAS DUNN:

Thank you, Madam. I would like to tell the Senator, that I have a bill to abolish both the Charitable Trust Act and Solicitation Act. And under that bill, you will not have to file an audit unless you exceed one hundred thousand dollars.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, that's fine, Senator, and I have no objection to that. Perhaps that bill will -- will pass, and perhaps it will not. I

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have no objection to what you are wanting to do. What I would like to do is pass this bill out of here; in the event your bill does not make it clear through, then hopefully this one would. It is drawn, I think, so very narrowly that it only applies to this one little summer theater.

PRESIDING OFFICER: (SENATOR COLLINS)

Any further discussion? If not, Senator Schuneman moves to discharge the Committee on Executive from further consideration of Senate Bill 587. Those in favor will 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, Mr. Secretary. On that question, there are 47 Ayes, no Nays, 2 voting Present. The motion prevailed, and Senate Bill 587 will be placed on the Order of 2nd Reading. On the Motion in Writing, Senate Bill 597. ⁵⁸⁷⁽⁵⁹⁶⁾ Senator Raica. Read the motion, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move to suspend Senate Rule 5c, and that the Committee on Revenue be discharged from further consideration of Senate Bill 596, and that it be placed on the Senate Calendar on the Order of 2nd Reading. Filed by Senator Raica.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Raica.

SENATOR RAICA:

Thank you, Madam President and Ladies and Gentlemen of the Senate. The following suggested legislation was introduced by the Reynolds Metals Corporation which is in my district. Senate Bill 956 is drafted in order to rectify an inequity in the Enterprise Zone Law. Presently a company must have at least two thousand employees in order to qualify for a sales tax exemption on various consumable products, in order -- and repair items, for a plant located in an Enterprise Zone. The inequity is clear. If you have nineteen hundred employees, you don't qualify. If you have

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five thousand employees and lay off three thousand, you qualify, because you met the magic number of two thousand. This bill does several things. First of all, it does not make a distinction as to the number of employees, but it does state that you must retain at least ninety percent of the employees employed at the time of the exemption, and retain them throughout the duration of the exemption. Secondly, it puts into Statute the requirement that the entity must expend at least forty million dollars on capital investments for their facilities. This means before they qualify for this exemption, they must prove that they have spent forty million dollars on depreciable items, as set forth by the current Department of Revenue and DCCA regulations. There is going to be approximately thirteen companies in Enterprise Zones that are going to be affected by this piece of legislation, and I'd be happy to address -- or answer any questions at this time.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. -- Madam President. Just to call attention to the points, I think, that Senator Raica made. Again, it's -- some of it depends on how important you think the -- the Enterprise Zone Act ought to be designed for particular companies. And I think this is designed primarily for one company, although I gather there are several others who might qualify. The only concern that I really have about it at all is that we have already begun to cut back on the idea that the companies that get the benefits of the various Enterprise Zone advantages have to be adding jobs. Now we are saying that not only do they not have to add, they don't even have to retain, except at the ninety percent figure. And I think that at least it raises some concern. It would have been better if this had been heard in committee so that we could have explored this issue. I fully concede that it is

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combined with a requirement that the investment be at least forty million dollars and that's obviously not an inconsequential investment. So it's -- again, the major concern is that a matter like this ought to be talked out, and not just done on the Floor this way.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Raica, to close.

SENATOR RAICA:

Thank you, Madam Chairman. We've worked really hard on this piece of legislation. We have talked to the United Steel Workers, the UAW and IMA to support this legislation, because it does give the ninety percent numbers as far as maintaining employees. As I stated during my comments, if you have a facility that has five thousand employees and they lay off three thousand, they still meet the requirement. And all we are saying with this piece of legislation is that -- that number one, that you at least maintain ninety percent of -- of your manning factor, and secondly, that you expend back to the State at least forty million dollars. I -- it's a good -- good piece; we worked hard on it, and I am just asking for your support.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Raica moves to discharge the Committee on Revenue from further consideration of Senate Bill 596. Those in favor will 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, Mr. Secretary. On that question, there are 48 Ayes, no Nays, none voting Present. The motion prevailed, and Senate Bill 596 will be placed on the Order of 2nd Reading. Senator Joyce, for what purpose do you rise? On the Order of Motions in Writing, Senate Bill 597. Senator Raica. Read the motion, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

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I move to suspend all applicable rules, and to discharge the Senate Committee on Public Health, Welfare and Corrections from further consideration of Senate Bill 597, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Signed, Senator Raica.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Raica.

SENATOR RAICA:

Thank you, Madam President and Ladies and Gentlemen of the Senate. What this does, it amends the Hospital Licensing Act and the Blood Bank Act to limit the designated donor programs by allowing a recipient of a blood -- of blood to designate a donor of his or her choice, only for the purpose of receiving red blood cells. The blood will delete the sunset provision from this program in both Acts. And I ask for your favorable ...

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mrs. -- Madam President and Members of the Senate. I'd like to ask my colleague, first, a question. Why is there such an emergency for this particular piece of legislation?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Raica.

SENATOR RAICA:

Senator Smith, it is my understanding that there was a sunset provision on this piece of legislation, and otherwise, it's going to pass if we don't move with it.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Smith.

SENATOR SMITH:

A -- there is a House Bill, which is 286, that's sponsored -- being carried by Senator Watson. And it is identical to this

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bill. And the bill is also similar to House Bill 475, that Senator Watson also has. And this -- the public will be given an opportunity in our committee - when it comes to our committee - to hear these bills, and it is the same thing, and the people will be testifying. Why not get on the bill with your colleague, Senator Watson, because it's identical? And if I remember right, we were sanctioned over here that it's not right to have identical bills. And so this is identical to what you are featuring in this legislation that you have. So therefore, I am opposed to that bill, because it's just duplication, and I vote -- say that we should Table this, and then let it go with the House Bill. There is two of them, identically the same that's coming over to our committee. And it would be a marvelous thing if you would get on that. It's already in our committee now.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Topinka.

SENATOR TOPINKA:

Yes. Madam President, Ladies and Gentlemen of the Senate, sometimes I think the House has a tendency to want to copy very good proposals that come out of the Senate. This is a very good bill. More and more so, we find people who wish - for self-precaution in this day of somewhat questionable diseases that are out there in the blood - to try and designate blood. This is a good bill. I mean, just last week, I think the Mayor of East St. Louis said he had a problem like this; had he had a bill like Bob Raica's bill, there would be no problem and he wouldn't have even had to worry about it. So I would like to advocate this bill coming out of committee.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Raica, to close.

SENATOR RAICA:

Thank you, Madam President and Ladies and Gentlemen of the

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Senate. Thank you, Senator Topinka, for your kind words. This -- when the original bill came out, I was the sponsor of it, and it -- it met some opposition. Mostly recently in the newspapers it was stated that, because of the type of -- of bill that it was, I guess there was some concern that it would have deleted the blood banks' supply of blood, which in fact has increased five percent, they feel, because of this type of legislation. If there are some more bills coming over from the House, I mean, I am not opposed to supporting those also. I was the original sponsor on the bill, and I would just like to have the opportunity to amend my own bill. Therefore, I am just asking for a favorable roll call.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Raica moves to discharge the Committee on Public Health, Welfare and Corrections from further consideration of Senate Bill 597. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record, Mr. Secretary. On that question, there are 44 Ayes, 3 Nays, none voting Present. The motion prevails, and Senate Bill 597 will be placed on the Order of 2nd Reading. Senate Bill 601. Senator Barkhausen. Read the motion, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move to suspend Senate Rule 5c, and that the Committee on Local Government be discharged from further consideration of Senate Bill 601, and that it be placed on the Senate Calendar on the Order of 2nd Reading. Filed by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President, Members. This is a bill that did have something of a hearing in Senator Holmberg's Local Government Committee, and it was held with the understanding that there was

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going to be an amendment limiting the application of -- of this to Lake County. It simply authorizes the County Board to raise the maximum Law Library fee imposed on cases filed in Lake County, from six dollars to ten dollars, to support the Law Library there. It's part of Lake County's legislative package. There is an understanding that the bill will be amended limit it to Lake County, and I ask for your support.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Madam Chairman -- Madam President. I would affirm that we did ask for this amendment in Local Government Committee, and with that amendment, as Senator Barkhausen has promised he will append it to the bill, we would be in support of it.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Barkhausen, to close. If not, Senator Barkhausen moves to discharge the Committee on Local Government from further consideration of Senate Bill 601. Those in favor will 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 40 Ayes, 4 Nays, 5 voting Present. The motion carries, and Senate Bill 601 will be placed on the Order of 2nd Reading. Senate Bill 603. Senator Barkhausen. Read the motion, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move to suspend all applicable rules, and to discharge the Senate Committee on Judiciary from further consideration of Senate Bill 603, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. By Senator Barkhausen.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

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Mr. President and Members, thank you for letting me break my record streak there. This bill is sponsored by myself and Senator Jacobs and Senator Hawkinson, at the request of a couple of different utilities who are interested in having the ability to have a committee of their Board of Directors, rather than the full Board of Directors, authorize the issuance of dividends and dividend rates, under certain circumstances. It is a technical amendment to the Business Corporation Act that is supported by the Secretary of State's BCA Advisory Committee, and we ask for your support.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? If not, Senator -- I am sorry. Senator Barkhausen moves to discharge the Committee on Judiciary from further consideration of Senate Bill 603. Those in favor will vote Aye. Opposed, Nay. And the voting is open. All voted who wished? All voted who wished? All voted who wished? Take the record. On that question, there are 42 Ayes, 5 Nays, 1 voting Present. The motion prevails, and Senate Bill 603 will be placed on the Order of 2nd Reading. Senate Bill 6-6-1. Senator J.J. Joyce. Read the motion, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move to discharge the Committee on Judiciary from further consideration of Senate Bill 661, and that the bill be read a second time, and placed on the Calendar on the Order of 3rd Reading. Signed, Senator Jeremiah Joyce.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President and Members of the Senate. Senate Bill 6-6-1 amends the Living Will Act and the Illinois Power of Attorney Act. Under the present Act, the principal may delegate to an agent the authority to make a broad range of health care

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decisions, including the power to withhold or to withdraw life-sustaining treatment. Notwithstanding the principles, medical condition and diagnosis, the bill will provide that a specific notice be given to the patient -- prospective patient, and that it would be applicable only in situations involving terminal illness and is set out in the bill - the copy of the specific direction that is to be given prior to obtaining the signature, so that the patient then would know if there is a situation as to arise in which food or hydration is to be withheld, you would know specifically what the consequences of that withdrawal or withholding would mean.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? If not, Senator Joyce moves that -- to discharge the Committee on Judiciary from further consideration of Senate Bill 6-6-1. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record, Mr. Secretary. On that question, there are 32 Ayes, 10 Nays, 2 voting Present. The motion prevails, and Senate Bill 6-6-1 will be placed on the Order of 2nd Reading. Senate Bill 674. Senator Raica. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move to suspend Senate Rule 5c, and that the Committee on Insurance, Pensions and Licensed Activities be discharged from further consideration of Senate Bill 674, and that it be placed on the Senate Calendar on the Order of 2nd Reading. Filed by Senator Raica.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Raica.

SENATOR RAICA:

Thank you, Madam President and Ladies and Gentlemen of the Senate. Senate Bill 674 would be amended on 2nd Reading. And

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what we're attempting to do with this is this would be a Paramedic Licensing bill. Currently, we have negotiations that are going on between the nurses and the paramedics to try and -- and solve a lot of the differences that both have concerning either licensure or some problems that they have within the EMS Act relating to the paramedic field. I have assured the -- the Chairman of Insurance that I would not move this bill off of 2nd Reading, and I have assured my Minority Spokesman that I would not do that. I would just like to have the opportunity to have it brought to 2nd Reading for an amendment, and just to keep something alive out there to keep negotiations going.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Jones.

SENATOR JONES:

Yes. Thank you, Madam President. I support the gentleman's motion, and as he indicated, they are trying to resolve an issue, so the bill would be held on 2nd, and if need be, an amendment offered at a later date. But it will be held on 2nd. I support his motion.

PRESIDING OFFICER: (SENATOR COLLINS)

Any further discussion? If not, Senator Raica moves to discharge the Committee on Insurance, Pensions and Licensed Activities from further consideration of Senate Bill 674. All those in favor will vote Aye. Opposed will vote 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 35 Ayes, 11 Nays, 1 voting Present. The motion prevails, and Senate Bill 674 will be placed on the Order of 2nd Reading. Senate Bill 676. Senator Topinka. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move to suspend Senate Rule 5c, and that the Committee on

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Executive be discharged from further consideration of Senate Bill 676, and that it be placed on the Senate Calendar on the Order of 2nd Reading. Filed by Senator Topinka.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Topinka.

SENATOR TOPINKA:

Yes. Madam President and Ladies and Gentlemen of the Senate, all this bill does is allow the Village of Riverside to create the Riverside Civic Center Authority, and establishes a seven-member board, which is basically the Village Board. It is really the only way that the Village of Riverside can really participate in any of this because it is so landlocked closed and it has no business. So I would ask for your positive vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? If not, Senator Topinka moves to discharge the Committee on Executive from further consideration of Senate Bill 676. Those in favor will vote Aye. Opposed, Nay. The voting is open. All voted who wished? All voted who wish? All voted who wish? Take the record, Mr. Secretary. On that question, there are 50 Ayes, no Nays, none voting Present. The motion carries, and Senate Bill 676 will be placed on the Order of 2nd Reading. Senate Bill 677. Senator Raica. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move to suspend Senate Rule 5c, and that the Committee on Transportation be discharged from further consideration of Senate Bill 677, and that it be placed on the Senate Calendar on the Order of 2nd Reading. Filed by Senator Raica.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Raica.

SENATOR RAICA:

Thank you, Madam President and Ladies and Gentlemen of the

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Senate. What this bill would do is amend the Vehicle Code. What I hope to do on 2nd Reading, if this bill is discharged, is put an amendment on the bill, and the bill would become -- or the amendment would become the bill. And all it'll do is give clarification where license plates are concerned, that there would be no smoke-tinted or clear-covered -- covering whatsoever on a license plate, and this bill was put in at the request of some police officers who have a hard time when they're trying to follow a vehicle. They have to get up close to the vehicle to try and read the license plates, and I really don't know of any opposition to this bill, and ask for your support for a Motion to Discharge.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? If not -- Senator Kelly.

SENATOR KELLY:

Thank you, Madam Chairman, Members of the Senate. I don't have any problem with this bill, but I know last year we moved legislation Senator Topinka sponsored on the tinted windshields, and I have found out since that we didn't stop the manufacturers and the dealers from making that product. And I hope there isn't any problem with this, that we are going to stop people from having them, but yet we allow them to be sold. Other than that, I'll support your bill -- motion.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Raica, to close.

SENATOR RAICA:

I just ask for -- for an Aye vote on the Motion to Discharge, Madam President.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Raica moves to discharge the Committee on Transportation from further consideration of Senate Bill 677. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all

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voted who wished? Take the record, Mr. Secretary. On that question, there are 46 Ayes, 2 Nays, none voting Present. The motion prevailed, and Senate Bill 677 will be placed on the Order of 2nd Reading. Senate Bill 678. Senator Raica. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move to suspend all applicable rules, and to discharge the Senate Committee on Insurance, Pensions and Licensed Activities from further consideration of Senate Bill 678, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. By Senator Raica.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Raica.

SENATOR RAICA:

Thank you, Madam President and Ladies and Gentlemen of the Senate. This bill was brought to my attention by a lot of constituents within my district. And what it would do is amends An Act concerning certain rights of medical patients; provides that if a hospital requires that a patient pay the hospital in full or in part for services rendered to the patient, pending the hospital's receipt of payment for the services from an insurance company or other third party payor, the hospital must reimburse the patient within fourteen days after it receives payment for the services from the third party payor. I guess one of the problems that they have had is hospitals are requiring that patients pay ahead of time when they use an emergency room facility or go into a hospital, and then when the hospital receives their payment from the insurance company, what happens is the hospital at some point holds that payment for about sixty to ninety days. And all I am asking is that the patients be reimbursed at...

PRESIDING OFFICER: (SENATOR COLLINS)

For what purpose does Senator Demuzio arise?

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SENATOR DEMUZIO:

You know, I've been sitting here all day, very -- attentively looking at the bills. Senator Raica, your bill's already on 3rd Reading. You guys ought to get your act together over there. If you look on Page 24, you see that Senate Bill 678 is on the Order of 3rd Reading, and we are talking about Discharge Motions about bills that are already on the Calendar? We are going to be here till midnight.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator -- Senator Raica.

SENATOR RAICA:

Thank you, Senator Demuzio. I guess what they wanted to do, since the bill was so good - it was going to change Western Civilization as we know it today - they just want it heard twice.

PRESIDING OFFICER: (SENATOR COLLINS)

Take it out of the record. Okay. Senate Bill 683. Senator Maitland. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move to suspend all applicable rules, and to discharge the Senate Committee on Judiciary from further consideration of Senate Bill 683, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. By Senator Maitland.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Madam President, Members of the Senate. Senate Bill 683 seeks to -- to bring about -- to exclude from liability, physicians who are providing free service at free clinics. Presently a -- a who physician receives no compensation whatsoever for medical services - be it pension or for medical services - can be exempt from civil liability. This simply extends the provision to physicians who are willing to give their

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time and free service to these clinics. I think it is a logical extension of the law, and I would seek your support.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR COLLINS)

Indicates he will yield.

SENATOR HAWKINSON:

Does this exempt salaried physicians?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Maitland.

SENATOR MAITLAND:

Senator, I am advised it does not apply to them.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Severns.

SENATOR SEVERNS:

Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR SEVERNS:

Senator Maitland, currently, in many counties throughout the State, or especially downstate counties, there are physicians who are providing services at no cost to county health facilities, as it relates with vaccinations required by -- by our State, as it relates to students -- especially young students in schools. Physicians who have given their time, are now hesitant to give their time, because they don't want to have any liability assigned against them. We've discussed this with Dr. Turnock, who says that - at least a few weeks ago, when I discussed the matter with him - he says there was no cure or no -- nothing to remedy this problem. Would this address that problem?

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PRESIDING OFFICER: (SENATOR COLLINS)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Madam President. If it is a not-for-profit corporation or entity, it would. It would apply. That's what we are talking about. We are not talking about hospitals. Not talking about anything like that. But it is a not-for-profit entity within the county, then it would apply.

PRESIDING OFFICER: (SENATOR COLLINS)

Any further discussion? If not, Senator Maitland moves to discharge the Committee on Judiciary from further consideration of Senate Bill 683. All those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wished? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 42 Ayes, no Nays, none voting Present. The motion prevails, and Senate Bill 683 will be placed on the Order of 2nd Reading. Senate Bill 685. Senator Kustra. Read the motion, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move to suspend Senate Rule 5c, and that the Committee on Executive be discharged from further consideration of Senate Bill 685, and that it be placed on the Senate Calendar on the Order of 2nd Reading. Signed by Senator Kustra.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Madam President, Members of the Senate. In the aftermath of the Laurie Dann incident in Winnetka last year, and the California school shootings, school boards in Illinois became concerned about their ability to discuss in private what kind of security measures they would take should such a tragedy ever befall them. Under the Open Meetings Act in Illinois, it is not

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possible for a school board to discuss -- discuss the provision of security measures. It is possible under Illinois law for -- campuses, for institutions of higher learning, to discuss security measures like this, and so what we're doing is providing another exemption which makes it uniform for higher education and elementary and secondary education, so they can discuss these very sensitive matters behind close doors. I would ask for your support.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? If not, Senator Kustra moves to discharge the Committee on Executive from further consideration of Senate Bill 685. Those in favor will 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, Mr. Secretary. On that question, there are 43 Ayes, 5 Nays, none voting Present. The motion prevails, and Senate Bill 685 will be placed on the Order of 2nd Reading. Senate Bill 694. Senator Topinka. Read the motion, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move to suspend Senate Rule 5c, and that the Committee on Executive be discharged from further consideration of Senate Bill 694, and that it be placed on the Senate Calendar on the Order of 2nd Reading. The motion filed by Senator Topinka.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Topinka.

SENATOR TOPINKA:

If I may, Madam President, Ladies and Gentlemen of the Senate, this bill modifies the Criminal Code to allow the Public Contracts Sections to require a contractor's certification to be -- required only on bids of contracts of ten thousand dollars or more. The problem came through our municipal associations in the suburbs - and I am sure that probably others throughout the State too - that

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when we put a -- a mandatory necessity for them to bid on just about everything, that it kind of stopped traffic. It has become so specific that they can't really proceed. This was basically directed at -- at contracting, and as a result this probably makes more sense, as it points to the construction contracts that are involved here. So I would seek your favorable vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? If not, Senator Topinka moves to discharge the Committee on Executive from further consideration of Senate Bill 694. All in favor will 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, Mr. Secretary. On that question, there are 46 Ayes, no Nays, 2 voting Present. The motion carries, and Senate Bill 694 will be placed on the Order of 2nd Reading. Senate Bill 720. Senator Macdonald. Read the motion, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move to suspend Senate Rule 5c, and that the Committee on Public Health, Welfare and Corrections be discharged from further consideration of Senate Bill 720, and that it be placed on the Senate Calendar on the Order of 2nd Reading. By Senator Macdonald.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Madam President. Senate Bill 720 is a bill that has been requested by the Citizens' Council on Women. It is the second time that we have asked to have this bill passed. The first time, which was two years ago, the Departments, of course, objected, saying that it was unaffordable. But time marches on, and there is greater and greater need for this kind of legislation. This bill includes hospital-based sick child care

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programs in the definition of day care, and it requires the Department of Children and Family Services to provide by rule for the licensure and regulation of any person, group of persons or corporation which provides in-home sick child care services for a child or transportation services for children. As more and more women have to go out and work, they have to depend and rely on others to provide special services for their children. I -- this bill, we feel, is very, very urgent, and we would like to have it discharged for further consideration.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? Senator Kelly.

SENATOR KELLY:

Thank you, Madam President. I -- I don't see why a hospital which is performing community service for parents whose children are temporarily sick - cannot attend regular day care - should be forced to have a license as a day care center. I understand that this bill -- similar bill was held in the House committee as being vigorously opposed by the Illinois Hospital Association, and I oppose it.

PRESIDING OFFICER: (SENATOR COLLINS)

Any further discussion? If not, Senator Macdonald may close.

SENATOR MACDONALD:

Thank you, Madam President. I have heard nothing from the Hospital Association on this particular piece of legislation, nor did I hear about it -- I was the sponsor two years ago. If they do oppose it, I have not heard about it. I certainly do not doubt my good friend on the other side of the aisle. He probably has more information than I do on it. There are entrepreneurs who are starting these programs in hospitals, and certainly these people should be under surveillance, just as others who take care of our children. We have found that out time after time after time in our courts. So I urge your release of this particular piece of

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legislation.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Macdonald moves to discharge the Committee on Public Health, Welfare and Corrections from further consideration of Senate Bill 720. Those in favor will vote Aye. Opposed, Nay. The voting is open. All who voted who wished? All who voted who wished? All who voted who wished? On that question -- take the record, Mr. Secretary. On that question, there are 36 Ayes, 7 Nays, 2 voting Present. The motion carries, and Senate Bill 720 will be placed on the Order of 2nd Reading. Senator Kustra -- skip. Senate Bill 755. Senator Barkhausen. Senator Barkhausen. 7-5-5. Read the motion, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move to suspend all applicable rules, and to discharge the Senate Committee on Judiciary from further consideration of Senate Bill 755, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, this is a serious attempt to get at the problem of drugged driving. We have, over the last several years, I believe - under the leadership of our Secretary of State - done, collectively, I think a commendable job of attacking the problem of drunk driving. But we know what the incidence is of illegal drug use in this State; we know it's widespread, and yet there are remarkably few convictions for driving under the influence of drugs. One of the reasons is that there are no clear standards to determine when one is under the influence. This bill does three different things in this area. One, it prohibits a person from driving a motor vehicle with any amount of illegal drugs in his blood or urine. Secondly, it provides for the same

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sort of summary suspension for failure to pass a -- a drug test -- a blood test or a urine test, as we now apply to -- in the situations of those who fail or refuse to take breathalyzer tests. It specifically authorizes law enforcement officials, where they have reasonable grounds to believe that a person may be driving under the influence of drugs, to conduct a blood or urine test for those individuals who may pass a breathalyzer test, because in those situations they are under the influence of drugs and not alcohol, naturally they would pass a breathalyzer test, but where there is reasonable grounds to believe that the individual may rather be under the influence of drugs as opposed to alcohol, this additional test can be conducted. And finally, it removes the presumption that now exists that one is not under the influence of alcohol when one tests under .05. The problem being that under current law, those who are under .05 may, in fact, be under the influence of drugs rather than alcohol, and the fact that they have this presumption in their favor can work to their benefit in a -- in defending against a charge that they are under the influence of drugs rather than alcohol. This bill is an attempt to follow up on the Governor's call in his State of the State Address that we identify and approve measures that will help to combat the very serious problem of driving under the influence of drugs. I'd be happy to answer any questions, and otherwise ask for your support.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? Senator Thomas Dunn.

SENATOR THOMAS DUNN:

Thank you, Madam President. A question of the sponsor, if he will yield.

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR THOMAS DUNN:

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Senator Barkhausen, how does this bill distinguish between illegal controlled substances and prescription drugs?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Well, it provides for a penalty only for those drugs that are illegal. Obviously there would be a defense if one is -- is under a prescription of some kind. Just as there may be a defense for being under the influence of some substance when one is -- some legal substance -- some prescribed substance, when one is charged with driving under the influence of alcohol.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Dunn.

SENATOR THOMAS DUNN:

Thank you. Since the prescription would be hearsay, that would require me to bring in the physician to testify at my Secretary of State hearing, and also at the criminal level, would it not?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator Dunn, you may be more of a trial lawyer than I am, but I would think that a prescription would be admissible under the Business Records Exception or Medical Record Exception of the Hearsay Rule.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Dunn.

SENATOR THOMAS DUNN:

I -- I would submit to you that it would not. The individual who is arrested is not conducting a business, and it would not be admissible. The other question I have for you is, what do you do about residues in the blood system that have a tendency to remain

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in the blood system for a fairly long period of time?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

I -- I understood the comment. I am not sure I caught the question.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Dunn.

SENATOR THOMAS DUNN:

The question is, what do you do with medications that remain in the blood system for a long period of time after the individual has stopped taking them?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Well, if, in fact, you are talking about a medication, the individual would have the same defense that we were talking about a moment ago. Are you talking about something other than medication?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Dunn. Further discussion? Senator D'Arco.

SENATOR D'ARCO:

Thank you, Madam President. This is a serious problem. What do you do with somebody who is driving a car under the influence of drugs? Nobody wants that situation. Everybody wants to have that person's license taken away from him, or suspended, but this law does -- this law is not consistent with the drunken driving law in the State of Illinois. What this law says is that any residue -- any residue - the smallest amount that's in a person's system - is enough to convict them under this Statute. Now that person may have taken a drug two weeks prior to driving the car and being stopped by the policeman and being charged with driving

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under the influence of drugs. And if the residue shows up in -- in his system, he is going to be found guilty under this Statute. That's not fair. If a person drinks an alcoholic beverage two days prior to driving a vehicle, and then he's stopped by a policeman and the blood-level content shows him to be .05 or .04 or .03, he is not found guilty of driving under the influence. So why should a person who smokes a marijuana cigarette two weeks before he's driving a vehicle and charged and questioned, be found guilty? That's not consistent. To be honest with you, I don't know how you attack this problem. Maybe you should require that there be "X" amount of the substance in his system at the time that he's charged, but any amount - that includes the most minute amount. You are talking about almost nothing that can be in his system, and he is going to be found guilty. That's not fair to this person.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Kelly.

SENATOR KELLY:

Yes, I'd like to ask Senator Barkhausen a question.

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR KELLY:

I notice that you eliminate the presumption of sobriety for a blood-alcohol content of .05 or less. What is your purpose in trying to take this out of the Statutes?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

The purpose, Senator, as has been explained to me by those who are practiced in both prosecuting and defending these cases, is that the presumption in -- in favor of the defendant in cases where the blood-alcohol level is under .05 operates to his favor

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in a -- in a charge of driving under the influence of alcohol. But it can also -- it can also be used where the individual is charged with driving under the influence of drugs, and the individual may be very much under the influence of drugs, but because he hasn't been drinking, he'd register under .05, and would have that evidence in his favor.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Madam President. Question of the sponsor.

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR HAWKINSON:

Senator, are you willing to leave the presumption in for driving under the influence of alcohol cases, and perhaps deal with the presumption in -- in the driving under the influence of drug cases by separate jury instructions? But -- I understand the confusion you are talking about in driving under the influence of drugs, but I also don't see any reason to take it out in driving under the influence of alcohol cases.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

It sounds like a sensible suggestion, Senator. I'd be happy to entertain an amendment to that effect.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President, Ladies and Gentlemen. I think that with all these bills we appear to be debating the merits of the issue, rather than whether we are going to discharge. I don't know. I am getting to the point to where let's just go ahead and

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make one motion to approve them all and get out of here.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Barkhausen. Any further discussion? If not, Senator Barkhausen, to close.

SENATOR BARKHAUSEN:

Very quickly, in closing, Mr. President, just to try to respond briefly to Senator D'Arco's point that, yes this does involve a zero tolerance, and the reason for that is both because we are talking about a serious offense - using these illegal substances in the first place. But also because as you suggest, there is no good standard. Do you -- you can't come up with the same kind of percentage standard that operates in the alcohol context. But mainly to answer your point, I would point out that there has to be - as there is in the alcohol context - there has to be a reasonable grounds to stop the individual in the first place. If you or I blow a -- a stop sign, for example, and we are not otherwise behaving erratically, so as to suggest we might be under the influence of something or other, then I would suggest to you that no officer is going to -- going to ask that we take a breathalyzer test, nor even more so would they go to the additional trouble and expense, with all that is involved, of requesting a blood and urine test, which is expensive and more inconvenient than requesting a breathalyzer test. So for all of these reasons, I think that this is the most that we can do to try to get at this serious problem that the Governor called our attention to back in the State of the State -- his State of the State Address. And I ask for your support.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Barkhausen moves to discharge the Committee on Judiciary from further consideration of Senate Bill 7-5-5. All those in favor will vote Aye. Opposed, Nay. The voting is open...(machine cutoff)...Have all voted who wish? Have all voted

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who wish? Have all voted who wished? Take the record, Mr. Secretary. On that question, there are 28 Ayes, 11 Nays, 4 voting Present. The motion fails. Senator Barkhausen. Senator Demuzio.

SENATOR DEMUZIO:

Well, I just wanted to point out to everybody it's almost five o'clock, and we have only got eighty-nine more motions to go, and I think we are really going to it today.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Barkhausen on 757. Read the motion, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move to suspend all applicable rules, and to discharge the Senate Committee on Judiciary from further consideration of Senate Bill 757, and that the foregoing bill be placed on the Senate Calendar on the Order of 2nd Reading. By Senator Barkhausen.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

You have the answer on that -- Mr. President and Members, this bill is a little more straightforward, and I think almost as compelling. It raises the maximum allowable misdemeanor fines under our Criminal Code, which are now set at one thousand dollars for a Class A misdemeanor and five hundred dollars for a Class B misdemeanor. And it raises them -- it doubles them, respectively, from one thousand to two thousand for a Class A misdemeanor, and from five hundred to a thousand dollars for a Class B. It has been pointed out that these maximum fine levels were last set approximately ten years ago, and this raises them both to address the impact of inflation and also to give courts a stronger alternative to imprisonment for misdemeanor crimes or to give them this additional option that might be imposed in addition to some brief period of imprisonment. I ask for your support.

PRESIDENT ROCK:

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Discussion? Is there any discussion? If not, Senator Barkhausen has moved that the Committee on Judiciary be discharged from further consideration of Senate Bill 50 -- 757. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. All voted who wish? All voted who wish? All voted who wish? Take the record. On that question, there are 29 Ayes, 11 Nays, 4 voting Present, and the motion fails. Top of Page 66. Motion in Writing with respect to Senate Bill 759. Read the motion.

ACTING SECRETARY: (MR. HARRY)

I move to suspend Senate Rule 5c, and that the Committee on Elementary and Secondary Education be discharged from further consideration of Senate Bill 759, and that it be placed on the Senate Calendar on the Order of 2nd Reading. Filed by Senator Watson.

PRESIDENT ROCK:

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. I don't know about you, but over the last several years I have gotten letters from kids in my district asking me who Casimir Pulaski is. Especially this year, I got letters who are simply saying we didn't celebrate Lincoln's Birthday, we didn't celebrate Washington's Birthday, but we had -- I believe it was March 3rd or some date, that -- which we took a day off school for Casimir Pulaski. Now I -- I don't know if -- I was here when we passed the -- the method by which Casimir Pulaski is now celebrated. But before that - prior to that, from 1978 to 1985, Casimir Pulaski was considered a commemorative school holiday. In 1985 then, we passed a bill in which it said that it would now become a legal holiday for schools and also banks. They would close on the first Monday of March to celebrate and honor Casimir Pulaski. Now I am not opposed necessarily to Casimir Pulaski as an individual, but I do think that when we don't even

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honor one of the great Presidents of this country, Abraham Lincoln, during some years -- and do honor this gentleman, I think that we sometimes have our priorities maybe a little mixed up. What happens is if we pass this legislation, all local districts could still designate a particular day as Casimir Pulaski or whatever day they wish they could name as a particular day to celebrate. That would be a local decision; even banks could close. That would be local, but we are taking it out of the statewide provision and making it a more local issue. We are also saying with this legislation that the first Monday in March would be considered American Hero's Day. And on that particular day, the local schools could then celebrate whichever American Hero, Local Hero, State Hero, whoever they wish. They could have an assembly and honor that individual. I just think that this is a reasonable approach, and it's not -- believe me, I am not opposed to the individual involved, but I just think the concept needs to be addressed in a more clear manner so the kids of this State will have a better idea what we're doing up here. Thank you, and I'd be glad to answer...

PRESIDENT ROCK:

All right. Senator Watson has moved to discharge the Committee on Elementary and Secondary Education from further consideration of Senate Bill 759. Discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Mr. President, Ladies and Gentlemen of the Senate, I stand in opposition to this Motion to Discharge. I believe that this General Assembly, both the Senate and the House, wisely chose to make Casimir Pulaski Day a commemorative holiday and then we also chose to make it a bank and school holiday. I think that it is important that the school children of this State and also the banking community and any other community realize the importance and their contributions of many ethnic individuals, who've made

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this country great. Casimir Pulaski, if the gentleman doesn't know it, was the father of the American Calvary, gave his utmost in the cause of freedom for this country in giving his life in Savannah, Georgia. If you want a little more information about it, Senator Watson, I'd be more than happy to give it to you. But I think it is really a situation that we have only started to recognize and contribute, as a nation, of the importance of the various ethnic groups that make this -- mosaic of America. For this reason, I stand in opposition to the Motion to Discharge on this bill. And there is another one along the same general subject matter, a few bills down on the Calendar; I'll be speaking on that one as well. Thank you.

PRESIDENT ROCK:

Further discussion? Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. I reluctantly rise to support the motion. I had some of the same concerns that Senator Watson had when I found out that the children were not getting off on Abraham Lincoln's Birthday. Abraham Lincoln, in Illinois, ought to be really somebody extra special, and I was proud when I supported for a Casimir Pulaski Day, because he was a great patriot, and deserves all the respect we can give to him. But I don't want him to take away Abraham Lincoln's Birthday, and I don't want Martin Luther King or anybody else to take away from the honor that's given here. I think this is a good proposal, and maybe it's one of them that should have come up before we even moved to any honorariums at all. But I will support it, but just for that fact.

PRESIDENT ROCK:

Further discussion? Senator Watson, you wish to close?

SENATOR WATSON:

Thank you, Mr. President. Senator Lechowicz, this is not an

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ethnic statement by any means. This is not to be construed as that by any means whatsoever. I just think it would make better sense for -- let's say the people of Chicago. If they wish to have a Harold Washington Day, they may do so. If the people of Oak Park want to have a Frank Lloyd Wright or an Ernest Hemingway Day, they may be able to do so. If the people of Dixon want to have a Ronald Reagan Day, they should be able to do so. If the people of Galesburg want to have a Carl Sandburg Day, they should be able to do that. If the people of East St. Louis want to have a Jackie Joyner-Kersey Day, they ought to be able to do that. That's what this legislation says. It will have an opportunity to do that in their local communities. I think it is a good idea and a good approach, and I think it ought to pass. Thank you.

PRESIDENT ROCK:

Question is, the Motion to Discharge Senate Bill 759 from further consideration by the Elementary and Secondary Education Committee. Those in favor of the Motion to Discharge will vote Aye. Opposed will 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 27 Ayes, 18 Nays, and the motion fails. 763. Senator Mahar. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Local Government from further consideration of Senate Bill 763, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Mahar.

PRESIDENT ROCK:

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President, Members. During the past couple years, the MSD - the Metropolitan Sanitary District, and I am

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sorry I don't know what their new name is - but the MSD is doing some, I think, remarkable things to promote potential development of land along the DesPlaines River, the I&M Canal, the Cal-Sag Channel, the Sanitary and Ship Canal. In fact, last year, Senator Degnan and I co-sponsored a bill that would allow for a change in the terms of MSD leases from a maximum of fifty years to ninety years. The sole purpose of that was to assist in the development of these lands. Since then it has been pointed out by my municipalities who have an interest in this area, that the Statutes allow the Metropolitan Sanitary District to retake this leased property without compensation. This bill would continue to allow them to retake the property, but would require them to compensate the lessees for their investment and loss. Without this bill, there will be absolutely no development along these waterways.

PRESIDENT ROCK:

Discussion? Is there any discussion? If not, Senator Mahar has moved to discharge the Committee on Local Government from further consideration of Senate Bill 763. Those in favor of the motion 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 32 -- 31 Ayes, 14 Nays, 1 voting Present. The motion carries. 765. Senator Mahar. Hold. 771. Senator DeAngelis. Read the motion, Mr. Secretary, please. Ladies and Gentlemen, by the way, we are going to continue on through. The agreement that was made that we would handle Motions to Discharge on Monday the 22nd. There are a number still remaining. The Secretary informs me additional motions have been filed. There will be a Supplemental Calendar. We will stay until we are completed. 771. Read the motion.

ACTING SECRETARY: (MR. HARRY)

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I move to suspend all applicable rules, and to discharge the Senate Committee on Public Health, Welfare and Corrections from further consideration of Senate Bill 771, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator DeAngelis.

PRESIDENT ROCK:

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 771 is a fairly significant bill. It does three major things with -- several things that are underneath each category. It requires the Hospital Service Procurement Advisory Board to report to the General Assembly, and they are currently coming out with a report, but it does not come to the General Assembly. It makes changes in contracts between DPA and hospitals, and it also makes changes in the negotiations that occur during those contracts. When the Health Finance Authority came out with their Health Containment Program five years ago, it did indeed save a lot of money, but I think it's about time that we allow the General Assembly to review the work of that group. Be happy to answer any questions.

END OF TAPE

TAPE 5

PRESIDENT ROCK:

Discussion? Is there any discussion? Senator Smith.

SENATOR SMITH:

Okay, Mr. President, Ladies and Gentlemen of the Senate. I merely want to say that I advised the sponsor to attempt an individual discharge and I support this fully.

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PRESIDENT ROCK:

All right. Senator DeAngelis has moved to discharge the Committee on Public Health from further consideration of Senate Bill 771. 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 40 -- 51 Ayes, no Nays, none voting Present. The motion carries. Senator Schuneman. On the Order of Motions in Writing, top of Page 66. Motion with respect to Senate Bill 773. Mr. Secretary, read the motion.

ACTING SECRETARY: (MR. HARRY)

I move to suspend Senate Rule 5c, and that the Committee on Executive be discharged from further consideration of Senate Bill 773, and that it be placed on the Senate Calendar on the Order of 2nd Reading. By Senator Schuneman.

PRESIDENT ROCK:

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President, Members of the Senate. Senate Bill 773 allows certain exemptions under the Open Meetings Act for public hospitals in Illinois. I am sure we are all aware of the growing competition that exists between and among the hospitals in our communities, but some problems have developed for our public hospitals. They are required under the Open Meetings Act to discuss in public some of those strategies, proposals and bids that private hospitals can discuss in secret. There are about thirty-five public hospitals in Illinois, most in small, rural communities, and many of them are fighting for their very existence and believe that this change in law can help them compete. The bill simply says that -- the Open Meetings Act does not prevent boards or committees of city, county, township or district hospitals from holding closed meetings to prepare or

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discuss bids or proposals to be awarded among health care providers to discuss the recruitment of physicians or other health care practitioners, or to discuss competitive marketing strategies for the hospital. I would ask for your approval.

PRESIDENT ROCK:

Discussion? Is there any discussion? If not, Senator Schuneman has moved that the Committee on Executive be discharged from further consideration of Senate Bill 773. Those in favor of the motion will vote Aye. Opposed, vote Nay. 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 46 Ayes, 1 Nay, 2 voting Present, and the motion carries. 777. Senator Barkhausen. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Judiciary from further consideration of Senate Bill 7-7-7, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Barkhausen.

PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, this is a bill that I am sponsoring at the request of the Chicago Bar Association and its Civil Practice Committee. It revises the manner in which bills of particulars for lawsuits can be requested and answered, and basically increases the time periods, both in which to request or demand a bill of particulars, and to file one and then to file a responsive pleading, once the bill of particulars is served. As I say, I am handling it at the request of the CBA. It is not designed for any other purpose, and I'd ask for your support.

PRESIDENT ROCK:

Discussion? Senator Dunn.

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SENATOR THOMAS DUNN:

Thank you, Mr. President. A question of the sponsor, if he will yield.

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Dunn.

SENATOR THOMAS DUNN:

What's the State Bar position on this?

PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

None that I know of. Although I'd be inclined to believe that they would support it for the same reasons that the CBA has asked me to sponsor it.

PRESIDENT ROCK:

Senator Dunn.

SENATOR THOMAS DUNN:

Any amendments going to be added to this?

PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

No, I said in my introductory remarks that there would not be.

PRESIDENT ROCK:

Senator Barkhausen has moved to discharge the Committee on Judiciary from further consideration of Senate Bill 7-7-7. Those in favor of the motion 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 32 -- 32 Ayes, 9 Nays. The motion carries. Senator Philip. 7-7-9. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to suspend Senate Rule 5c, and that the Committee on Insurance, Pensions and Licensed Activities be discharged from

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further consideration of Senate Bill 7-7-9, and that it be placed on the Senate Calendar on the Order of 2nd Reading. Filed by Senator Philip.

PRESIDENT ROCK:

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 7-7-9 will allow insurance companies and race track owners and horse owners to make political contributions. I'll be happy to answer any questions, and ask for a favorable roll call.

PRESIDENT ROCK:

Discussion? Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President. Again, this is a little broader than the previous piece of legislation. We didn't let this bill out, due to the controversial nature of the legislation and in view of the fact that we do have big issues in this State similar to those out in California as relate to the insurance industry. So again, on this piece I suggest everyone vote their conscience.

PRESIDENT ROCK:

Further discussion? If not, Senator Philip has moved to discharge the Committee on Insurance from further consideration of Senate Bill 7-7-9. Those in favor of the motion indicate by voting Aye. Opposed, vote Nay. The voting's open. All voted who wish? All voted who wish? Have all voted who wish? Take the record. On that question, there are 31 Ayes, 13 -- 14 Nays. The motion carries. 7-9-7. Senator Raica. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to suspend Senate Rule 5c, and that the Committee on Judiciary be discharged from further consideration of Senate Bill

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7-9-7, and that it be placed on the Senate Calendar on the Order of 2nd Reading. Filed by Senator Raica.

PRESIDENT ROCK:

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. The principle purpose of Senate Bill 797 is to prevent the starvation and dehydration of patients who have never expressed any desires regarding the withholding or withdrawal of life-sustaining food and water. The bill does not affect anyone's right to refuse artificially administered nutrition or hydration. That right remains unaffected by the bill. The bill does not concern any other life-sustaining treatment or procedure, such as assisted ventilation or dialysis. The intent of Senate Bill 797 is simply to prevent death by starvation or dehydration of any patient where there is no written or oral evidence that his or her intent to refuse water or food.

PRESIDENT ROCK:

All right. Senator Raica has moved to discharge the Judiciary Committee from further consideration of Senate Bill 7-9-7. Discussion? Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. This is a -- a very serious subject, and because it is such a serious subject and it is in the public domain at the present time, there is much interest in when we do decide to sustain life or not to sustain life. Under this provision, unless -- unless the person signs a written document to the contrary, there's a presumption that life-supporting systems must be used to maintain this person's life; there's a presumption here. That puts the family of the patient, the doctors and everybody else who have to make these life and death decisions concerning this patient, in a very precarious, untenable position,

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because now the law is against them, in a sense. Now if a decision is made one way, the law may require an opposite decision. We shouldn't do this. What we should do is have very extensive hearings on this subject, to try to come up with something in the law, if possible, to address this very complicated problem. This is not the solution; this is only going to create more problems for us, and I ask that we oppose this motion.

PRESIDENT ROCK:

...(Machine cutoff)...Any further discussion? Senator Raica, you wish to close?

SENATOR RAICA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I agree with Senator D'Arco that this is a serious situation. And I feel, as a lot of others feel, that an individual has a right to decide whether he or she would like something continued or discontinued. I would ask that everyone in their heart find -- find that we can discuss this piece of -- or this proposed bill, more seriously on further readings here in the Senate. And I would just like to ask everybody for an Aye vote for the motion.

PRESIDENT ROCK:

All right. Senator Raica has moved to discharge the Committee on Judiciary from further consideration of Senate Bill 797. Those in favor of the motion will vote Aye. Opposed, vote Nay, and the voting is open. Have all voted who wish? All voted who wish? Have all voted who wish? Take the record. On that question, there are 29 Ayes, 7 Nays, 1 voting Present. The motion fails. 813. Senator Etheredge. On the Order of Motions in Writing. Motion with respect to Senate Bill 813, Madam Secretary.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Elementary and Secondary Education from

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further consideration of Senate Bill 813, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Etheredge.

PRESIDENT ROCK:

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. What this bill does - and it would apply only to the local school councils of the Chicago Public School District - it would enable these councils to contract for the provision of educational services with either public or private agencies. I'd be happy to respond to any questions.

PRESIDENT ROCK:

Discussion? Is there any discussion? Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. Senator Etheredge, what are we doing here? I think the implications of this bill would undo much of what we tried to do with Chicago School Reform. If we are going to make a change this drastic and let each individual school council contract as they please, then we must have a full hearing. This really changes the implications of that piece of legislation.

PRESIDENT ROCK:

...(machine cutoff)...Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

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

PRESIDENT ROCK:

He indicates he will yield, Senator Lechowicz.

SENATOR LECHOWICZ:

Based along the same line as Senator Holmberg raised a question, as far as -- what are the implications in Chicago School Reform under this provision?

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PRESIDENT ROCK:

Senator Etheredge.

SENATOR ETHEREDGE:

Senator, I see this as a very important, very significant additional power, which we would explicitly make available to these local school councils. I see it as a -- as an aid to these councils in the achievement of the educational objectives that are spelled out in the school reform package - the goals that are spelled out that must be achieved by the local school councils. I think it provides an extra avenue for them to proceed on. So I see it as a -- as a -- a very strong, positive benefit to these councils.

PRESIDENT ROCK:

Senator Lechowicz.

SENATOR LECHOWICZ:

Very briefly, Mr. President, I know the time is late. I am going to have to speak against this proposal. I believe that Chicago in its present condition, with this proposal on school reform, has enough to do without providing a public or private agency to run each and every individual school council. Now there is a number of them in the City of Chicago that are just in the formulation of the embryo stage, and I think at this time that whatever bill should be heard in committee, it should be this one. And this bill should remain on the Secretary's Desk. I oppose the Motion to Discharge.

PRESIDENT ROCK:

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes. Senator, what is your definition of "educational operation"? What do you mean by that?

PRESIDENT ROCK:

Senator Etheredge.

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SENATOR ETHEREDGE:

The idea is to -- is to target this -- this permissive legislation - would be confined only to instruction, to the educational program. It would not, for example, apply to the providing of -- food services or janitorial services, or anything like that. It simply limits it to the provision of instructional services -- educational services.

PRESIDENT ROCK:

Senator Collins.

SENATOR COLLINS:

So -- so actually it's conceivable the way the bill is drafted, that the -- the local council could decide to contract out Special Ed education - a Title I education - under this bill, to some private company living in New York someplace. Right?

PRESIDENT ROCK:

Senator Etheredge.

SENATOR ETHEREDGE:

Yes. Yes, Senator. That would be the case.

PRESIDENT ROCK:

Senator Collins.

SENATOR COLLINS:

I really think that we really all should oppose this bill. I don't think -- I think it is inadvisable at this time to put this kind of restraint and to make this kind of drastic change in a law that is not even operational at this point. I think that is a bad timing, Senator. We should give the school councils an opportunity to organize and see whether or not they can work. Therefore, I am opposed to this motion.

PRESIDENT ROCK:

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I would strongly urge a No vote on

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this. I am not sure that someone who is not a resident of Chicago and familiar with our Chicago schools, with all due respect, Senator Etheredge, can possibly realize the potential that -- that this bill would hold. It's not just the possibility of contracting with a -- a university to run some part of a program. But you could find a local school council that, for whatever reason - perhaps misguided - could contract with a community activist organization to run the entire school, and I don't think that would, in the slightest, be in the best interest of the educational advancement of the kids in that school. This has enormous potential for mischief - in fact, even for disaster. I would strongly urge a No vote.

PRESIDENT ROCK:

Further discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDENT ROCK:

He indicates he will yield, Senator Fawell.

SENATOR FAWELL:

Is this similar to what they are doing in Boston now, where they are contracting with the -- with the university there to -- to assist them in running the schools in Boston?

PRESIDENT ROCK:

Senator Etheredge.

SENATOR ETHEREDGE:

Well, it is somewhat similar, although what I am proposing is -- in that instance - the one you refer to - it's the Chelsea School District and Boston University. There you have a whole school system. That's not what I am talking about. I am talking about a single local school council making that decision for their own school, not for the whole district.

PRESIDENT ROCK:

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Senator Fawell.

SENATOR FAWELL:

What I meant though was -- is -- under your bill, could it be possible, for instance, for a local school district to contract to a -- a say a DePaul or a community college, or get some expertise in that manner?

PRESIDENT ROCK:

Senator Etheredge.

SENATOR ETHEREDGE:

Yes, indeed, Senator.

PRESIDENT ROCK:

Any further discussion? Senator Etheredge, you wish to close?

SENATOR ETHEREDGE:

Yes. Thank you, Mr. President. I -- I appreciate the questions have been raised, and it is true, I don't live in Chicago. But Senator Netsch, I am a graduate of the public schools of the City of Chicago - Joyce Kilmer Elementary School and Sullivan High School. What I am saying to you is while I do not live in Chicago at the present time, I am familiar with the schools as they were at some time in the past, as they are at the present, through public hearings, and otherwise I retain a very deep and sincere interest in these schools. What I am proposing to do is that we give these local school councils additional means to accomplish the goals which we are delegating to them. These are locally elected officials. I think that we ought to trust their judgment, and let's give them this additional authority, which I think will be very important to them. I ask for your favorable consideration.

PRESIDENT ROCK:

All right. Senator Etheredge has moved to discharge the Committee on Elementary and Secondary Education from further consideration of Senate Bill 813. Those in favor of the motion

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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 28 -- 29 Ayes, 19 Nays, and the motion fails. Senator Macdonald. 832. On the Order of Motions in Writing, motion with respect to Senate Bill 832, Madam Secretary.

SECRETARY HAWKER:

I move to suspend Senate Rule 5c, and that the Committee on Transportation be discharged from further consideration of Senate Bill 832, and that it be placed on the Senate Calendar on the Order of 2nd Reading. Filed by Senator Macdonald.

PRESIDENT ROCK:

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. Senate Bill 832 is -- creates the Public Transportation Consumer Protection Act and it provides that public transit operators shall seek competitive proposals on at least ten percent of their services on an annual basis. And it establishes -- it provides for the establishment of minimum standards for private transit operators who bid on the contracts, and also establishes procedures for competitive bidding. Had I been able to present this bill in committee, I would have said that I would have offered two amendments. First of all, I would have limited it only to bus transportation, and I also would have been willing to negotiate the ten percent down from ten percent <sic>. I think that this is an important piece of legislation. Across this nation, in San Diego, in Portland, Oregon, and other areas of the United States, this privatization concept has been very, very successful. I think it could do a great deal for public transportation, particularly in the RTA area, and I would -- I would urge your acceptance of discharging this bill from committee, and I will say that I will provide - if we are not able

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to bring it back to 2nd - I will provide that the House sponsor should, if it should get to the House, will offer those amendments that I have described.

PRESIDENT ROCK:

All right. Senator Macdonald has moved to discharge the Committee on Transportation from further consideration of Senate Bill 832. Discussion? Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. I rise in opposition to this discharge of committee. I originally had spoke with Senator Macdonald and even had become a co-sponsor. It is a bill of a great substance - there's a lot of substance - and it should remain in committee and we should give it some study. There are some amendments that needs to go on, there's some work that need to be done with the bill, and I can assure you that if we kept it in committee we would work on it, and we would bring it into some type of focus and -- and relevant, Senator, and -- and really give it a true opportunity to amend it. So with this bill, I ask you to -- let's keep it in committee, and work on it.

PRESIDENT ROCK:

Further discussion? Senator Macdonald, you wish to close?

SENATOR MACDONALD:

I would just ask for your positive approval of this motion.

PRESIDENT ROCK:

All right. Senator Macdonald has moved to discharge the Committee on Transportation from further consideration of Senate Bill 832. Those in favor of the motion 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 30 Ayes -- 31 Ayes, 18 Nays, none voting Present. The motion carries. 8-5-6. Senator Weaver. Read the motion, Madam Secretary.

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SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Insurance, Pensions and Licensed Activities from further consideration of Senate Bill 856, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Weaver.

PRESIDENT ROCK:

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. Senate Bill 856 changes the definition of rail carrier to include private entities which have intersection with public highways. This definition applies only to the section on safety regulations for track and facilities and equipment...(machine cutoff)...

PRESIDENT ROCK:

All right. Senator Weaver has moved to discharge the Committee on Insurance from further consideration of Senate Bill 856. Discussion? Senator Jones.

SENATOR JONES:

Thank you, Mr. President. I support the Gentleman's motion. This bill was inadvertently left off the agreed bill list, and I support his motion.

PRESIDENT ROCK:

All right. Senator Weaver has moved to discharge the Committee on Insurance from further consideration of House Bill 856. Those in favor of the motion will 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 47 Ayes, no Nays, none voting Present, and the motion carries. 859. Senator Philip. Senator Philip. 859. Read the motion, Madam Secretary. 8-5-9. 862. Senator Barkhausen. Can he learn how to say that? Read the motion.

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SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Judiciary from further consideration of Senate Bill 862, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Barkhausen.

PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President, Members, this bill is attempting to resolve two conflicting provisions of the Business Corporation Act, and the bill is introduced at the suggestion of the Illinois Supreme Court in their annual report. It deals with the dissolution of corporations and the notice that is to be given when corporations are dissolved. In the case of a judicial dissolution, the Attorney General is to require notice by publication, but ironically, in the case of a dissolution by the Attorney General, such publication under existing law is to be made by the clerk of the court. This takes that latter provision and makes it consistent with the earlier provision that I described, governing judicial dissolutions. It should be an agreed bill, and I ask for your support.

PRESIDENT ROCK:

Discussion? Any discussion? If not, Senator Barkhausen has moved to discharge the Committee on Judiciary from further consideration of Senate Bill 862. Those in favor of the motion 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 26 Ayes, 12 Nays, and the motion fails. Top of Page 67. 863. Senator Barkhausen. 874. Senator Maitland. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the

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Senate Committee on Insurance, Pensions and Licensed Activities from further consideration of House Bill - pardon me, Senate Bill 874, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Maitland.

PRESIDENT ROCK:

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President, Members of the Senate. Senate Bill 874 excludes irrigation systems from the definition of plumbing in the State Code. There are a number of lawn-sprinkling groups around the State that feel that they can place a service in the ground. They have a better knowledge of it; it doesn't bother the integrity of the health of the water system at all. They cannot work beyond the -- the backflow valve. I think it is a reasonable piece of legislation. I seek your support.

PRESIDENT ROCK:

All right. Senator Maitland has moved to discharge the Committee on Insurance from further consideration of Senate Bill 874. Discussion? Senator Jones.

SENATOR JONES:

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

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Jones.

SENATOR JONES:

Senator Maitland, you -- you spoke about lawn-sprinkling systems. But we are talking about irrigation systems. Am I correct? For farming and so forth?

PRESIDENT ROCK:

Senator Maitland.

SENATOR MAITLAND:

Well, yes.

PRESIDENT ROCK:

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Senator Jones.

SENATOR JONES:

Well, I think the bill includes more than you just explained. See, when you are talking about irrigation system, and you would tap it into a well, there's a possibility that you have persons that are doing the hookup that doesn't know anything about plumbing, and you got chemicals involved. These chemicals could inadvertently get into the well water which is used for drinking. Am I correct?

PRESIDENT ROCK:

Senator Maitland.

SENATOR MAITLAND:

Senator, I -- I think what you suggesting is correct, but we have an amendment that deals with the backflow valve, and I -- I indicated that. And that we would not touch the integrity of the system at all. We find, quite frankly, more -- more irrigators that -- that find it difficult to get plumbers to do this. And quite frankly, you are hearing from the people who don't want it to happen.

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Well, I oppose the bill, based on that -- your remarks, because this is -- can be very, very serious where under -- under the pressure system for irrigation for farming, if it is not done correctly, it could impose hardship on, and danger to, those persons, if their well is tapped into a well where one is used for drinking water without the proper check...(inaudible)...and et cetera. It could possibly cause harm to those persons. So for that reason, I oppose this motion. This legislation should have a clear full hearing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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All right. We have a number of speakers. Further discussion?
Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I am not going to discuss the merits of the bill, but to the Motion to Discharge, it appears that this is a bill -- legislation that was brought about due to a constituent complaint. I stand in opposition to the -- to the Motion to Discharge, because I don't really see any emergency nature of this legislation at this time.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Mr. President, Ladies and Gentlemen of the Senate. This really is a total erosion of the Plumbing Act, and basically, when that provision was included in the Plumbing Act, it was for the public safety of the residents of Illinois. With the Motion to Discharge in this matter, it could seriously affect anyone who would be at the downstream portion of the irrigation project, or the backflow, which could cause a serious problem in many individual's water well or their water drying power in the respective municipality. That was why it was originally included in the Act. This is totally against what the plumbers of this State are for, and I would strongly recommend that each of us look at the motion and vote No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Maitland may close.

SENATOR MAITLAND:

Thank you, Mr. President. Just seek your support for the Discharge Motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Maitland's moved to discharge the Committee on Insurance, Pensions and Licensed Activities from

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further consideration of Senate Bill 874. 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 26, the Nays are 22, none voting Present. The Motion to Discharge fails. 899. Motions to Discharge. Senate Bill 899. Read the bill. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to suspend Senate Rule 5c, and that the Committee on Executive be discharged from further consideration of Senate Bill 899, and that it be placed on the Senate Calendar on the Order of 2nd Reading. Filed by Senator Topinka.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate. This bill is generated by the Citizens' Assembly for Economic Development. It changes the Illinois Private Activity Bond Allocation Act. It amends it to permit the Governor's Office to reserve that portion of the volume cap allocation remaining unused by a home rule unit, for the purpose of reallocation among applicant home rule units. And I would seek your favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Mr. President, Ladies and Gentlemen of the Senate. This bill is identical to Senate Bill 213, which was -- is sponsored by Senator Netsch and is on 3rd Reading. I believe that with the exception of the Council on Private Activity on Bond Allocations would be the -- person who'd make the distributions, instead of the Governor's Office. I know of no reason why we should discharge this bill, when we have a bill of similar nature on 3rd

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Reading.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Topinka may close.

SENATOR TOPINKA:

I would just seek your favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, Senator Topinka moves to discharge the Committee on Executive from further consideration of Senate Bill 899. 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 26, the Nays are 13, 1 voting Present. The Motion to Discharge fails. Motion on -- with respect to Senate Bill 9-0-7, Madam Secretary.

SECRETARY HAWKER:

I move that the Committee on Local Government be discharged from further consideration of Senate Bill 9-0-7, and that the bill be placed on the Order of 2nd Reading. Filed by Senator Karpiel.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. Senate Bill 907 amends the County Zoning Act, and it changes the distance from residential buildings that a temporary construction facility used by a contractor must be. It changes it from a thousand feet to twenty-five hundred feet. It also requires that such facility must be within one mile of the construction site, and this bill only applies in unincorporated areas. I could give you the impetus for this bill and -- and explain the whole thing, but I would, in the interest of time, prefer not to do that. I'd be glad to answer questions. However, I do want to state that perhaps I should be given a little extra consideration on this bill, since it is the only one

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that I have on the discharge list.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. I happen to have the unique distinction of having three tollways in my district. We only have three tollways in the entire State. Obviously, one of them is being built right now, and I happen to know that the problem is that there is a -- a contractor who has decided to set up a very large concrete building in the middle of some three and four hundred thousand dollar homes, and I would strongly suggest this is a good bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Karpel may close.

SENATOR KARPIEL:

Thank you, Mr. President. Just ask for an Aye vote, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpel has moved to discharge the Committee on Local Government from further consideration of Senate Bill 907. 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 Nays are 2, none voting Present. The motion carries, and Senate Bill 907 is ordered on the Order of -- of -- on the Calendar on the Order of 2nd Reading. 909. Motion with respect to 909, Madam Secretary.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Insurance, Pensions and Licensed Activities from further consideration of Senate Bill 909, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Davidson.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and Members of the Senate, Senate Bill 909 is a bill from the State Employees' Retirement System, which, as of May the 8th, has now the General Assembly Retirement System and the Judicial Retirement System folded into it. This is a bill to make that -- what's already happened, legal. There is an amendment which I will put on on 2nd Reading in relation to judges. They wanted the word "death" put in with the dissolution of marriage. I'd appreciate your favorable vote.

PRESIDENT ROCK:

Discussion? Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President. I oppose the Gentleman's motion. There is no need to continue to put duplicate legislation out here on the Senate Floor. And -- he spoke about some amendment, and I would think that if the judges and the system needed that, they would bring that in and talk to the chairman or the minority spokesperson as such. But this bill is already out on the Calendar on 3rd Reading or 2nd Reading, I believe. Senate Bill 95. So this -- this bill is not even needed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Davidson may close.

SENATOR DAVIDSON:

Well, I -- I can't address to what Senator Jones speaks to, what's been folded into and not folded into. This was brought to me by the State Employees' Retirement System, to correct -- what technically needed to be done to put the General Assembly Retirement and the Judicial System Retirement into it, and I'd appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator Davidson has moved to discharge the Committee on Insurance, Pensions, and Licensed Activities from further consideration of Senate Bill 909. 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 the question -- on that question, the Ayes are 26, the Nays are 16, 4 voting Present. The motion fails. 916. Senator Kustra. On the Order of Motions in Writing -- Motion with respect to Senate Bill 9-1-6, Madam Secretary.

SECRETARY HAWKER:

I move to suspend all applicable rules and to discharge the Senate Committee on Executive from further consideration of Senate Bill 9-1-6, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Kustra.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and Members of the Senate. This bill creates the Legal Services Consumer Protection Act. It establishes, within the Attorney General's Office, the Legal Services Consumer Protection Division, to investigate and arbitrate complaints against attorneys; bring actions; report to the Attorney Registration and Disciplinary Commission and appropriate law enforcement agencies, when there has been a violation of law; issue an Annual Report to the Governor, to the General Assembly, the Supreme Court, and the public. I would ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Netsch.

SENATOR NETSCH:

Could I ask the sponsor a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Sponsor...

SENATOR NETSCH:

Senator Kustra, is this the so-called HALT Bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra.

SENATOR KUSTRA:

Yes, it is.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Well, I guess what this does is emphasize the difficulty of the process we're going through right now. I think the concept of what is being done here is very good. I had seen drafts of that bill, and there are a lot of very serious problems in some of its particulars. I regret to say it is the kind of thing that has got to have some committee work and a committee hearing. You cannot just whisk it out on the Floor, I think, and deal with all of it in, you know, the thirty seconds we're allowed to debate major bills. I'm going to vote No or Present on your motion, although I would like for the idea to be kept alive for subsequent work.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rock.

PRESIDENT ROCK:

I'm sorry. Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Rock.

PRESIDENT ROCK:

My understanding was that the bill was introduced establishing a Division of Legal Services Consumer Affairs within the Department of Professional Regulation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra.

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SENATOR KUSTRA:

HALT...HALT prepared an amendment, Senator Rock, which I will offer on 2nd Reading, which provides for the placement of this within the Office of the Attorney General. When we agreed that since that is where consumer protection is provided for Illinoisans, that's where that particular office should be.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

PRESIDENT ROCK:

Well, just so long as there's no misunderstanding. That does not, in my opinion or judgment, make it any better, because the provisions of this are very far-reaching, particularly for those of us who are subject to professional ethics and professional licensure. You have a decision here that is not subject to any judicial appeal, which could, and well might, result in the loss of one's license or livelihood. And in addition to that, if this division or a person within a division or this panel, however it works, has determined that there is some liability, you call for a publication in -- in newspapers with the largest circulation within Cook County, which is my registered address, every newspaper in this State with a circulation over one hundred thousand, and the State Bar Journal. I mean, I -- I just -- if -- if, indeed, anybody wishes to vote affirmatively, I hope they would take the time to at least look at this thing. It is, at best, reactionary. It is, at its worst -- borders on anarchy, and I would urge a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Kustra may close.

SENATOR KUSTRA:

Thank you, Mr. President. Apparently, the lawyers don't like this bill. But let me -- let me explain. This bill in no way affects the issue of discipline and licensing. And the ARDC,

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Senator Rock, the Attorney Registration and Discipline Commission, would continue to be the final arbiter of whether or not an attorney would hold a license. This particular consumer agency can make a recommendation to the ARDC, but this bill in no way changes registration and licensing of attorneys. That stays with the ARDC. Frankly, I don't think it goes far enough. I wish there was a way we could do something to reform the ARDC. We wouldn't even be talking about this if the ARDC properly regulated attorneys. So what this is, is an attempt to establish a simple arbitration procedure for our constituents, so when they have a problem with an attorney, there's a place to go - a panel who can decide objectively and impartially how to handle that. I would ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra has moved to discharge the Committee on Executive from further consideration of Senate Bill 9-1-6. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 28, the Nays are 16, 7 voting Present. The Motion to Discharge fails. 9-1-8. Senator Barkhausen. The motion, Madam Secretary, on 9-1-8.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Judiciary from further consideration of Senate Bill 9-1-8, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President, Senate Bill 9-1-8 is a vehicle bill requested by the National Vehicle Leasing Association. We are awaiting what

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I understand will be an agreed amendment. Senator Marovitz, unfortunately, isn't here today, but I know the proponents of this have discussed this with him, and I have also discussed this with Senator Dunn, and with the understanding that the bill will held awaiting the agreed amendment for the vehicle bill dealing with vehicle leasing, and as I understand it, prohibiting subleasing of a leased vehicle without the consent of the lessor. I -- I ask for your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Then the question is, shall -- I beg your pardon. Senator Dunn.

SENATOR THOMAS DUNN:

Thank you, Mr. President. What Mr. Barkhausen said is correct. There is an agreement.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...(machine cutoff)...Senator Barkhausen has moved to discharge the Committee on Judiciary from further consideration of Senate Bill 9-1-8. Those in favor will indicate by -- 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 35, the Nays are 14, 1 voting Present. Senate Bill 9-1-8. The motion carries, and Senate Bill 9-1-8 is discharged from the Committee on Judiciary, and is ordered placed on the Order of 2nd Reading on the Calendar. 931. Motion with respect to 931, Madam Secretary.
SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Higher Education from further consideration of Senate Bill 931. Pardon me. Let me try this again. I move to suspend Senate Rule 5c, and that the Committee on Finance and Credit Regulations be discharged from further consideration of Senate Bill 931, and that it be placed on the Senate Calendar on

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the Order of 2nd Reading. Filed by Senator Geo-Karis.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, this bill amends the Interest Act by requiring a lender to provide a statement to a Illinois borrower of the amount of interest paid in a calendar year. The statement must be provided by January 31 of the following year, and I think it's a good bill. It's a good consumers' bill, and I ask for your favorable consideration in discharging the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and Members. I would rise in opposition to Senator Geo-Karis' motion. I have discussed this with her privately. There is absolutely no need for Senate Bill 9-3-1. Many, many groups have been in opposition, or at least have mentioned their concern about the bill. I am not so sure we need the bill anyway, because the revolving credit issuers must report annually to their borrowers currently. Secondly, for those on the other side of the aisle that fought, as I did, to stop caps on credit cards, we feel that this Senate Bill 9-3-1's purpose will be a vehicle to allow caps to go back on credit cards. So I would ask for No votes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis may close.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate. That is not my intention, Senator Zito. And I'd ask for favorable consideration, because there is obviously no formal requirement that lenders provide annual written confirmation of interest paid

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during a calendar year, and I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis moves to discharge the Committee on Finance and Credit Regulations from further consideration of Senate Bill 931. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 29, the Nays are 14, 2 voting Present. The Motion to Discharge fails. Motion with respect to Senate Bill 936, Madam Secretary.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Judiciary from further consideration of Senate Bill 936, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Mahar.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and Members. Senate Bill 936 would allow State and local police agencies to recover damages for their efforts in searching for persons deliberately who remain in hiding with the intent to cause such a search, or with the knowledge that a search is in progress. This bill is a result of the frustrations of the Chicago Police Department and other law enforcement agencies after the Scott and Carolyn Swanson case.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, Senator Mahar has moved to discharge the Committee on Judiciary from further consideration of Senate Bill 936. 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

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question, the Ayes are 46, the Nays are 1, none voting Present. The motion carries, and Senate Bill 936 is discharged from the Committee on Judiciary, and is ordered placed on the Order -- on the Calendar on the Order of 2nd Reading. Motion with respect to 942, Madam Secretary.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Judiciary from further consideration of Senate Bill 942, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, Senate Bill 942 is the products of -- of some very diligent and creative staff work over a period of the last two years, to attempt to develop a comprehensive approach to get at what is in -- in addition to the drug problem in our society, and related to it, the single greatest or second greatest problem that we experience in law enforcement today, and that is the -- the overwhelming and alarming number of crimes committed by gangs. The legislation creates a series of criminal offenses - new criminal offenses - that I would be happy to detail, but which you will probably all find in your analysis. In addition to these new gang-related offenses, it provides that a civil cause of action is created in favor of any public authority which experiences loss or damage or expense as a result of street gang activity. Finally, a violation of this new Act and its criminal provisions are, in the case of juveniles, removed from the Juvenile Court and put within the jurisdiction of the regular criminal courts. I'd be happy to answer any questions. Otherwise I would simply submit that the urgency of this problem is one that requires us to deal with -- with it immediately, and therefore, I

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ask support for a Motion to Discharge.

PRESIDENT ROCK:

All right. Senator Barkhausen has moved to discharge the Committee on Judiciary from further consideration of 942. Discussion? Senator Dunn.

SENATOR THOMAS DUNN:

Thank you, Mr. President. Well, once again, we have a -- a bill has three pages of analysis, and Senator Barkhausen just made reference to whether or not we've had a chance to read it. I have not had a chance to read it, and the problem really is that we are dealing with a very serious subject matter. Many of our communities do have a gang problem. I don't know if Senator Barkhausen has a gang problem in his district, but I do in mine, and there hasn't been one bit of input from any of those people that do have a gang problem. I urge a No vote. This should be discussed in committee where people can testify about it, and we can bring some things out that ought to be changed.

PRESIDENT ROCK:

Further discussion? Further discussion? If not, Senator Barkhausen has moved to discharge the Committee on Judiciary from further consideration of Senate Bill 942. Those in favor of the motion will vote Aye. Opposed, vote Nay. 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 36 Ayes, 12 Nays. Motion carries. 943. Senator Geo-Karis. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to suspend Senate Rule 5c, and that the Committee on Judiciary be discharged from further consideration of Senate Bill 943, and that -- that it be placed on the Senate Calendar on the Order of 2nd Reading. Filed by Senator Geo-Karis.

PRESIDENT ROCK:

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Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, I ask for discharge of this bill from committee. This is a bill that amends the Criminal Code to create the new offense of Child Murder, or soliciting the offense of Child Murder, and I ask your favorable consideration.

PRESIDENT ROCK:

Any discussion? Any discussion? Senator Geo-Karis has moved to discharge the Committee on Judiciary from further consideration of Senate Bill 943. Those in favor of the motion will vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 42 Ayes, 1 Nay, 1 voting Present. The motion carries. 944. Senator Barkhausen. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Judiciary from further consideration of Senate Bill 944, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Barkhausen.

PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. -- Mr. President and Members, Senate Bill 944 takes our existing so-called Wire Tap Law relating to nonconsensual eavesdropping in the investigation of felony drug crimes, which is now what it is limited to, and extends it somewhat to make it applicable to the investigations of first degree murder, conspiracy to commit first degree murder, or the offense of solicitation of murder or solicitation of murder for hire. As we all know, we had an extensive debate on this subject when it was

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first passed, and it simply extends it to -- to make the tool available to law enforcement officials investigating these very serious crimes. I ask for your support.

PRESIDENT ROCK:

Discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well. I'd just like to point out to the Membership that this is Senator Barkhausen's 26th Discharge Motion. He has twenty-two percent of the entire discharge motions on the other side of the aisle. Had no idea he had such a great legislative program this year.

PRESIDENT ROCK:

Further discussion? Senator Severns.

SENATOR SEVERNS:

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

PRESIDENT ROCK:

He indicates he will yield, Senator Severns.

SENATOR SEVERNS:

Last year many of us worked with our own law enforcement officials in arriving at SB 1987, which passed out of this General Assembly, and as you know, was signed into law. I have not heard from one law enforcement official in my district or outside of my district regarding this measure. Have you worked with the law enforcement officials, and if so, why haven't we heard from them?

PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Yes, we have worked with those with whom we worked on the other measure, and they are for it.

PRESIDENT ROCK:

...(machine cutoff)...Further discussion? Senator D'Arco.

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SENATOR D'ARCO:

Thank you, Mr. President. Last year we had an agreement. Because drugs are such a serious problem in our society, we agreed to pass a law that provided for nonconsensual eavesdropping. Because in Illinois we are very protective of the rights of individuals, but in that one instance, we said we will make an exception, because drugs are such a serious problem. And we got the agreement from the state's attorney and we got the agreement from the Department of State Police that it would only be used in those instances, and that would be the extent of it. And the fear we had now has come to pass. This year it is going to be used in murder situations. Next year it is going to be used in armed robbery situations, and then in burglary situations, and then in every situation you can imagine. And that's what's happening to this bill that is being eroded today, and it will be eroded again tomorrow. We should definitely vote this down, and live within the reasons that we attributed to last year.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman from Cook, Senator Rock.

PRESIDENT ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I too rise in strong opposition to this motion, and for exactly the same reason as Senator D'Arco indicated. I voted against the nonconsensual eavesdropping last year, albeit irrespective of the enormous pressure that was coming from the law enforcement community about the necessity of this tool to combat the growing dilemma of drugs that they are confronted with, and frankly, I was hesitant, even then, but recognized that that is a major problem. And now, in absolute derogation of the agreement that was made, we are saying, "Well, now we got first degree murder." And I think all you are doing is just -- we are coming quickly to a police state, Senator Barkhausen. It just seems to me - because you put

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that -- you put this gem on by amendment too - it just seems to me that if you are going to go consistently from year to year, you better live up to your agreements.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Lady from Macon, Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President. I apologize for rising a second time. I think Senators Rock and Senator D'Arco point out the best reasons for not supporting this Discharge Motion, but I have one more question of the sponsor.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

He indicates he'll yield.

SENATOR SEVERNS:

When we worked on Senate Bill 1987, this -- this side felt that a good bill was passed out of this Chamber. You offered a bad bill, a bad bill that was defeated in this Chamber. And then you turned around with your side, and pointed out to the targeted districts why we cast a bad vote, when, in fact, everyone knew that the good bill passed this Senate. Is this the real purpose for this bill, Senator?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

I didn't -- I didn't hear -- I heard the statement, but not the question at the end. I am sorry, Senator.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

You want...(inaudible)...Senator, would you repeat your question?

SENATOR SEVERNS:

I think you heard the question, Senator, but I'll just ask simply this: Is the purpose of this bill to -- to try to put target districts on record of voting again or not voting for a bad

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bill, the same practice that you used one Session ago against so many of us? This is a bad bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

First of all, Senator, I am not on our Campaign Committee. I didn't draft any of the advertising, but I would point out the obvious - that any vote we cast in this Chamber is fair game in any political campaign, and should not be construed by those against whom it might hurt, if that's what you think happens, as some sort of a personal attack. That's what campaigns are all about - to be held accountable for our records in this Chamber. Let me say, in addition, that I have had an interest in this subject matter long before it ever became a political issue. The bill that we finally passed -- and I give great credit to -- to then State's Attorney Daley for recommending it, and frankly, it was his incremental support in addition to the overwhelming support that the issue has always had on this side of the aisle, that is responsible for finally putting that law on the books. But because it was a Democratic bill -- I was never a party to any agreement. I have been interested from day one in having -- in -- Senator Rock may call it a police state - but I have always been interested in having our State law correspond with the federal law, that for twenty years has permitted this as a tool to investigate a broad range of serious felony crimes. Frankly, if I had my way, no, I wouldn't limit it to murder and felony drug crimes. How about letting it be used for cases of political corruption? I think that would be appropriate, and I'd like to see a roll call on that issue. But today we are only voting on the question of whether it should be extended to first degree murder. Now I say to you -- I say to you the number of murders in this State may not be as numerous as the number of drug crimes,

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but I would submit the obvious - that murder is no less serious than the commission of felony drug offenses, and I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen moves to discharge the Committee on Judiciary from further consideration on Senate Bill 944. All those in favor, vote Aye. All those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Clerk will take the record. On this question, there are 31 Ayes, 13 Nays, 5 recorded as Present. This motion, having received the necessary votes, has been discharged, placed on 2nd Reading. For what purpose, Senator Rock -- request a verification?

PRESIDENT ROCK:

I seek a verification, Mr. President, of the affirmative roll call.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Madam Secretary, please call the affirmative roll.

SECRETARY HAWKER:

Barkhausen, Daley, Davidson, DeAngelis, Donahue, Dudycz, Ralph Dunn, Etheredge, Friedland, Geo-Karis, Hawkinson, Hudson, J.E. Joyce, Karpiel, Keats, Kustra, Macdonald, Madigan, Mahar, Maitland, Philip, Raica, Rea, Rigney, Savickas, Schaffer, Schuneman, Topinka, Watson, Weaver and Woodyard.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Rock, do you have any questions as to the affirmative roll call? Senator Rock.

SENATOR ROCK:

No. I don't question anyone.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

On this question, there are 31 Ayes, 13 Nays, 5 recorded as Present, and the Motion to Discharge prevails. And Senate Bill

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944 is on 2nd Reading. Senate Bill 945. Senator Fawell. Read the Discharge Motion, Madam Secretary.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge Senate Committee on Public Health, Welfare and Corrections from further consideration of Senate Bill 945, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Fawell.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This is a -- a Commission of Mental Health and Developmental Disabilities bill, and it is co-sponsored by Senator Kelly and Senator Lechowicz - and I only have three bills. This authorizes the -- the -- this authorizes the bond level for community facilities to be raised to seventy-five million dollars, while decreasing the bond level for the super collider by the same amount. And this will allow us to have facilities built in our local communities. And I would be willing to answer any questions. Otherwise, I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Lady from Cook, Senator Smith.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill was in our committee, and I am so sorry that you weren't able to be there, but the Department of Mental Health and Developmental Disabilities opposes this bill, and the Department and other interested groups deserve the opportunity to testify. They were there to testify, and you were not available. And something of this nature should have had the opportunity to be aired out before the committee, because this bill will encourage

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more institutions -- and you are talking about saving money, saving money, and I don't see where you are going to do in this instance. And State agencies have already the authority to create Senate Bill 945. I ask that you not vote for this bill, because I don't see the use of it, unless it could be aired out before the committee.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman from LaSalle, Mr. -- Senator Welch.

SENATOR WELCH:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates she will yield.

SENATOR WELCH:

Senator Fawell, the analysis I have says DMHDD opposes the bill. Now they are working with Public Aid and Public Health on the OBRA compliance plan. If we pass this bill and issue all of these bonds for building - I would imagine these are either CILAS or residential facilities - are we going to be able to reduce the amount of money we spend on OBRA this year, and if so, by how much?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Fawell.

SENATOR FAWELL:

This -- this is also facilities, for instance, for crisis centers, for small residential homes for schizophrenics and manic depressives - this type of thing. This bill did receive an extensive hearing in the Commission of Mental Health and Developmental Disabilities. We did have a great deal of testimony on this. This is supported by all of the various mental health groups, who are desperately seeking funds, so that some of these things can be done in the communities where OBRA actually wants that work done.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Welch.

SENATOR WELCH:

Well, it sounds to me like the answer is yes. How much will we be able to reduce the appropriation then, because in OBRA, we are also building facilities? What the State has been asking to do, though, is use General Revenue Funds for building facilities, so can we reduce the OBRA appropriation by a certain amount, and if so, how much would it be?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Fawell.

SENATOR FAWELL:

We have not discussed that as yet, but I can tell you I know personally, in my area, we have these community mental health facilities, and the reduction on mental health cost to the State has been dramatic. And I think anyone who has these facilities in their counties can testify to that.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Welch.

SENATOR WELCH:

That's it. Thank you.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Fawell, to close.

SENATOR FAWELL:

I -- this is the -- the way that everyone who has testified in front of the -- the Commission wants to go. This is the way that we should be going. We should be developing more and more of these community facilities. It is -- it is most effective; it is certainly cost effective. And I would solicit your Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Fawell moves to discharge the Committee on Public Health, Welfare and Corrections from further consideration of

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Senate Bill 945. All those in favor signify by voting Aye. All those opposed, by voting Nay. The voting is open. Have all voted who wish? Have all voted who wish? Clerk will take the record. On this question, there are 35 Ayes, 13 Nays, 2 recorded as Present. And the motion carries. On Page 68. Senate Bill 966. Senator Fawell. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Revenue from further consideration of Senate Bill 966, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Fawell.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. If you liked that bill, you will like this one too. This is for the Girl Scouts. What has happened in the past when the Girl Scouts and the Boy Scouts and the Ys all had these camps and they had a custodial cabin in these camps to act both as security guards and as the custodian for the -- for the camp, these -- these cabins -- facilities were always exempt. For some reason or other the Department of Revenue put them on the tax rolls this year. My Girl Scout camp took it to court. They exempt, in effect, half of the -- the -- the cabin, and also said that this was a very, very bad law, and that we should exempt the whole darn thing as they used to be. I know of no opposition. The Girl Scouts and the Boys Scouts and the Ys will thank you if you will please vote yes.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Lady from Cook, Senator Netsch. The question is -- Senator Fawell moves to discharge the Committee on Revenue from further consideration on Senate Bill 9-6-6. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted

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who wish? Have all voted who wish? Clerk, take the record. On this question, there are 48 Ayes, 1 Nay, none recorded as Present. And this bill has been discharged, and on 2nd Reading, receiving the necessary votes. Senate Bill 980. Senator Kustra. Mr. Secretary, read the motion.

ACTING SECRETARY: (MR. HARRY)

I move to suspend all applicable rules, and to discharge the Senate Committee on Education from further consideration of Senate Bill 980, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Kustra.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President, Members of the Senate. Every year here in the General Assembly we engage in the great debate when it comes to education funding. We pass a lot of laws that mandate what our local school districts ought to be doing with their dollars, and then when those categorical funding programs come up, we shortchange them in some fashion. We have done that consistently now for a number of years. I think what this bill does is force us to address the issue of categorical funding, and what it simply provides is that in -- in -- the General Assembly shall fully fund categorical programs before funding other educational programs. We now have nine mandated or categorical programs in the law. They are all underfunded. It's time we live up to our responsibilities here. I might add, in light of the recent talk on the tax proposal which came from the Speaker of the House, that his proposal did just this. In fact, if you take a look at the nine different categorical funding programs, he has fully funded all but one, and that's just short by four million dollars. So in essence, what we would be doing by this bill is putting into law the very same thing that at least one tax

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proposal has in it right now. I urge your favorable consideration.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Lady from Winnebago, Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. I think Senator Kustra has mentioned what I was going to mention -- is that the tax increase proposal which has come over from the House does exactly this. This issue is a funding issue, rather than a substantive legislative issue. What you are doing here by mandating this is taking money away in perhaps many years from General State Aid, and from the 1985 Reform Programs. We find from time to time as a General Assembly, that what benefits one particular district may take away from another. And what we try to do with the amount of money that's available is to apportion it so that everyone gets as much equity as possible throughout the State. To put this into law might put certain school districts, already in trouble, in jeopardy. What we need to do, instead, is to further fund these programs.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Tazewell, Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. I want to make sure that I have an idea what we are voting on here, and I'll try to be brief. What you are trying to tell me, Senator, is that if the funds that are listed under categorical grants do not receive sufficient funds to be funded, and those -- or the revenues do not exist to fund those programs, you're going to subtract those revenues from the General State Aid Program that's going, perhaps, to my schools, to fund schools in other counties through categorical grants? So if I have a school district that I represent in the City of Peoria, that is hurting already, and all of a sudden some categorical

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grants in Chicago or elsewhere are underfunded, you are going to take money away from the City of Peoria, General State Aid, and give it to categorical grants in some other community?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Kustra.

SENATOR KUSTRA:

Well, Senator Luft, right now many of those schools, including Peoria Schools, are being shortchanged on the categoricals, so it depends on what way you want to look at it. We are going to be putting more money in categoricals, and by that I suppose you could argue that it will be less money apportioned for General State Aid.

RESIDENT ROCK:

Further discussion? Senator Kustra, you wish to close?

SENATOR KUSTRA:

Well, just to say, Mr. President and Members of the Senate, this is not the first time we have debated a funding issue. We had Fund Education First here on the Floor a week or so ago. That was the same kind of issue. What we are trying to do here is establish the fact that if we here in the General Assembly are going to create programs, we ought to fund them. That's what this does. I ask for your favorable consideration.

PRESIDENT ROCK:

All right. Senator Kustra has moved to discharge the Committee on Elementary and Secondary Education from further consideration of Senate Bill 980, and he asks that the bill be placed on the Order of 2nd Reading. Those in favor of the motion 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 24 Ayes, 16 Nays, and the motion fails. 990. Senator Keats. Read the motion, Mr. -- I'm -- beg your pardon. Senator Hawkinson, for

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what purpose do you arise?

SENATOR HAWKINSON:

Point...point of personal privilege.

PRESIDENT ROCK:

State your point.

SENATOR HAWKINSON:

I -- let the record show that I pressed my red button, intended to vote No on that past motion, but the board didn't light.

PRESIDENT ROCK:

The record will so reflect, if it hasn't already. Senate Bill 990. Read the motion, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move to suspend all applicable rules, and to discharge the Senate Committee on Executive from further consideration of Senate Bill 990, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. By Senator Keats.

PRESIDENT ROCK:

Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. This entire bill is about four lines long. This is kind of your American Legion/VFW bill. What it says is when you apply for a State job, you would list whether or not you had signed up for Selective Service or the draft. It applies only to males above a certain age, born at a certain time, which is how Selective Service works. Central Management Services knows -- they already investigate - if you come in for an interview - certain things. This is one more thing they investigate, so it's no problem. They do this anyway. But what it says is if you are supposed to be registered for the draft and you want to be a State employee, you should be registered for the draft. I'd appreciate your affirmative roll.

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PRESIDENT ROCK:

Is there any discussion? Any discussion? If not, Senator Keats has moved to discharge the Executive Committee from further consideration of Senate Bill 990, and asks the bill be placed on the Order of 2nd Reading. Those in favor of the motion will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? All voted who wish? Have all voted who wish? Take the record. On that question, there are 43 Ayes, 2 Nays, 1 voting Present, and the motion carries. It will be so ordered. 9-9-5. Senator Keats.

END OF TAPE

TAPE 6

9-9-6. 9-9-6. Read the motion, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move to suspend all applicable rules, and to discharge the Senate Committee on Public Health, Welfare and Corrections from further consideration of Senate Bill 996, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Keats.

PRESIDENT ROCK:

Senator Keats.

SENATOR KEATS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Today we have been talking on several of these bills on criminal law issues, and saying one of our problems is we've got no place to put criminals. This bill is the private sector prisons bill. It allows for the use of private prisons. It is essentially geared for local -- for example, several counties -- could be

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downstate -- five counties get together voluntarily, and they rent the space from a private individual who will build it. This is done in other states - Texas is one that's particularly well known. It is totally voluntary; nobody is mandated to do anything. It is an option made available. This -- under my bill, the State would be allowed to do it, but that's a power they have at the moment, so that it doesn't really change the way things are. Opposition has come from AFSCME, but support has come from the construction trades, and I would seek your positive support for this motion.

PRESIDENT ROCK:

Any discussion? Discussion? If not, the question is -- Senator Keats has moved to discharge the Committee on Public Health, Welfare and Corrections from further consideration of Senate Bill 996, and asks that the bill be placed on the Order of 2nd Reading. Those in favor of the motion 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 26 Ayes, 18 Nays, 3 voting Present, and the motion fails. 997. Senator Macdonald. Read the motion, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move to suspend Senate Rule 5c, and that the Committee on Judiciary be discharged from further consideration of Senate Bill 997, and that it be placed on the Senate Calendar on the Order of 2nd Reading. Filed by Senator Macdonald.

PRESIDENT ROCK:

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. Senate Bill 997 is an attempt to rectify the long going problem of the ARDC funds. This bill requires that fees for admission to the bar and annual fees

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assessed against attorneys are to be paid into this fund, in additional to payments of -- to the ARDC. The fees are identical to fees now being paid by lawyers to ARDC, and the bill does not delete ARDC funds. Sixty-two other professions pay licensees' fees to the State of Illinois. These funds are audited by the State, and only lawyers' fees have been shielded by action of the Supreme Court. The bottom line of this legislation may be the only way to clarify the issue of a constitutional mandate regarding public accountability. The main issue is that at stake is the continued auditing of nine hundred -- nine billion nine hundred and ninety-four dollars in fees that fall under the same category as ARDC fees, if those entities chose not to be audited. This is a very serious, serious matter, and many of us have been concerned over a number of years. I think this is a fair bill, and I ask for you to discharge it from committee so we may further debate it.

PRESIDENT ROCK:

Any discussion? Is there any discussion? Senator Dunn.

SENATOR THOMAS DUNN:

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

PRESIDENT ROCK:

Sponsor indicates she will yield. Senator Dunn.

SENATOR THOMAS DUNN:

Senator, will there be any amendments on this bill?

PRESIDENT ROCK:

Senator Macdonald.

SENATOR MACDONALD:

I don't plan to have any amendments on it. No. It's a pretty straightforward bill as it is.

PRESIDENT ROCK:

Senator Dunn.

SENATOR THOMAS DUNN:

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Is there any evidence of misspending or misappropriation with the money, currently?

PRESIDENT ROCK:

Senator Macdonald.

SENATOR MACDONALD:

I don't think anybody really knows, because an audit has never been made.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...(machine cutoff)...Further -- Senator Macdonald, for what purpose? Senator Macdonald.

SENATOR MACDONALD:

I misspoke. I meant by the Auditor General. Audits, I understand, have been made, but they have not been made by the Auditor General, who is the constitutional auditor for the State of Illinois.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. We are going to hear about that right now. Further discussion? Senator Rock.

PRESIDENT ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This, with all due deference to Senator Macdonald, is another inept attempt by the inept Auditor General to circumvent at least five court rulings that have now been -- he has now been subjected to. We are talking about the constitutional separation of powers. The Auditor General, unfortunately, happens to work for us. And the Supreme Court has said that those fees that are paid by private licensed practitioners to the Supreme Court for their disciplinary process are not subject to the Auditor General's audit. Now I have -- shortly I will have copies of an audit by Peat Marwick & Mitchell of those funds. So don't ever say that the funds are not audited. Please. That is absolutely erroneous. The fact is, we are in a constitutional confrontation, and the

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Auditor General, unfortunately, for about the past five years, is in a snit -- a snit, and he is wrong. And this bill is wrong, and I urge a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Macdonald may close.

SENATOR MACDONALD:

Thank you, Mr. President. I really don't think, at this particular point, the Auditor General may be involved very much personally in this bill. But in time the Auditor General will -- this particular Auditor General will have served his term, and other Auditor Generals will follow. It is my concern that those funds that I described -- over nine billion -- that's with a "B" -- dollars can fall under this same ruling that has been made by the Supreme Court. I was a delegate to the Illinois Constitutional Convention. I think that I understood pretty well what our intent was, and I believe that this bill is correct, regardless of what the Auditor General's position is. This bill is a way, really, to fulfill the constitutional intent of the Auditor General of Illinois, whoever he may be -- or she.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Macdonald has moved to discharge the Committee on Judiciary from further consideration of Senate Bill 9-9-7. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 28, the Nays are 20, 1 voting Present. The Motion to Discharge fails. Senate Bill 1006, with respect to the motion, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move to suspend all applicable rules, and to discharge the Senate Committee on Finance and Credit Regulations from further consideration of Senate Bill 1006, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by

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Senator Etheredge.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. What this bill does is to increase the Build Illinois Bond Authorization by 327.3 million dollars. I'd be happy to respond to any questions?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, Senator Etheredge has moved to discharge the Committee on Executive from further consideration of Senate Bill 1006, and that the bill be put on the Order of 2nd Reading on the Calendar. Those in favor will indicate -- 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 26, the Nays are 21, 2 voting Present. The Motion to Discharge fails. 1007. Senator Macdonald. The motion on Senate Bill 1007, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move to suspend Senate Rule 5c, and that the Committee on Energy and Environment be discharged from further consideration of Senate Bill 1007, and that it be placed on the Senate Calendar on the Order of 2nd Reading. Filed by Senator Macdonald.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. This bill is an administration bill, and it clarifies the language in the Response Contractors Indemnification Act, so that only that portion of the contract that relates to hazard substance will be considered in the five percent assessment. I ask for your vote to discharge this bill.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. One of the reasons why this bill was held in the committee and not put on the agreed bill list, was because of controversy over the five percent withholding. The Department of Transportation had talked about putting an amendment on here limiting it to -- to their particular contracts, where the State is involved in -- in carrying out the contract. Senator Macdonald, have you discussed that with the Department of Transportation, and are you going to amend this bill to reflect that limitation?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Macdonald.

SENATOR MACDONALD:

I have not talked to the Department, Senator Welch. I -- I really would -- the unusual procedure that's gone on, I have not talked to them. I would be very willing to talk to them if -- if that is a problem, and I am sure that we could work it out.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Macdonald may close.

SENATOR MACDONALD:

I would just ask for your affirmative vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Macdonald has moved to discharge the Committee on Energy and Environment from further consideration of Senate Bill 1007. Those in favor will indicate -- those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 40, the Nays are 6, 2 voting Present. The motion carries, and Senate Bill 1007 is discharged from the Committee on Energy and Environment, and is

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ordered placed on the Calendar on the Order of 2nd Reading.
Motion with respect to Senate Bill 1008, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move to suspend all applicable rules, and to discharge the Senate Committee on Public Health, Welfare and Corrections from further consideration on Senate Bill 1008, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Madigan.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President and Members of the Senate. Senate Bill 1008 makes two changes in the Public Aid Code to bring the Statutes in line with federal regulations. I know of no opposition to the bill, and ask for a favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President. Would the Senator yield for two questions, please?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Smith.

SENATOR SMITH:

Thank you. Senator Madigan, I would like to ask, are there any other plans for this bill, as far as you know?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. Madam Chairman, at this time there are no other plans for this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

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SENATOR SMITH:

Thank you. Can we get a commitment from you today, either your leaders, that this bill will be unamended?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Madigan.

SENATOR MADIGAN:

Well, this is an administration bill, Senator. And I wouldn't want to make that assurance per se. I would -- I would assure you that nothing substantive would be amended on this bill. I think I know what you are getting at, as far as the subject material, and I could make that commitment, but as far as making any other slight changes or adding something to it along the same nature or similar nature as this bill is, I wouldn't want to make that commitment.

PRESIDENT ROCK:

All right. Further discussion? If not, Senator Madigan has moved to discharge the Committee on Public Health from further consideration of Senate Bill 1008, and asks that it be placed on the Order of 2nd Reading. Those in favor of the motion 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 46 Ayes, 1 Nay, 1 voting Present, and the motion carries. 1009. Senator Fawell. Read the motion, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move to suspend all applicable rules, and to discharge the Senate Committee on Judiciary from further consideration of Senate Bill 1009, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Fawell.

PRESIDENT ROCK:

Senator Fawell.

SENATOR FAWELL:

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Thank you very much, Mr. President. This is a -- is also an administration bill, and it's sought by Department of Children and Family Service. It's -- failure to thrive of a child bill. The first thing it does is if a licensed physician says that the child is failing to thrive, it shall be prima facie evidence that the minor is neglected. It allows the court the authority to issue an order of protection. If a child is neglected, gives the DCFS authority to seek an order of protection during or following a child abuse and neglect investigation and so on. I'll be glad to answer any questions. If there aren't any, I would ask for a favorable vote.

PRESIDENT ROCK:

All right. Senator Fawell has moved to discharge the Judiciary Committee from further consideration of Senate Bill 10-0-9. Discussion? Senator Collins.

SENATOR COLLINS:

Question of the sponsor, please.

PRESIDENT ROCK:

Sponsor indicates she will yield.

SENATOR COLLINS:

You said it is failure to thrive?

SENATOR FAWELL:

Thrive bill. Okay?

SENATOR COLLINS:

And you have a definition in there for -- could you give a definition?

PRESIDENT ROCK:

Senator Fawell.

SENATOR FAWELL:

That's the term that -- that it uses in the Statute. Failure to thrive means it's underweight, it's -- you know, this type of thing. It's -- it's a neglected child.

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PRESIDENT ROCK:

Senator Collins.

SENATOR COLLINS:

Would not that determination be made by a physician now, and would not the Department of Children and Family Services, under existing law, have grounds to determine that child is being neglected?

PRESIDENT ROCK:

Senator Fawell.

SENATOR FAWELL:

At the present moment it is under another Statute. It's under the Abuse Statute, and they want to put it under the Neglected Statute.

PRESIDENT ROCK:

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. According to our analysis, the State's Attorney of Cook County and the Cook County Public Guardian is opposed to this bill. The State's Attorney objects to the conditions placed on a physician who's able to make a diagnosis of failure to thrive, because it, in effect, makes a doctor's credentials an element that will need to be proven. Now, if you have the State's Attorney of Cook County and the Cook County Public Guardian opposed to this bill, why in the world are we discharging committee without public testimony, and their input?

PRESIDENT ROCK:

Senator Fawell.

SENATOR FAWELL:

Well, what I have been told about this bill is that -- that if a licensed physician declares that the child is -- is failing to thrive, that will prima facie evidence that the minor is

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neglected. You know -- I don't know -- obviously, a physician should be able to tell if a child is being neglected or not.

PRESIDENT ROCK:

Further discussion? Any further discussion? Senator Fawell has moved to discharge the Judiciary Committee from further consideration of Senate Bill 1009. Those in favor of the motion 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 27 Ayes, 18 voting Nay, 3 voting Present, and the motion fails. 1010. Senator Topinka. Read the motion, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move to suspend Senate Rule 5c, and that the Committee on Public Health, Welfare and Corrections be discharged from further consideration of Senate Bill 1010, and that it be placed on the Senate Calendar on the Order of 2nd Reading. Filed by Senator Topinka.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President, Ladies and Gentlemen of the Senate, this amends the Public Aid Code. It basically brings us into conformance with changes made in the federal law that cover property transfers on part of the indigent. There is also a second section in this which clarifies that a person is not responsible for a minor who is married and lives outside the parents' home when it comes to public aid policies. And I would ask for your favorable consideration.

PRESIDENT ROCK:

Discussion? Discussion? If not, Senator Topinka has moved to discharge the Committee on Public Health from further consideration of Senate Bill 1010. Those in favor of the motion

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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 46 Ayes, 1 Nay, 1 voting Present, and the motion carries. 1011. Senator Barkhausen. Read the motion.

ACTING SECRETARY: (MR. HARRY)

I move to suspend all applicable rules, and to discharge the Senate Committee on Finance and Credit Regulations from further consideration of Senate Bill 1011, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. By Senator Barkhausen.

PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, this is a housekeeping proposal of the Commissioner of Banks and Trusts, amending the Banking Act and Retail Installment Sales Act dealing with our recent law on -- on credit card disclosure. Apparently there is some confusing terminology in that Act, which this measure seeks to correct. It does, I assure you, absolutely nothing substantive, nor is it intended for a vehicle for any other amendment on this subject. And I ask for your support.

PRESIDENT ROCK:

All right. Senator Barkhausen has moved to discharge the Committee on Finance from further consideration of Senate Bill 1011. Discussion? Senator Zito.

SENATOR ZITO:

Thank you, Mr. President, Members. Once again, I rise in opposition. The reason this bill was not on an agreed bill list, is because we have just enacted our credit disclosure laws, and now, before it even goes into effect, we are going to be exempting certain items from credit disclosure. The Senate spoke

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overwhelmingly on being able to have these credit cards and any other bank dealings -- have this exposure. I don't know why we are starting to exempt them now. I think it is the wrong time and the wrong place, and would stand in opposition to this motion.

PRESIDENT ROCK:

Further discussion? Further discussion? Senator Barkhausen has moved to discharge the Committee on Senate Bill 1011 from further consideration of the Finance and Credit Regulations Committee, and asked -- that the bill be placed on the Order of 2nd Reading. Those in favor of the motion 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, the Ayes are 25, the Nays are 21, and the motion fails. 1012. Senator Keats. Read the motion, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move to suspend all applicable rules, and to discharge the Senate Committee on Finance and Credit Regulations from further consideration of Senate Bill 1012, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. By Senator Keats.

PRESIDENT ROCK:

Senator Keats.

SENATOR KEATS:

My final two of the day are this and the next one. Chairman Zito of the Financial Institutions Committee was gracious enough to put this on the agreed list, and it was inadvertently left off - this and the next one both. This is an administration bill, legitimate cleanup issues, and I would appreciate that it be put on 2nd Reading. I could explain more if someone would like to ask questions.

PRESIDENT ROCK:

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Senator Keats has moved to discharge the Committee on Finance from further consideration of Senate Bill 1012. Discussion? Senator Zito.

SENATOR ZITO:

Thank you, Mr. President. Senator Keats is absolutely correct. Senate Bill 1012 and 1013 were supposed to be on the agreed bill list; they were not. Maybe we can take them along -- one roll call and expedite them.

PRESIDENT ROCK:

All right. Senator Keats has moved to discharge the Committee on Finance from further consideration of Senate Bill 1012. Those in favor of the motion 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 48 Ayes, no Nays, none voting Present, and the motion carries. 1013, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move to suspend all applicable rules, and to discharge the Senate Committee on Finance and Credit Regulations from further consideration of Senate Bill 1013, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. By Senator Keats.

PRESIDENT ROCK:

Senator Keats.

SENATOR KEATS:

I'd sure appreciate the same roll call, same reasons. This was inadvertently left off the agreed bill list, an administration bill. I'm glad to answer any questions, should anyone have any.

PRESIDENT ROCK:

All right. Senator Keats has moved to discharge the Committee on Finance from further consideration of Senate Bill 1013. Those in favor of the motion will vote Aye. Opposed, vote Nay. The

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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 51 Ayes, no Nays -- 52, no Nays, none voting Present. The motion carries, and it's so ordered. Top of Page 69, Ladies and Gentlemen. Senate Bill 1029. Read the motion, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move to suspend Senate Rule 5c, and that the Committee on Judiciary be discharged from further consideration of Senate Bill 1029, and that it be placed on the Senate Calendar on the Order of 2nd Reading. Filed by Senator Kustra.

PRESIDENT ROCK:

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and Members of the Senate. Senate Bill 1029 introduces into Illinois law a new anti-crime tool called the "genetic fingerprint." Sexual assaults are oftentimes committed by previously convicted sex offenders. And what this bill does is establish a DNA Bank here in Illinois, which would require all persons convicted of a sexual offense or institutionalized as sexually dangerous people, to submit or furnish to the Department of State Police blood and saliva specimens. These would be analyzed and categorized into genetic marker groupings. This bank of DNA information would then be available to law enforcement agencies and prosecutors. We are familiar, of course, with fingerprinting. All I can say is that this makes fingerprinting look like a nineteenth century approach. It is like thirty billion to one that you would ever have the same DNA as someone else. Therefore, it's a powerful anti-crime tool in the area of sexual assault, and I would ask for your favorable consideration.

PRESIDENT ROCK:

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All right. Senator Kustra has moved to discharge the Judiciary Committee from further consideration of Senate Bill 1029. Discussion? Senator Dunn.

SENATOR THOMAS DUNN:

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

PRESIDENT ROCK:

He indicates he will yield. Senator Dunn.

SENATOR THOMAS DUNN:

Senator, my analysis says that this is already in existence on 3rd Reading in Senate Bill 126.

PRESIDENT ROCK:

Senator Kustra.

SENATOR KUSTRA:

That's my understanding that that amendment is going to be Tabled, but Senator Hawkinson can speak to that.

PRESIDENT ROCK:

Senator Hawkinson.

SENATOR HAWKINSON:

Senator, that amendment was put on by mistake, and will be Tabled. It is on the recall list.

PRESIDENT ROCK:

Further discussion? Further discussion? If not, Senator Kustra has moved to discharge the Committee on Judiciary from further consideration of Senate Bill 1029. Those in favor of the motion 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 47 Ayes, no Nays, 1 voting Present, and the motion carries. 1030. Senator Madigan. Read the motion, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move to suspend all applicable rules, and to discharge the Senate Committee on Public Health, Welfare and Corrections from

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further consideration of Senate Bill 1030, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. By Senator Madigan.

PRESIDENT ROCK:

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President, Members of the Senate. Senate Bill 1030 is essentially a cleanup bill, which deletes references to an advisory hospital council and the statewide Health Coordinating Council, due to the fact that these programs are no longer in existence. And I would ask for its adoption.

PRESIDENT ROCK:

All right. Senator Madigan has moved to discharge the Committee on Public Health from further consideration of Senate Bill 1030. Any discussion? If not, those in favor of the motion 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 46 Ayes, 1 Nay, none voting Present, and the motion carries. 1032. Senator Barkhausen. Read the motion, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move to suspend all applicable rules, and to discharge the Senate Committee on Insurance, Pensions and Licensed Activities from further consideration of Senate Bill 1032, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. By Senator Barkhausen.

PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, Senate Bill 1032 is an administration bill of the Department of Insurance. It's a consumer bill, it's fair to say, in that it does for automobile

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insurance what Senate Bill 1200, approved in 1986, did with regard to commercial insurance, in that it now requires an insurer, or would require an insurer, to turn over to an insured loss information regarding any claims experienced by the insured. Senate Bill 1200 did that. I did not realize until the Department of Insurance came forth with this -- with this administration bill, that apparently that requirement as a result of 1200 did not also apply to auto insurance. So that is the main provision of this bill. I'd be happy to answer your questions, and otherwise solicit your support.

PRESIDENT ROCK:

All right. Senator Barkhausen has moved to discharge the Committee on Insurance from further consideration of Senate Bill 1032. Discussion? Senator Jones.

SENATOR JONES:

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

PRESIDENT ROCK:

He indicates he will yield. Senator Jones.

SENATOR JONES:

Senator Barkhausen, do you plan to amend this bill on 2nd Reading?

PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

There is one amendment that I intend to propose, that deals with the disclosure of reserves that have been set aside for specific claims. The bill, as it is written, requires a disclosure of loss experience and a description of the occurrence, which really ought to be adequate. For some reason the bill, as drafted, also provides for the disclosure of reserves, and I would intend, with an amendment, to take out that requirement.

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Senator Jones.

SENATOR JONES:

Well, there are some good provisions in the bill. However, had the Director came to the Committee to discuss this, and we could have worked on these problems. I know the bill has some problems, and I know you didn't appear, even though it is an administration bill. And I hope that we could sit down and work out some of the problems so that we could have a good bill that's out, not one that is worked on behind closed doors. We want everything to be in the open, so I don't know what this bill might end up being, Senator. You plan to place an amendment on it, actually maybe weaken the bill. That is the reason why I will oppose your motion.

PRESIDENT ROCK:

All right. Further discussion? Senator Barkhausen has moved to discharge the Committee on Insurance from further consideration of Senate Bill 1032. Those in favor of the motion will vote Aye. Opposed, vote Nay. The voting is open. All voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, there are 36 Ayes, 10 Nays, 2 voting Present, and the motion carries. 1037. Senator Etheredge. Read the motion, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move to suspend all applicable rules, and to discharge the Senate Committee on Executive from further consideration of Senate Bill 1037, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. By Senator Etheredge.

PRESIDENT ROCK:

Senator Etheredge.

SENATOR ETHEREDGE:

-- Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is an administration bill which establishes the

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Illinois Superconductivity Coordinating Council within the Department of Energy and Natural Resources. I think all of you are familiar with the -- the discovery of about fifteen - sixteen months ago at the Argonne National Laboratory, which involved a -- a very significant development in the area of high temperature superconductivity. The purpose of this council -- its primary is to facilitate a -- a networking relationship between the university laboratories, the federal laboratories, and industry. I would be happy to respond to any questions.

PRESIDENT ROCK:

Discussion? Any discussion? Senator Etheredge has moved to discharge the Committee on Executive from further consideration of Senate Bill 1037. Those in favor of the motion 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 49 Ayes, no Nays, 1 voting Present, and the motion carries. 1113. Senator Philip. Read the motion, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move to suspend Senate Rule 5c, and that the Committee on Revenue be discharged from further consideration of Senate Bill 1113, and that it be placed on the Senate Calendar on the Order of 2nd Reading. Filed by Senator Philip.

PRESIDENT ROCK:

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1113 is the Governor's proposal of an eighteen-cent tax increase on cigarettes, cigars, snuff and chewing tobacco, for the purpose of school, drug and law enforcement. I am suggesting that we put it on 2nd Reading. I will have an amendment for it, lowering it to maybe two or five cents, hopefully passing it over

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to the House, and sometime in the end of June, working out some kind of a compromise, if that's feasible. So I'll ask -- answer any questions, and ask for a favorable consideration.

PRESIDENT ROCK:

All right. Senator Philip has moved to discharge the Revenue Committee from further consideration of Senate Bill 1113. Discussion? Senator Netsch.

SENATOR NETSCH:

Thank you -- thank you, Mr. President. I am inclined to say, Senator Philip, it's yours this time - you can have it. I would like to ask one question, though. You mentioned just now that you were thinking of amending it on the Floor. There was an amendment that was to be offered in committee, although, of course, no one was ever there to offer it, which would have, as I remember it actually deleted the tobacco products part of the tax, and reduced the cigarette tax to just one cent a pack. I realize that was not necessarily intended to be the final version. That is not the amendment you plan to offer on the Floor now. Am I correct in that?

PRESIDENT ROCK:

Senator Philip.

SENATOR PHILIP:

Quite frankly, I don't know yet. I'm assuming it's going to be probably something a little different.

PRESIDENT ROCK:

Senator Netsch.

SENATOR NETSCH:

Thank you. I am going to vote Yes to help you discharge the bill. Actually, I've supported the tobacco products tax - in fact, I have sponsored it for the last few years, anyway. And I still think it is a matter of good tax policy, and I still believe, also, that we could increase the cigarette tax some. I

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doubt if eighteen cents makes good fiscal policy, but I think it is a legitimate increase that we could look to. I -- there is no -- as far as I can tell, there really is no good vehicle around to work with if we do not discharge this bill. So at least I, for one, am going to vote Yes on it.

PRESIDENT ROCK:

Further discussion? Senator Jones.

SENATOR JONES:

Yeah, thank you, Mr. President. Since we are discharging the Revenue Committee, could we take it on one roll call - Senate Bill 67 and also 1113 - since they are tax increase bills, and put them all on 2nd Reading?

PRESIDENT ROCK:

Leave has been denied for that one.

SENATOR JONES:

I didn't hear you.

PRESIDENT ROCK:

I can see it in their eyes, leave is -- leave is not going to be granted for that one. All right. Senator Philip has moved to discharge the Committee on Revenue from further consideration of Senate Bill 1113. Those in favor of that motion will vote Aye. Opposed will vote Nay, and the voting is open. Have all voted who wish? Take the record. On that question, there are 29 Ayes, 19 Nays, 1 voting Present, and the motion fails. 1118. Senator Etheredge. Read the motion.

ACTING SECRETARY: (MR. HARRY)

I move to suspend all applicable rules, and to discharge the Senate Committee on Appropriations I from further consideration of Senate Bill 1118, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. By Senator Etheredge.

PRESIDENT ROCK:

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Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This -- the net impact of this bill is to decrease the unissued authorization of GO bonds by 269.1 million dollars. It does that by rescinding the 536.6 six million dollar authorization for the SSC and then increases them in other categories. However, the net result is a decrease of two hundred and sixty-nine million.

PRESIDENT ROCK:

All right. Senator Etheredge has moved to discharge the Committee on Appropriations I from further consideration of Senate Bill 1118. Discussion? If not, those in favor of the Motion to Discharge will vote Aye. Opposed will vote Nay, and the voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 45 Ayes, 2 Nays, 1 voting Present, and the motion carries. 1121. Senator Keats. 1125. Senator Barkhausen. Read the motion.

ACTING SECRETARY: (MR. HARRY)

I move to suspend all applicable rules, and to discharge the Senate Committee on Finance and Credit Regulations from further consideration of Senate Bill 1125, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. By Senator Barkhausen.

PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, this is an administration bill requested by the Department of Savings and Loans. I don't know if they are around to lobby for it. It's merely a housekeeping measure. I'd be glad to answer any questions, and otherwise ask for a favorable vote.

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All right. Senator Barkhausen has moved to discharge the Committee on Finance from further consideration of Senate Bill 1125. Discussion? Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and Members. Dave, this isn't a bad bill. It's a technical bill, for the most part. The only controversial subject matter that I -- I see is increasing the number of employees who may be directors of an association, but it has come from the -- the Department. From those of you who are not interested in increasing the employee number, I would suggest you vote No. But for the most part, it's of a technical nature.

PRESIDENT ROCK:

Senator Barkhausen has moved to discharge the Committee on Finance from further consideration of Senate Bill 1125. Those in favor of that motion will vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 36 Ayes, 8 Nays, 2 voting Present, and the motion carries. 1130 is held at the request of the sponsor. 1139. Senator Maitland. Read the motion, Madam Secretary, please.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Public Health, Welfare and Corrections from further consideration of Senate Bill 1139, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Maitland.

PRESIDENT ROCK:

...(machine cutoff)...Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President and Members of the Senate. Senate Bill 1139 seeks to both increase the reimbursement rate and decrease the length of payment cycle for long-term health care in

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Illinois. It further, also, in the event that interest payments are made, those payments will come from the next year's appropriation, therefore, will not affect the integrity of the reimbursement level for that given fiscal year. I would seek your support.

PRESIDENT ROCK:

All right. Senator Maitland has moved to discharge the Committee on Public Health from further consideration of Senate Bill 1139. Discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President. I'd like to say to my colleague that this bill, as I understand it, is going to be 79.4 million dollars to 192.8 million with a fiscal impact. It didn't say anything about next year. The nursing home reimbursement will be addressed during the Governor's summit. And I understand that at that time that this would be discussed, and that -- don't you think that this bill is a little bit premature? I understand that the Department of Public Aid is against this - right now.

PRESIDENT ROCK:

All right. Further discussion? Further discussion? Senator Maitland has moved to discharge the Committee on Public Health from Senate Bill -- further consideration of Senate Bill 1139. Those in favor of that motion will vote Aye. Opposed will vote Nay, and the voting is open. Have all voted who wish? All voted who wish? Have all voted who wish? Take the record. On that question, there are 38 Ayes, 8 Nays, none voting Present, and the motion carries. 1158. Senator Topinka. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to suspend Senate Rule 5c, and that the Committee on Local Government be discharged from further consideration of Senate Bill 1158, and that it be placed on the Senate Calendar on

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the Order of 2nd Reading. Filed by Senator Topinka.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate, this bill amends the Municipal Code, and it authorizes municipalities to exercise eminent domain to acquire lands for the purpose of the control of flooding. At present this apparently is implicit in the law. We make it explicit here, and right now we would certainly appreciate it in certain parts of Cook County that have a tendency to flood overwhelmingly. And I would ask for your favorable vote.

PRESIDENT ROCK:

All right. Senator Topinka has moved to discharge the Committee on Local Government from further consideration of Senate Bill 1158. Is there any discussion? Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and Members. First of all, I would ask, leave of the Body to be added as a hyphenated chief sponsor of 1158. There is absolutely no question that this bill is essential to the west suburban area of Cook County, which Senator Topinka and I represent. There are so many communities that are struggling to cope with the flooding problems we have with the DesPlaines River, that eminent domain in some instances is necessary, and I would ask and encourage Members on my side of the aisle to support this motion.

PRESIDENT ROCK:

All right. The Gentleman seeks leave to be added as a co-sponsor. Without objection, leave is granted. Senator Topinka has moved to discharge the Committee on Local Government from further consideration of Senate Bill 1158. Those in favor of that motion will vote Aye. Opposed will vote Nay. The voting is open.

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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, 5 Nays, 2 voting Present, and the motion prevails. 1159. Senator Geo-Karis. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to suspend Senate Rule 5c, and that the Committee on Local Government be discharged from further consideration of Senate Bill 1159, and that it be placed on the Senate Calendar on the Order of 2nd Reading. Filed by Senator Geo-Karis.

PRESIDENT ROCK:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate. This bill requires a frontdoor referendum in a county of under three million before a forest preserve district can issue bonds for any reason except the development of lands already in the district's possession. Under the current law, a forest preserve district may issue bonds for the acquisition of up to fifty-five thousand acres of land, and levy a property tax to pay for these bonds without approval at referendum. I feel they should have a referendum before they do that, and I am asking for a favorable consideration on my Motion to Discharge. If we could have school districts have to be responsible and put their cause before referenda, I certainly think the forest preserve districts should have the same responsibility.

PRESIDENT ROCK:

All right. Senator Geo-Karis has moved to discharge the Committee on Local Government from further consideration of Senate Bill 1159. Is there any discussion? If not, those in favor of that motion 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

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36 Ayes, 6 Nays, 3 voting Present. The motion carries. 1163.
Senator Geo-Karis. Read the motion.

SECRETARY HAWKER:

I move to suspend Senate Rule 5c, and that the Committee on Local Government be discharged from further consideration of Senate Bill 1163, and that it be placed on the Senate Calendar on the Order of 2nd Reading. Filed by Senator Geo-Karis.

PRESIDENT ROCK:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, I had an opportunity to research the law on a municipality wanting to create its own fire department, and have found that the Fire Protection District Law is so tight, that it's so onerous for a municipality to do so. And what my bill says, it establishes procedures for the disconnection of a municipality from a Fire Protection District, and I don't need it for my city, where I am Mayor, because we have our own fire department. However, there are other cities who have ten - twelve thousand population who would like to be able to do it. This bill establishes a proper procedure for -- for a municipality disconnection -- to disconnect from a fire protection district, and it still would assume its responsibilities -- financial responsibilities that may be involved. So I would ask for a favorable consideration for my Motion to Discharge. My co-sponsor on this is Senator Jacobs.

PRESIDENT ROCK:

All right. Senator Geo-Karis has moved to discharge the Committee on Local Government from further consideration of Senate Bill 1163. Discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well. Thank you, Mr. President. It's my understanding that there are a number of individuals and groups with respect to the

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organized groups -- the Illinois Association of Fire Protection Districts, Northern Illinois Fire Chiefs Association and many other fire districts that would have testified against this legislation, including the Countryside Fire Protection District in Senator Geo-Karis' district. Apparently the bill is really not needed. That there is already current law which -- permits the districts to be dissolved by referendum, which is Chapter one hundred and twenty-seven and a half, paragraph thirty-five and thirty-six. And if there are any other provisions of this bill, perhaps it needs a hearing, and I would rise in opposition to the Motion to Discharge.

PRESIDENT ROCK:

Further discussion? Senator Holmberg.

SENATOR HOLMBERG:

I would really caution the Members of the Senate to think carefully before voting to discharge this bill before it's had a hearing. It's going to affect about seventy percent of your fire protection districts, and there are still many technical problems with the bill. There are no opportunities for the electors to be heard under this sequence of events, and there is no safeguard that fire service will be provided by the municipality prior to disconnection from the district. Whenever we tamper with the fire protection that people have, we have to be very, very sure that we put the proper sequence in place so that everyone stays protected, and that's why this bill needed a hearing. In fact, we were going to have a separate hearing on this bill, because the fire protection districts wanted to be sure it was worded very carefully.

PRESIDENT ROCK:

Further discussion? Senator Jacobs.

SENATOR JACOBS:

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

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Not speaking to the discharge motion, but to the intent of the bill is, I would disagree respectfully that the bill is needed, and I think that there are some definite problems, and as a former Mayor I can attest to that. So I am in favor of hearing this bill.

PRESIDENT ROCK:

Further discussion? Senator Zito.

SENATOR ZITO:

Well, thank you, Mr. President. I apologize for belaboring the conversation, but I want every Member that has a fire protection district in his or her legislative district to take a long, hard look at this legislation. There is not one fire protection district in the State of Illinois that supports this bill or the Motion to Discharge. What this will allow is any municipality to pull out of a fire protection district. I know I represent two fire protection districts. Both of them have spoke out loud and clear about their opposition. I am sure that many of you have heard from yours as well. This is a bad idea, ought not to be done, and we shouldn't be doing it here. Please vote No against the Motion to Discharge.

PRESIDENT ROCK:

Further discussion? Further discussion? Senator Geo-Karis may close.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, if you really want a good hearing, let this bill get on the Floor, because what you are forgetting is the Illinois Municipal League is for the bill, and what you are thinking about is only your -- your fire protection districts. However, what about the various municipalities? Any affected district would have thirty days to file suit, stating the district's abilities to provide service and remain in the district, and it won't be impaired. So I don't

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think your -- your arguments are right at all. I ask for a favorable vote to discharge.

PRESIDENT ROCK:

All right. Senator Geo-Karis has moved to discharge the Committee on Local Government from further consideration of Senate Bill 1163. Those in favor of that motion will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Take the record. On that question, there are 13 Ayes, 30 Nays, none voting Present, and the motion fails. 1174. Read the motion. Bottom of Page 69, Ladies and Gentlemen. 1174, Madam Secretary.

SECRETARY HAWKER:

I move to suspend Senate Rule 5c, and that the Committee on Transportation be discharged from further consideration of Senate Bill 1174, and that it be placed on the Senate Calendar on the Order of 2nd Reading. Filed by Senator Raica.

PRESIDENT ROCK:

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. What this does, it amends the Vehicle Code and Emergency Medical Services Systems Act and an Act in relation to State finance. It imposes an additional fine of one hundred dollars for certain traffic offenses. Any additional penalty will be placed in a Trauma Center Fund created by the State Treasury for grants to trauma centers. This is regarding a lot of the costs that are encumbered by the trauma centers within this State. This is just to give them a helping hand. It is supported by all the trauma centers.

PRESIDENT ROCK:

Discussion? Is there any discussion? Senator Raica has moved

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to discharge the Committee on Transportation from further consideration of Senate Bill 1174, and asks that the bill be placed on the Order of 2nd Reading. Those in favor of that motion 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 42 Ayes, 2 Nays, none voting Present, and the motion carries. Top of Page 70, Ladies and Gentlemen. Top of Page 70. 1175. Senator Davidson. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge Senate Committee on Judiciary from further consideration of Senate Bill 1175, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Davidson.

PRESIDENT ROCK:

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and Members of the Senate, this bill makes changes in the Illinois compensation program for innocent victims, and makes it -- makes the Illinois compensation program eligible to maintain federal funds that it receives, and if we don't get this done by October of 1990, we will drop out of the federal fund guidelines. If you have an Illinois citizen that is injured in another State, they would be unable to recover. We have already dropped now, from -- down from what we start. Right now there is a hundred and twenty-five million available federally. After ninety-one it will be a hundred and fifty million a year through ninety-four.

PRESIDENT ROCK:

All right. Senator Davidson has moved to discharge the Committee on Judiciary from further consideration of Senate Bill 1175. Any discussion? If not, those in favor of that motion will

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vote Aye. Opposed, vote Nay, and the voting is open. Have all voted who wish? All voted who wish? Have all voted who wish? Take the record. On that question, there are 44 Ayes, 3 Nays, 1 voting Present, and the motion carries. 1176 will be held at the request of the sponsor. 1177. Read the motion, Madam Secretary.
SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Public Health, Welfare and Corrections from further consideration of Senate Bill 1177, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Kustra.

PRESIDENT ROCK:

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and Members of the Senate. This bill is a reaction to the Laurie Dann incident of last year. Those of us who have wondered and worried about the FOID Card and its administration have oftentimes asked how they have any idea whether someone has been treated or institutionalized for mental illness. The fact is, it's very difficult for the Department of Mental Health to keep and provide to the Department of State Police any records of institutionalization. This bill attempts to do that. It requires private hospitals to provide to the Department of Mental Health such information, in order to comply with recording requirements. It would be a confidential list. It would be held by the Department of Mental Health. Anytime someone then would apply for a FOID Card, that list would be checked to see if this person had a history of institutionalization for a mental disorder. I would urge your favorable consideration.

PRESIDENT ROCK:

All right. Senator Kustra has moved to discharge the Committee on Public Health from further consideration of Senate

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Bill 1177. Discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President. I'd like to -- oppose this bill. I know it came as a result of a situation that happened in your district, but the Department of Mental Health is opposed to this bill, about the workload -- the increase of workload that they going are to have. And I wanted to know had you conferred with them? They wanted to testify; you had many people who wanted to testify on this particular piece of legislation, and they were not given opportunity to do so. So I wanted to know, have you been able to confer with them? Otherwise, the Department is against this legislation.

PRESIDENT ROCK:

Senator Kustra.

SENATOR KUSTRA:

Yes, Senator, I am aware they are against it. They told me they were against it. Frankly, I don't even remember what the basis of their objection is. I don't understand why the Department of Mental Health would want to stand in the way of an opportunity to do checks on people who have been institutionalized for mental disorders, as long as the list can be kept confidential.

PRESIDENT ROCK:

...(machine cutoff)...Senator Smith.

SENATOR SMITH:

Thank you. One thing is the confidentiality -- that is one of the -- and then, right in our book here, it says that the Department also believes that the bill does not increase the ability of the State to regulate possession of a Firearms Owners Identification Card. And your legislation does not assure them that this is going to happen as a result of your bill.

PRESIDENT ROCK:

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All right. Further discussion? I am sorry. Senator Smith. Any further discussion? Senator Kustra has moved to discharge the Committee on Public Health from further consideration of Senate Bill 1177. Those in favor of that motion 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 36 Ayes, 8 Nays, none voting Present, and the motion carries.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

...(machine cutoff)...Senate Bill 1178. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Judiciary from further consideration of Senate Bill 1178, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, three years ago we passed a law that extended the period of time during which certain types of child abuse and child pornography offenses can be prosecuted inasmuch as it was felt that the -- that the minors ought to have the opportunity to bring this charge after they become adults. There has been some confusion as to whether - in an inconsistent interpretation of this Statute - as to whether it applies to -- to only those crimes that are discovered after the effective date of the Act or as to, I should say, whether it applies only to those which are committed after the effective date of the Act, or whether it also applies to those crimes that are discovered after the effective date of our -- I believe it was 1986 legislation. This bill would make it clear that we intend to have it apply to

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all crimes that are discovered, and not simply those committed after the effective date of Public Act 84-506 and Public Act 84-1280. I'd be happy to answer any questions, but as I say, this would -- we are getting some very inconsistent interpretations of this important new criminal Statute, and this is intended to clear it up.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Dunn.

SENATOR THOMAS DUNN:

Thank you, Mr. President. A question of the sponsor, if he will yield.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

He indicates he'll yield.

SENATOR THOMAS DUNN:

Will there be any amendments on this, Senator?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

No.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Dunn.

SENATOR THOMAS DUNN:

You are extending the Statute of Limitations. Is that correct?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

No. That was done in the 1985 or '86 legislation. It is merely trying to clarify the original intent of that law to say that -- that it will apply to crimes discovered as well as those committed, after the effective date of that earlier legislation. Otherwise, it could effectively prohibit the prosecution of these

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offenses under the extended Statute of Limitations for eighteen or maybe even twenty-one years.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen, to close.

SENATOR BARKHAUSEN:

A favorable roll call, please.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen moves to discharge the Committee on Judiciary from further consideration of Senate Bill 1178. All in favor, vote Aye. All opposed, vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? The clerk will take the record. On this question, there are 29 Ayes, 16 Nays, 5 recorded as Present, and the motion is lost. 1179. Senator Barkhausen. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Judiciary from further consideration of Senate Bill 1179, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, this is a straightforward proposal to do what we favorably voted upon last year, which is to increase the potential penalties from reckless driving from a Class B to a Class A misdemeanor. As I say, we have voted this out of here before, and it got hung before on a conference committee that was never acted upon in the House. And I'm simply asking for your support again for this measure.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Barkhausen moves to discharge the Committee on Judiciary on Senate Bill 1179, and that it be placed

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on the 2nd Reading. All in favor signify by saying -- all those in favor signify by voting Aye. All opposed, by voting Nay. Voting is open. Have all voted who wish? Have all voted who wish? On this question, there are 30 -- Clerk, take the record. On this question, there are 40 Ayes, 8 Nays, 2 recorded as Present, and the motions prevails. And House -- Senate Bill 1179 is on 2nd Reading. Senate Bill 1180. Senator Barkhausen. Clerk, read the motion.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Judiciary from further consideration of Senate Bill 1180, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senate Bill 1180. Senator Barkhausen, on the motion.

SENATOR BARKHAUSEN:

Mr. President and Members, Senate Bill 1180 is, I think, equally straightforward, perhaps somewhat more controversial, in that it creates a new offense of the willful or reckless communication of Acquired Immuno deficiency Syndrome virus, that is AIDS. The penalty is a Class 4 felony for a first offense, and a Class 2 felony for a second or subsequent offense occurring after a previous conviction. As AIDS becomes more prevalent in society, I think we are beginning to read about cases, or can imagine cases, in which - even though it is hard to imagine - those who are tragically infected with this virus are suffering in such a mental way that they deliberately take it upon themselves to communicate the disease, and I think it is only appropriate that action of that kind be made a serious criminal offense, and that is the reason for the bill. I'd be happy to entertain any questions.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Is there any discussion? Any discussion? The question is -- Senator Barkhausen moves to discharge the Committee on Judiciary from further consideration of Senate Bill 1180. All those in favor signify by voting Aye. All opposed, by voting Nay. The voting is open. Have all voted who wish? Have all voted who wish? Clerk, take the record. On this question, there are 42 Ayes, 7 Nays, none recorded as Present, and the discharge prevails, and Senate Bill 1180 is on 2nd Reading. Senate Bill 1181. Senator Barkhausen. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Judiciary from further consideration of Senate Bill 1181, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, unlike the earlier bill that we had on the subject of the nonconsensual eavesdropping or wiretap law. This, I hope, will be noncontroversial, at least for those who supported Senate Bill 1987, in that it is merely a cleanup. It comes at the request of the technical investigations section of the Department of State Police, and it does a number of things which, hopefully, are set forth in your analysis. It is unlike the earlier bill that we debated a while ago. It does not extend this law enforcement device to any additional crimes other than the ones for which it has already been approved. I'd be happy, however, to answer any of your questions.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Is there any discussion? Senator Barkhausen moves to discharge the Committee on Judiciary from further consideration on Senate Bill 1181. All those in favor signify by voting Aye. All

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opposed, by voting Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 47 Ayes, 1 recorded as No, none recorded as Present, and the motion prevails, and Senate Bill 1181 is on 2nd Reading. Senate Bill 1182. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Judiciary from further consideration of Senate Bill 1182, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, a week or more ago we had some discussion on the Floor about a Criminal Code bill that I believe Senator Severns was sponsoring, that related somehow to the recent Supreme Court case of People versus Lindner. This is - which I happen to regard as an unfortunate decision. What it did was to declare unconstitutional the sanction of license revocation or suspension for certain sex-related offenses, and I believe drug-related offenses. This is an attempt to further narrow that sanction, or the application of that sanction, to those sex-related and drug-related crimes that are committed while operating a motor vehicle. We believe that by providing this -- this so-called nexus between the commission of an offense and the operation of a motor vehicle, we will be able to pass the constitutional hurdle that the Supreme Court set down in its recent decision. Again, I'd be happy to answer your questions.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Barkhausen moves to discharge the Committee on Judiciary -- I am sorry. Gentleman from Rock Island, Senator Jacobs.

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SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR LECHOWICZ)

He indicates he will.

SENATOR JACOBS:

Not to the motion, but to the bill. Did this one-year suspension, did that take place after they went to prison, or before they went to prison?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

After the conviction, the Secretary of State would then act upon it.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Jacobs.

SENATOR JACOBS:

So in that case, if he would go to jail for two years, he would serve the suspension while he was in jail. Correct?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

If, in fact, he went to prison, that may well be the case. But as you know, commission of many of these offenses, even upon conviction, results in probationary sentences, periodic imprisonment, and the like.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Jacobs, on the motion -- no. Senator Dunn.

SENATOR THOMAS DUNN:

A question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

He indicates he will yield.

SENATOR THOMAS DUNN:

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Well, if it isn't serious enough to go to jail, why do we want to take away his driving privileges so he becomes unemployed and then gets money from the State?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

...(machine cutoff)...we are really seeking to clarify existing law, inasmuch as we had already taken action to impose this driver's license sanction for these crimes in a much broader way than we are attempting to do here, by limiting it only to those situations where these crimes are committed while operating a motor vehicle.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen, to close.

SENATOR BARKHAUSEN:

I'd ask for your support.

PRESIDENT ROCK:

All right. Senator Barkhausen has moved to discharge the Committee on Judiciary from further consideration of Senate Bill 1182. Those in favor of that motion 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 31 Ayes, 11 Nays, 3 voting Present, and the motion carries. 1183. Senator Donahue. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Elementary and Secondary Education from further consideration of Senate Bill 1183, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Donahue.

PRESIDENT ROCK:

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Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. The reason I am calling this motion is that it is different from Senator Watson's Senate Bill 759. It does do the same thing with Casimir Pulaski Holiday; it makes it commemorative. It leaves it open to the local school district whether or not they want to have the day off, but this goes a little bit further. And a little-known fact: even though we all get the Friday after Thanksgiving as a holiday, and it's a normal holiday, it isn't a legal holiday. And we are trying to establish that day as American Heritage Day, so that we're able to study, and to learn a little bit about, our heritage and those people -- founding fathers and what have you, that have done so much for this great country. I would ask for your Motion to Discharge Senate Bill 1183.

PRESIDENT ROCK:

Senator Donahue has moved to discharge the Committee on Elementary and Secondary Education from further consideration of Senate Bill 1183. Discussion? Senator Lechowicz. Senator Lechowicz.

SENATOR LECHOWICZ:

Mr. President, it's unfortunate to have to debate this issue twice in one day, maybe three or four times. But unfortunately, I really have no objection to the Lady's motion on the first half of her bill, but naturally my objection would be to the second half. The schools presently have Friday off after Thanksgiving, but I think we are doing a total disservice to the many individuals who really participated in this democratic -- passion, function, whether it be in the General Assembly or really going through the respective membership of every district in this State in trying to recognize individuals who have contributed to this great democracy. And unfortunately, I -- we have seen the assault twice

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today. Thank God, that a similar measure was defeated in the House, and I would hope that the Membership of this Senate would realize that there are a lot of people who take special recognition, whether it be a commemorative holiday or a school holiday or a State holiday. It is up to the individual State officer, county officer to declare their respective jurisdictions whether they're going to participate or not. But many people in this State found Pulaski Day after a long struggle, and appreciate the fact that the schools and the banks are closed that day. And for this reason, I am going to have to oppose the Lady in her Motion to Discharge the Committee.

PRESIDENT ROCK:

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. I agree with Senator Lechowicz. It is very disillusioning that some of our colleagues are just constantly trying to remove this holiday in honor of a great American Revolutionary War hero. As Senator Lechowicz stated, this is the second time we are debating the holiday for Pulaski. We defeated the motion on Senate Bill 759, and I urge - let's defeat this one, too.

PRESIDENT ROCK:

Further discussion? Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. I've seen Senator Lechowicz under siege here, and I have decided to join his team. This issue has -- was debated, I supported Senator Watson, but I do think it's been -- it's very close to being duplicative, and I would urge its defeat.

PRESIDENT ROCK:

Further discussion? Senator Topinka.

SENATOR TOPINKA:

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Yes, Mr. President and Ladies and Gentlemen of the Senate. You know, I think some issues are very unique to Illinois, and this is one. Now maybe Pulaski Day might not be important in Minnesota or Montana, but the Polish community has made significant contributions to the State of Illinois. It would probably be something like New Orleans deciding to make a State holiday for LaFayette or something like that, and I think this is so endemic to our State. I really would appreciate it if we could keep Casimir Pulaski on the books.

PRESIDENT ROCK:

Further discussion? Senator Donahue may close.

SENATOR DONAHUE:

Thank you, Mr. President. Well, I would say to all those that I didn't mean to be duplicative because I'm -- we're trying to establish the American Heritage Day. But I would just say that it's very hard for those in downstate Illinois to learn about Casimir Pulaski when they are not in school. I would hope you'd help me with this motion.

PRESIDENT ROCK:

All right. Senator Donahue moves -- has moved to discharge the Committee on Elementary and Secondary Education from further consideration of Senate Bill 1183. Those in favor of that motion 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 23 Ayes, 20 Nays, 2 voting Present, and the motion fails. 1184. Senator Topinka. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to discharge the Committee on Higher Education from further consideration of Senate Bill 1184, and that it be advanced to 2nd Reading. Filed by Senator Topinka.

PRESIDENT ROCK:

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Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate, this bill would require the Department of Public Health to try and address the nursing shortage in the State - which we've all acknowledged, but so far haven't done too much about - to provide five hundred new scholarships annually for nursing education. It does provide for a payback for recipients who fail to fulfill employment requirement. Also, if they fail we charge interest - I mean, I don't think anybody's getting anything for nothing - but it certainly does make things available and encourage people to go and stay in nursing. And I would ask for your favorable vote.

PRESIDENT ROCK:

All right. Senator Topinka has moved to discharge the Committee on Higher Education from further consideration of Senate Bill 1184. Discussion? Senator Collins.

SENATOR COLLINS:

Question of the sponsor.

PRESIDENT ROCK:

Sponsor indicates she will yield, Senator...

SENATOR COLLINS:

Senator Topinka, is there really a shortage of nurses in Illinois, are we -- do we have people that go into nursing that refuse to -- that get out and get other jobs because of the pay and the way they are being treated?

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Well, I am -- in answer to Senator Collins, she does bring up a good point - that there are other reasons why people do not go into and/or stay into nursing. But the result, unfortunately, is ultimately the same - that our hospitals, our nursing homes and

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other areas where nursing -- nurses are really and vitally needed, are just not getting the nurses. Not to mention that our nursing schools are no longer being able to attract even beginning freshman classes. So this is one people -- one way I think we can attract people to that profession.

PRESIDENT ROCK:

Senator Collins.

SENATOR COLLINS:

Senator, I understand what you're trying to do, and I sympathize with that, but I don't think it's going to solve the problem. Because even if you attract them and you give them the scholarship, and after they complete their nursing training, find out they can get a better paying job someplace else in another profession, you still not going to solve the problem until we begin to address some of the real problems that faces nurses in this State. We just haven't been willing to face up to that responsibility yet.

PRESIDENT ROCK:

All right. Senator Topinka has moved to discharge the Committee on Higher Education from further consideration of Senate Bill 1184. Those in favor of that motion 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 43 -- 44 Ayes, no Nays, none voting Present, and the motion prevails. All right. Ladies and Gentlemen, we are -- about ready to turn the corner. The bottom of Page 71 will conclude the motions except for the supplemental. Madam Secretary, perhaps we ought to pass the supplemental out so that everybody can get themselves prepared.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senate Bill 1216. Madam Secretary, read the motion.

SECRETARY HAWKER:

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I move to suspend all applicable rules, and to discharge the Senate Committee on Local Government from further consideration of Senate Bill 1216, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Kustra.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Out of the record, at the request of the sponsor. Senate Bill 1257. Senator Topinka. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to discharge the Committee on Higher Education from further consideration of Senate Bill 1257, and that it be advanced to 2nd Reading. Filed by Senator Topinka.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate. This, too, addresses scholarships for nursing, and I am putting it out here just so we have something here at the end of the line that does indeed address this problem. We would provide that the State Board of Education provides scholarships for nursing education. The State Board of Ed is authorized now to annually award an unspecified number of scholarships for person -- persons taking courses to become professional -- registered professional nurses, and we again put in an inducement to do this to payback, and things of that sort. So I would appreciate your favorable vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Topinka moves to discharge the Committee on Higher Education from further consideration of Senate Bill 1257. All those in favor signify by voting Aye. All opposed, by voting Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 49 Ayes, no Nays, none recorded as Present,

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and the motion prevails. And Senate Bill 1184 -- no - 1257 is on 2nd Reading. Senate Bill 1271. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to suspend Senate Rule 5c, and that the Committee on Local Government be discharged from further consideration of Senate Bill 1271, and that it be placed on the Senate Calendar on the Order of 2nd Reading. Filed by Senators Friedland and Schaffer.

END OF TAPE

TAPE 7

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Friedland.

SENATOR FRIEDLAND:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1271 affects an area in districts that are served by Senator Schaffer and myself. The problem is there are two small fire departments in the area that do not provide rescue service. This, through a frontdoor referendum, would authorize the citizens, following the referendum, to establish a rescue service, and we urge your favorable consideration of this.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The Lady from Winnebago, Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. I think one of my concerns is that townships already may levy up to nine and a half cents for ambulance service, and may declare any portion of an unincorporated area of a township as a special ambulance service district. It doesn't really seem necessary that we would need to

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create a new unit of local government. I think we have to be careful before we do this.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman from McHenry, Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, Members of the Senate, we looked at that option. This district happens to include parts of several townships, including some rather minute parts of several townships. It's currently served by a volunteer rescue squad that has done a very effective job. The two fire protection districts are -- are both very good operations, good people, but they just would prefer to let the rescue squad people do their thing and they'll do their -- the fire districts just want to fight fires. The legal eagles that they had discussed the option that the Senator from Winnebago just talked about, advised them that it wasn't a workable option, so they came to Senator Friedland and myself, and asked for our assistance. This is an area that would like an opportunity, by frontdoor referendum, to create a rescue squad district. I don't think it affects any other part of the State. I think it's carefully drawn to just touch this one area. The people there are very proud of their rescue squad, and I think the chances of a referendum succeeding are -- are very decent, and I would very much recommend this bill to you for passage.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Friedland moves to discharge the Committee on Local Government from further consideration of Senate Bill 1271. All those in favor, vote Aye. All those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 47 Ayes, no Nays, 1 recorded as Present, and the motion carries. On Page 71 appears 1273. Senate Bill 1273, at the request of the sponsor, is out of the record. 1274. Out of the record at the

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request of the sponsor. Senate Bill 1317. Senator Madigan. Out of the record. Senate Bill 1319. Senator Etheredge. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Energy and Environment from further consideration of Senate Bill 1319, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Etheredge.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman from Kane, Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, this is an administration bill. What it does is to require the Department of Energy and Natural Resources and the CDB to work together in the establishment and implementation of energy conservation capital retrofit programs for State buildings. I would be happy to respond to any questions.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The Gentleman from LaSalle, Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I would just like to say that this bill is a weakened version of Senate Bill 38, that we have already passed out onto 2nd Reading, that will be voted on this week. This bill is much more limited in scope. In fact, the two Departments that are involved with this did not want to pass legislation creating much authority to do anything here. They said they already had the authority. This is a minimal effort on their part to try to justify killing Senate Bill 38. I think that this bill probably should be left in committee, where it -- justly deserves to remain. This bill is not going to apply to many instances that Senate Bill 38 applies to. In particular it is

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going to save much less money for the State. What the bills will do is to allow for the capture of savings due to energy conservation. The energy conservation money will then be spun off into a bonding fund to improve energy conservation throughout the State of Illinois. The bill probably should remain where it is, and I would urge a No vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Etheredge, to close.

SENATOR ETHEREDGE:

Thank you, Mr. President. I would urge an Aye vote on this Motion to Discharge. There are some very significant differences between Senate Bill 38 and Senate Bill 1319, not the least of which is that under the terms of Senate Bill 38, we're called upon to establish an entire new agency to deal with this problem. A new agency that, with this administrative overhead, that will increase the expense to the State of Illinois. I think the approach that is spelled out in 1319 is a much better approach, and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Etheredge moves to discharge the Committee on Energy and Environment from further consideration of Senate Bill 1319. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Clerk will take the record. On this question, there are 28 Ayes, 19 Aye -- Nays, 3 recorded as Present. And the motions fails. Senate Bill 1326. Senator Schaffer. Madam Secretary, read the motion.

SECRETARY HAWKER:

I move to suspend Senate Rule 5c, and that the Committee on Public Health, Welfare and Corrections be discharged from further consideration of Senate Bill 1326, and that it be placed on the Senate Calendar on the Order of 2nd Reading. Filed by Senator

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Schaffer.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, Members of the Senate. The Governor has convened, I think as most of us know, a health summit comprised of Members of both caucuses in both Chambers, and public members. And that summit is in the process of taking, hearing, and arriving at a report and recommendations. The purpose of this bill, 1326, is to serve as a vehicle for any recommendations that come out of that summit, and that's all it is. And it -- based on the progress we are making thus far, it may be one that sits on the Calendar for a while. But hopefully that summit will come forth with some good recommendations that will have bipartisan support, and I was asked to advance this bill to serve as a vehicle for those, and I have no other agenda for this bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Lady from Cook, Senator Smith.

SENATOR SMITH:

Thank you very kindly.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Excuse me, Margaret. Please, please continue, Senator Smith.
Senator Smith.

SENATOR SMITH:

Mr. President and Ladies and Gentlemen of the Senate. And to my colleague, I am opposed to this -- letting this bill out, because, as you say, it is a vehicle bill, and we do not know how far it is intended to go. Now there are two packages already that has been sponsored by the Democrat and one by the Illinois Hospital Association, hospital bills. And then in the House, there are numerous bills that possibly -- that your -- your legislation amended on any of his -- the Governor's bills that he

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wants to put into action, can be amended onto those bills, and we will have an opportunity to hear them. And so for that particular reason, I am really opposed to this -- letting this out of the Committee.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Schaffer -- to close.

SENATOR SCHAFFER:

Well, frankly, I think I have detected enough vehicles flying around this place in the last week or so to fill a parking lot. So I can't really get offended about the concept. I sincerely suspect that Senator Carroll is not frightfully interested in the amendments to his proposal, and I doubt he would like to see his proposal referred to as a vehicle. I think the intent of the bill, and I am being as candid and up-front as I can be, is to respond to the recommendations of that summit. And I would frankly, respectfully point out to you, based on all of the participations in the summit, that I'm less likely to be enthusiastic about the recommendations than Senator Smith is. But the administration has asked to get a bill in position so that any recommendations that we can reach consensus on have a clear-cut avenue that does not impinge upon Senator Carroll's agenda, or anybody else's agenda, and that's the purpose of the bill. And I'd like to see it go forward. Thank you.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Schaffer moves to discharge the Committee on Public Health, Welfare and Corrections from further consideration on Senate Bill 1326. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Record me as No, please. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 37 Ayes, 11 Nays, 2 recorded as Present. And the motion prevails, and Senate Bill 1326 will be on 2nd Reading. Senate Bill 1331. Senator

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Barkhausen. Please read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Judiciary from further consideration of Senate Bill 1331, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, Senate Bill 1331 is one of the recommendations that comes from the administration, following up the Governor's State of the State Address, in which he appealed to all of us to seek to adopt some additional measures to enable us to get at the very serious problem of drug-related crime and excessive -- well, illegal drug use in general. This is one of two of a criminal law nature. It amends the Criminal Code and provides a Class A misdemeanor and a Class 4 felony for succeeding offenses for students or unauthorized persons who, on school property and without permission, use or even possess pocket pagers. I hadn't realized it until the subject came up, but apparently those who are active in the illegal drug trade - I guess particularly on school property - are inclined to carry out their offenses oftentimes by use of these pagers. And that is the reason for the measure. I'd be happy to try to answer your questions, and otherwise solicit your support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Gentleman from LaSalle, Senator Welch.

SENATOR WELCH:

Mr. President, I'd just like to point out that I have a pager bill. There are several pager bills coming over from the House. It seems to be the most popular bill this year, so I would urge that we keep at least one pager bill back in committee. And I

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would urge a No vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen moves to discharge the Committee on Judiciary from further consideration of Senate Bill 1331. 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 27 Ayes, 19 Nays, 2 recorded as Present, and the motion is lost. Senate Bill 1332. Senator Watson. Madam Secretary, please read the motion.

SECRETARY HAWKER:

I move to suspend Senate Rule 5c, and that the Committee on Public Health, Welfare and Corrections be discharged from further consideration of Senate Bill 1332, and that it be placed on the Senate Calendar on the Order of 2nd Reading. Filed by Senator Watson.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. I think we're all aware of the growing problem that steroid abuse is creating, not only in the State of Illinois, but throughout this country. The Alcohol and Substance Abuse Advisory Council has been discussing this issue in the Controlled Substance Committee for the last couple of years. And we've come up with what we think is a piece of...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Excuse me, Senator. Please continue.

SENATOR WATSON:

Thank you. We've come up with what we think is a piece of legislation that will hopefully address this issue. Part of the problem, as you well know, of course, the Ben Johnsons of the world, and now we are hearing all about it in the professional football and a lot of our professional athletes. And abuse is a

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lack of education among our young people, and really letting them know what the problems are and what might occur to the individual who abuses steroids. Part of this Act is to set up a statewide education program, and fund it, to enable us to get the word out on the abuse of steroids and what it could do to an individual. Another provision of the bill simply establishes penalties for possession and distribution of anabolic steroids, and as I mentioned, it sets up this education fund. I'd be glad to answer any questions, but I do think it's legislation that is -- has been deliberated in the Committee on Alcohol and Substance Abuse for quite some time, and I would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Lady from Cook, Senator Smith.

SENATOR SMITH:

(machine cutoff)...you, Mr. President. I am reminded of the word that was given to use about a week or so ago from the other side of the aisle about duplicate. Being duplicate in everything that we are doing, and said if it was over on their side, it would be dead. This is the same thing that we are going through right today. Senator Watson, the bill that you are seeking to get out of Committee -- Senator <sic> Breslin in the House Bill 252 -- Senator Marovitz - he has one identically like the one you are seeking to get out of committee, and I think that we would be doing nothing but duplicating -- duplicating what is already has been -- it's already in the process. Breslin from the House, and Senator Marovitz, right here in the Senate. And so I would say to all my friends to let us vote this down.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Lady from Cook, Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I would like to say, as a Member of the Advisory Council to the Department of Alcoholism and Substance

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Abuse, that Senator Watson is correct - that this bill has been in the works for a period of several years, and the bill that is before you now does reflect the deliberations, which I think were very thoughtful ones of that Committee. I think it is a good bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman from Bond. Senator Watson, to close.

SENATOR WATSON:

Yes. Thank you, Mr. President. Senator Smith, I -- I don't believe you're correct in your assumption that there is other legislation before this Body that -- that deals in the same manner in which this particular bill deals. But the bill in which Senator Marovitz is the sponsor simply sets up a Class C felony, I think it is. It's not -- doesn't direct the issues of education. It doesn't direct the issues of distribution. It directs the issues of possession. This particular piece of legislation's got a multitude of sponsors from both sides of the aisle who I think realize that there is a problem, and that something needs to be done in this State to address it. I would be most appreciative of a favorable vote. Thank you.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Watson moves to discharge the Committee on Public Health, Welfare and Corrections from further consideration on Senate Bill 1332. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Yes, ma'am. Thank you. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 44 Ayes, 4 Nays, none recorded as Present. And the motions prevails, and Senate Bill 1332 is on 2nd Reading.

Senate Bill 1333. Senator Kustra. Mr. Secretary, please read the motion.

ACTING SECRETARY: (MR. HARRY)

I move to suspend all applicable rules, and to discharge the

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Senate Committee on Education from further consideration of Senate Bill 1333, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Offered by Senator Kustra.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Cook, Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and Members of the Senate. This is one of two bills I have dealing with limitations on smoking, and Mr. President, I might point out that I arrived a little late today for Session, because of a medical emergency in the family. I have already mentioned this to Senators Rock and Demuzio. As a result, Senate Bill 159 was passed over in my absence, and I would like the opportunity to go back to that one. This one, Senate Bill 1333, requires school boards to prohibit the use of tobacco on school property when such property is used for school purposes. And I would ask for your favorable consideration, and would be glad to answer any questions at such time as it gets on 2nd Reading or 3rd.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Is there any discussion? Senator Kustra moves to discharge the Committee on Elementary and Secondary Education from further consideration on Senate Bill 1333. 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 41 Ayes, 4 Nays, 1 recorded as Present. And the motions carries. 1334 <sic> is on 2nd Reading. Senate Bill 1350. Senator Kustra. Please read the bill, Mr. -- please read the motion, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move to suspend all applicable rules, and to discharge the Senate Committee on Elementary and Secondary Education from further consideration of Senate Bill 1350, and that the foregoing

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bill be placed on the Calendar on the Order of 2nd Reading. By Senator Kustra.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Ladies and Gentlemen, I know the hour is getting late. Let's give the Gentleman your attention. Gentleman from Cook, Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President. This is a bill that creates three new grant programs administered by the State Board to increase scientific literacy. It is a proposal of the Governor's this year. It also creates a Center for Scientific Literacy. The grant programs I can discuss at the appropriate time. I'll answer any questions now, if need be.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Kustra moves to discharge the Committee on Elementary and Secondary Education from further consideration on Senate Bill 1350. All those in favor, vote Aye. All those opposed, vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 45 Ayes, 1 Nay, 1 recorded as Present. And the motions prevails, and Senate Bill 1350 will be on 2nd Reading. Senate Bill 1368. Senator Macdonald. Out of the record. Senate Bill -- I am sorry. 1467. Senator Collins. Mr. Secretary, read the motion. 1437. Read the motion.

ACTING SECRETARY: (MR. HARRY)

I move to discharge the Agriculture Committee from further consideration of Senate Bill 1437, and that the bill be placed on the Calendar on the Order of 2nd Reading. By Senator Collins.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Lady from Cook, Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President. This bill, unlike most of the other

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bills, did not have an opportunity for a hearing in Committee, because it erroneously ended up into a committee -- a subcommittee, to be heard with a pesticides bill, and that was a mistake, because I think the staff thought that in the beginning that this bill was a pesticide bill. It has been called to the attention of the staff and the Chair of the Committee that this bill should be given opportunity for hearing on the Floor. And that -- and the -- the necessity of this bill, and I am sure that most of you recognize that with the growing concern over pesticides in food, and that has necessitated -- I mean proliferated an additional businesses that purport to sell organic food. Unlike sixteen other states in this country, Illinois has no laws at all which determines what is organic food in this State, and I think it's unfair to the consumers, who are really concerned over the use of pesticides in their food, to believe that they are, in fact, buying organic foods for their family, and they are paying three times as much and sometime even more than that for the same foods, only to find out that the foods have the same kind of chemicals in them as nonorganic grown food. So what this bill simply does, it says that if you are going to sell organic foods in the State of Illinois, you would adhere to some standards, just as other states have provided for standards for the sale of and growth of organic food. I will be happy to answer any questions. To my knowledge, the Department of Ag is neutral on the bill. Their estimates, in terms of what this costs, is basically for administration, and they talked about maybe two investigators to be added to go out and to take a look at this, but I do think we owe this, and if we don't do it now, we are going to do it sooner or later. The people of this State deserves a right to -- if they, in fact, are going to pay for organic food, to have organic food.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Will the Lady bring her remarks to a close? Okay. Any discussion? The Lady from Adams, Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. I suppose I'll let the Chairman of Ag speak for himself, but as far we know, that this was not erroneously sent to a subcommittee. And I think to say that it doesn't have anything to do with a pesticide -- pesticides -- is also incorrect. It does have things to do with pesticide and the pesticide issue. What this bill does is set up a bureaucracy to tell people basically what's not in their food, than what is in their food. The Department of Agriculture is neutral on this, but it does have a fiscal impact of a hundred and twelve thousand dollars a year. And I rise in opposition to this motion.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Jefferson, Senator O'Daniel. Chairman of the Committee.

SENATOR O'DANIEL:

Thank you, Mr. President. I agree with Senator Collins. This bill was mistakenly held in Committee, and should have moved out - it really isn't in the group with the pesticide bills, and I would support her motion.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Collins, to close.

SENATOR COLLINS:

I move for a favorable roll call.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Collins moves to discharge the Committee on Agriculture from further consideration of Senate Bill 1437. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Clerk will take the record. On this question, there are 25 Ayes, 24 Nays, 2 recorded as Present, and the motion fails.

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Senate Bill 1439. Senator Etheredge. Out of the record. Senate Bill 1445. Senator Philip. Read the motion, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

I move to suspend Senate Rule 5c, and that the Committee on Judiciary be discharged from further consideration of Senate Bill 1445, and that it be placed on the Senate Calendar on the Order of 2nd Reading. Filed by Senator Philip.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman from DuPage, Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1445 amends the Controlled Substance Act. Any person convicted of a drug-related felony ineligible for various State service for one year. If they're convicted for the second drug-related felony conviction they would be ineligible for three years. If they get convicted for the third time, you'd be not eligible for any State program. This is -- would be a Class 3 felony, and it pertains to selling of drugs. I'd be happy to answer any questions, and ask for a favorable roll call.

PRESIDENT ROCK:

Any discussion? All right. Senator -- Senator Philip has moved to discharge the Committee on Judiciary from further consideration of Senate Bill 1445. Those in favor of that motion 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 45 Ayes, 2 voting Nay, none voting present, and the motion carries. Page 72. Senator Watson. Motions in Writing to Reconsider. Middle of Page 72, Ladies and Gentlemen. There is a Motion in Writing to Reconsider the vote by which Senate Bill 4-4-9 passed. I indicated to Senator Watson last week we would get to this at the earliest opportunity. Read the motion, Mr. Secretary, please.

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ACTING SECRETARY: (MR. HARRY)

Having voted on the prevailing side, I move to reconsider the vote by which Senate Bill 449 passed.

PRESIDENT ROCK:

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. I was inadvertently in the phone booth when this particular bill came up for discussion on the Senate Floor. I walked out of the phone booth, came over here, and voted Yes on a bill before I realized what I was voting on. The bill really didn't get much discussion at all. In fact, I think the sponsor of the legislation - you correct me if I am wrong, Senator Severns, because it was your bill - I believe the sponsor addressed the issue, probably explained it properly, but there was no discussion and really, the bill just flew out of here. This is a very controversial piece of legislation, and later on during the day, Senator Berman got up and asked that his vote be changed, or not necessarily be changed, but had he been aware of what the issue was, he would have voted negatively also, as I did. So I just feel that we ought to reconsider the vote by which this particular bill passed. This bill is a compulsory school attendance legislation which takes the mandatory age of attendance from sixteen to eighteen. Now I don't know if it's proper for me to tell you why I think that's wrong, but I voted for it. I made a bad vote; I should have voted No. I would -- have told the people back home I'd vote No. I don't believe that this is the right direction in which we ought to head. I think we are going to be babysitting for these kids between the ages of sixteen to eighteen. If they don't want to stay in school let's get them out so that the kids who want an education can stay in there and -- and get one. So anyway, I would persist in this motion, and ask for favorable -- favorable consideration, Mr.

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President, and thank you for getting to this order of business.

PRESIDENT ROCK:

All right. The Chair will just -- two observations by the Chair. One, the Motions in Writing at the top of the page refer to resolutions. And frankly, the resolutions are not subject to any deadline. The Chair of Executive indicates there will be a committee meeting, so the Chair is prepared to not go to that order. Particularly at 8:15 in the evening. And Senator Watson's motion -- that bill has been declared passed with thirty affirmative votes. It will take thirty affirmative votes to undo that passage. Discussion on the Motion to Reconsider? Senator Seaverns.

SENATOR SEVERNS:

Thank you, Mr. President and Members of the Senate. I'll limit my remarks to the motion itself, and not to the merits of the bill, except to say, Senator Watson, that while apparently you were in that phone booth, you missed the debate. There was debate on the Floor; there was debate in the committee. Senator Kustra asked me some specific questions which I responded to, and I think the fact that this bill was heard in committee, the fact that this bill was debated on the Floor of the Senate last week and passed with -- with the vote, that Senator Watson should use the same practice that any other Member of this Senate uses, and that's stand up if he wishes to say that he inadvertently pressed the wrong button. I think for us to reconsider this measure simply because the Member did not like the outcome of the vote is setting a bad precedent in our Chamber. For matters of principle, I urge the Senate to let the record stand as it is, with this bill having the votes to pass out of the Senate, and I would urge a No vote on this motion.

PRESIDENT ROCK:

Further discussion on the Motion to Reconsider? Senator

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Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. I, too, stand in opposition to the motion. I spoke to the -- to the -- in debate on this particular bill. And it went back and forth for some time, and therefore what the maker of the motion is saying is -- is incorrect. There was quite a bit of debate back and forth on this bill, and I stand in opposition of this motion.

PRESIDENT ROCK:

All right. Any further discussion? Further discussion? Senator Watson may close.

SENATOR WATSON:

Well, I -- I apologize, but I honestly don't think there was any debate, Mr. President, and I have asked several people. And when I came out here from the phone booth, there was a lot of confusion as to what this legislation did, and I, Senator, if you talked -- you may have talked on a different bill, because there was one in regard to DUIs and drugs and things, and driver's license - I don't know - that Penny Severns sponsored. But I think, Penny Severns, you're wrong on this I think that you were the only one who spoke, and I went over to that side of the aisle. I talked to several other members who -- who voted on this particular bill, and were not really sure what they voted on. Obviously, Senator Berman didn't realize what he voted on, because he asked that the record show that he would have voted otherwise. So, I think, for those of you that get up and say that this was debated properly -- really isn't the fact. I think the motion should prevail. I have every right to do this, and I think that then we can discuss the issues and the merits of the legislation at another time.

PRESIDENT ROCK:

All right. Senator Watson, having voted on the prevailing

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side, has moved to reconsider the vote by which Senate Bill 4-4-9 was declared passed. Those in favor of the Motion to Reconsider 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, the Ayes are 27, the Nays are 20, none voting Present, and the motion fails. Ladies and Gentlemen, if I can direct your attention now to Supplemental Senate Calendar Number 1 -- I am sorry. Senator Jacobs, for what purpose do you seek recognition?

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen. Not to belabor a point, but it was our understanding that we were to go through the Motions to Discharge, and we weren't aware of a supplemental Senate Calendar. I make a motion that we Table Supplemental Calendar Number 1.

PRESIDENT ROCK:

Well, we had made an agreement that we would honor Motions to Discharge on Monday, the 22nd day of May, and I intend to do that. I will declare your motion out of Order. And you keep it up, I'll declare you out of order. (laughter) No. Sit down, will you? We will be out of here in a half an hour if we get going here. Yes. Senator Jacobs. All right. Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. I'd like to make a motion that supplemental Senate Calendar number 1, Motions in Writing, be approved in its entirety.

PRESIDENT ROCK:

That motion is also out of order. On the Order of Motions in Writing, there is a motion filed with respect to Senate Bill 18. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the

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Senate Committee on Public Health, Welfare and Corrections from further consideration of Senate Bill 18, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Topinka.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate. First off, I do wish to apologize for this inconvenience, and it just occurred mainly because somewhere these motions were misplaced when they thought they were going to be filed and were not. And if we can go through these. Basically, Senate Bill 18 codifies the powers and duties of the Department of Mental Health and Developmental Disabilities and asks them to develop a formula for the distribution of funds available to the Department for community mental health services. This is something we have been promised by the Department of Mental Health for three years now. They keep promising, they don't deliver, and I would ask that you help me to help remind them that they made a promise.

PRESIDENT ROCK:

All right. Senator Topinka has moved to discharge the Committee of Public Health from further consideration of Senate Bill 18. Is there any discussion? Senator Smith.

SENATOR SMITH:

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

PRESIDENT ROCK:

The sponsor indicates she will yield. Senator Smith.

SENATOR SMITH:

Is it true that the bill, in its current form, will reward mostly the well-do-well counties and -- such as DuPage, by five million dollars?

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PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

I don't think it rewards anyone. It just more equitably distributes what is a very inequitable way of distributing funds, the majority of which now go to institutions, and not necessarily to community mental health, which best knows where those funds belong to help people directly.

PRESIDENT ROCK:

Senator Smith.

SENATOR SMITH:

Thank you. Senator Topinka, we have several bills in the House that address this same thing, and we'll have an opportunity to hear them in our meeting -- in our Session, and you will be in attendance. Do we have to have what you are taking here now?

PRESIDENT ROCK:

I think that's a rhetorical question. Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President, Members of the Senate. I didn't realize this bill was out there, but I want to rise in support of this Discharge Motion. I thought the problem was confined in northwestern Illinois, where we've had an ongoing problem with the fact that the Department of Mental Health and Developmental Disabilities seems to have no rational way of distributing money to community mental health institutions. For those of my colleagues from the quad-cities, from Pekin, from Peoria and other areas in that section, I think we need to get on this motion, and at least put the bill out, so we can consider what should be done with these monies in the future.

PRESIDENT ROCK:

Further discussion? Senator Fawell.

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SENATOR FAWELL:

Thank you very much. This is something that we have been trying to do in the Commission of Mental Health and Developmental Disabilities for a long time. We have been trying to get the monies into the communities where obviously they will do the most good, and the people can be taken care of better, by far, than the present system. Right now, two-thirds of the Mental Health monies go to the institutions, and yet most of the people have to be taken care of in the communities. It just seems this is a good bill; I think we should get it on the Floor, and let's get on with the business.

PRESIDENT ROCK:

Further discussion? Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. The fact is that this will increase the funding for DuPage County by 5 to 6.5 million dollars. That's the bottom line. If you want to change the allocation formula, that's what this does. It robs Peter to pay Paul. This is not a good idea. DMH is against it, and we should oppose it.

PRESIDENT ROCK:

Further discussion? Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. I only rise in strong support of this Discharge Motion like the others that have spoken behind -- before me, with the exception of Senator D'Arco. Our whole corridor of Illinois is having the same problems, and I -- this bill, I think, is very, very important to pass this Session.

PRESIDENT ROCK:

Further discussion? Senator Topinka, you wish to close?

SENATOR TOPINKA:

I do, and I wish just to make one other comment. No one can say what this will give to any county any place, because no

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formula has been developed. What we are asking for in the bill is for the Department of Mental Health to develop a formula, and I would ask for your favorable roll call.

PRESIDENT ROCK:

All right. Senator Topinka has moved to discharge the Committee on Public Health from further consideration of Senate Bill 18. Those in favor of the motion 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 29 Ayes, 13 Nays and 1 voting Present, and the motion fails. 223. Senator DeAngelis. Read the motion, Madam Secretary.

SECRETARY HAWKER:

Senate Bill 223. I move to suspend Senate Rule 5c, and that the Committee on Executive be discharged from further consideration of Senate Bill 223, and that it be placed on the Senate Calendar on the Order of 2nd Reading. Filed by Senator DeAngelis.

PRESIDENT ROCK:

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 223 deletes some record keeping functions from the Secretary of State's Office. I would be remiss, in all candor, if I did not indicate that...

PRESIDENT ROCK:

...That this is a sixteen-wheeler.

SENATOR DeANGELIS:

...that in the future, if there is some need for this very important agency of the State of Illinois to have some recodification or other legislation, this bill might perhaps be used for that purpose.

PRESIDENT ROCK:

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Discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Mr. President, I just received my fortune cookie from Senator Schaffer, and it says, "Now is the time to try something new." That's exactly what it says, Aldo. But my question to you is, how new -- how new is this vehicle going to be?

PRESIDENT ROCK:

Senator DeAngelis.

SENATOR DeANGELIS:

Senator Lechowicz, in all honesty, there are no plans at all. This is one agency that does not have a vehicle out there. And -- and I'll try to do a responsible job if and when the time comes that I get called upon to introduced legislation on their behalf.

PRESIDENT ROCK:

Senator Lechowicz.

SENATOR LECHOWICZ:

As a matter -- Thank you, Mr. President. As a matter of courtesy, would you show the amendment -- proposed amendment to the Chairman of Executive at the appropriate time? Then I have no objection to the vehicle.

PRESIDENT ROCK:

All right. Senator DeAngelis has moved to discharge the Executive Committee from further consideration of Senate Bill 223. Those in favor of that motion will vote Aye. Those opposed will vote Nay, and the voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 45 Ayes, 1 Nay, none voting Present, and the motion carries. 236. Senator Topinka. Madam Secretary, read the motion, please.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Public Health, Welfare and Corrections from

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further consideration of Senate Bill 236, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Topinka.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President, Ladies and Gentlemen of the Senate. This requires the Department of Mental Health to take care of disabled persons admitted to a facility, both according to their chronological age as well as their developmentally disabled age. It comes from the problem of a thirty-two-year-old woman at the Howe Medical Institution whose doll was taken away from her, causing her to completely dysfunction, but they proceeded to feel that because she was old enough to be normal at that age and not have dolls, therefore, we would have to deal just with chronological age. This asks for just some consideration for those that can't keep up with what is considered normal. And I would ask for your favorable roll call.

PRESIDENT ROCK:

Senator Topinka has moved to discharge the Committee on Public Health from further consideration of Senate Bill 236. Discussion? Senator Smith.

SENATOR SMITH:

Mr. President, I am -- I am against the passage of getting this out of committee. Did you not know that this bill violates the Federal Law and certification requirements as it is, and we are talking about saving money, and how much money, every time that we bring up a bill. This is an awful lot of money. The State would lose one hundred million dollars under this bill, Senate Bill 236, and there are numerous groups that would desire to testify on this bill. I wholeheartedly ask that you not vote for this passage.

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PRESIDENT ROCK:

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. The lady is absolutely correct. Unfortunately, this bill should really remain on the Secretary's Desk. We're talking about the possibility of -- of violating federal requirements, and also the strong possibility of the State losing a hundred million dollars in federal funds. If anything needs further examination, it is this bill. A resounding No should be placed on this bill for Motion to Discharge the committee, I am sorry to say, but unfortunately, that is the case as I read the analysis of Senate Bill 236.

PRESIDENT ROCK:

Further discussion? Senator Topinka, you wish to close?

SENATOR TOPINKA:

Yes, I do. We realize that it needs an amendment. Had we been in committee during the discussion of this bill, that amendment would have been put on. And all it says -- it does not violate federal law with the amendment. It just says give some consideration to this, it does not mandate it.

PRESIDENT ROCK:

Senator Topinka has moved to discharge the Committee on Public Health from further consideration of Senate Bill 236. Those in favor of that motion will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 27 Ayes, 18 Nays, and 3 voting Present. The motion fails. 396. Senator Topinka. Read the motion, Madam Secretary, please.

SECRETARY HAWKER:

I move to discharge the Committee on Transportation from

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further consideration of Senate Bill 396, and that it be advanced to 2nd Reading. Filed by Senator Topinka.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Mr. President, Ladies and Gentlemen of the Senate, this bill was asked for by the Anti-Cruelty Society of Chicago, and it needed an amendment. We...it was not drafted correctly in the beginning, and in...if we had been in committee, it would have been done there, which would have eliminated farm animals from the consideration of this bill. This would prohibit drivers of pickup trucks from carrying an unrestrained animal in the cargo bed of the truck. It is not only a humane matter, it is a safety matter.

PRESIDENT ROCK:

Senator Topinka has moved to discharge the Committee on Transportation from further consideration of Senate Bill 396. Discussion? Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. Mr. President, this bill should remain in committee. It should not be put on the Floor. It is flawed. There's a...a couple other reasons. It don't take into other animals, large pets, and what have you. So therefore, it should stay in committee and let us work on it.

PRESIDENT ROCK:

Further discussion? Senator Rigney.

SENATOR RIGNEY:

Well, Mr. President, this is a rather interesting bill, at least if my staff analysis is correct. I might start -- preface my remarks to Senator Topinka, to say that last Saturday I hauled a bull from Platteville, Wisconsin, home. And if I'm reading the fine print here, among other things, it says the animal must be cross-tethered. Is that correct?

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PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

I really don't know what to say to you on that one, Senator Rigney.

PRESIDENT ROCK:

That's good. Senator Rigney.

SENATOR RIGNEY:

Well, I thought I'd make the offer to you - the next time I haul one, you can put the ropes on him. Frankly, I'd... I realize, Senator Topinka, that you have a lot of interests around here, but I just kind of wish you'd leave the bull shipping to those of us that are in the profession. (laughter)

PRESIDENT ROCK:

Further discussion? Senator Dunn.

SENATOR RALPH DUNN:

Thank you, Mr. President. I've been quiet all day. This is probably the worst bill I ever saw. It doesn't do anything for people. We ride -- in southern Illinois, people ride in the backs of pickup trucks, untethered and unrestrained. Senator Topinka, would you grandfather in all the dogs that are riding in -- in pickup trucks now? If -- you might grandfather them in and say that future puppies can't be hauled unrestrained. Would that be all right?

PRESIDENT ROCK:

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

SENATOR TOPINKA:

I -- I think I've done my part for the Anti-Cruelty Society.

PRESIDENT ROCK:

All right. Senator Topinka has moved to discharge the Committee on Transportation from further consideration of Senate

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Bill 396. Those in favor of that motion 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, the Ayes are too many, the Nays are 43. Senator Topinka, you won the prize. The motion fails. 466. Senator Topinka. Read the motion, Madam Secretary. Senate Bill 4-6-6. We're halfway through the supplemental, Ladies and Gentlemen. It'll be over shortly.

SECRETARY HAWKER:

I move to discharge the Committee on Transportation from further consideration of Senate Bill 4-6-6, and that it be advanced to 2nd Reading. Filed by Senator Topinka.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate. This amends the RTA and MTA Act, and provides whistle-blower protection for the RTA, CTA, PAC and Met Tram Employees. And it also adds the Office of Inspector General to the RTA. This came out of -- basically last year all the stories in terms of people who are -- who are being set upon because they had made suggestions about improprieties over at the RTA. The RTA is now neutral. This is very similar to what Mayor Daley has now instituted, you know, in -- in Chicago, in terms of the City Council, and I would ask your favorable consideration.

PRESIDENT ROCK:

All right. Senator Topinka has moved to discharge the Committee on Transportation from further consideration of Senate Bill 466. Discussion? Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. Here we are with a very substantive bill that, had it been in committee, would have had the

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opportunity to give the public a chance to hear and talk concerning it. I know that's where the two bills lost last time before. So let's keep it in Committee, and we'll work on it for you, Topinka.

PRESIDENT ROCK:

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

I -- thank you, Mr. President. I totally agree with the previous speaker, but it does more than that, because when we created the RTA Act, at the request of the Republican Members, both in the Senate and the House, we created a special financing arrangement for them for control. I didn't care for that, but we supported it and voted for it. And now we are creating an Inspector General. Now, all I know is that the RTA Chairman is appointed and confirmed by the Senate, and he is a Republican. Okay? Metra-same thing. CTA - that's a negotiable item, right now I don't know who is going to be the Chairman. But in all reality the financing and the proposal, as it presently exists, comes from this Body, and for that reason I don't think we need an Inspector General to oversee that organization, when we do it on the appropriation process and we do it through the process of confirming -- when we advise and consent on the Governor's recommendations to serve on those respective bodies, and I would strongly recommend a No vote on Senate Bill 466.

PRESIDENT ROCK:

All right. Senator Topinka has moved to discharge the Committee on Transportation from further consideration of Senate Bill 466. Those in favor of that motion, 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 26 Ayes, 15 Nays, none voting Present, and the motion fails. 543. Read the motion, Madam

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Secretary.

SECRETARY HAWKER:

I move that the Committee on Executive be discharged from further consideration of Senate Bill 543, and that the bill be placed on the Order of 2nd Reading. Filed by Senator Brookins.

PRESIDENT ROCK:

Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. Senate Bill 543 was sent to the wrong committee. Should have went to Judicial, I believe. But it will divide Cook County Judicial Circuit into fifteen -- Judicial Districts, each representing twelve judges. Currently ninety-four circuit judges are elected at large in Cook County Judicial Circuit. Under Senate Bill 543, by it requiring twelve circuit judges to be elected in each subdistrict, might give electors a better shot at knowing what judges they are electing. I urge for a Aye vote.

PRESIDENT ROCK:

All right, Senator Brookins has moved to discharge the Committee on Executive from further consideration of Senate Bill 543. Discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in strong support of Senator Brookins' motion. This bill -- putting it on the floor at least gives the citizens of Cook County the chance to look at the fundamental fairness of our Judiciary, and I think it is in the best interest of all citizens of Cook County to at least open the process up.

PRESIDENT ROCK:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Briefly, Mr. President and Ladies and Gentlemen of the Senate.

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That's the same bill that I had, and it was a good bill. It didn't get out of committee. I think it's fair, it's far -- it's a far better answer than the so-called merit selection garbage, which is not true. And this is a good bill. I support it.

PRESIDENT ROCK:

Further discussion? Senator Dunn.

SENATOR THOMAS DUNN:

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

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Dunn.

SENATOR THOMAS DUNN:

What is the -- Chicago Bar Association position on this, Senator Brookins?

PRESIDENT ROCK:

Senator Brookins.

SENATOR BROOKINS:

I have no idea at this present time, Senator Dunn.

PRESIDENT ROCK:

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. Unfortunately, I'm going to have to stand in opposition to this. We sat in the Executive Committee and we discussed many of the proposals that we've been looking at today and prior to today. This was one of them. And the gentleman was in the committee and was asked, did he want to have his bill called, and he really realized he didn't have the votes, so I guess he's making this Motion to Discharge. The difficulty with this is, if you're creating fifteen Judicial districts, each represented by twelve judges, the incumbency, as far as the existing judges in the county, would make it very difficult to comply with this legislation. And if you're going to require people to reside in a certain district, and try to seek the

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necessary qualifications to fill the office, it's going to be very difficult to comply. I think you're doing a disservice to the people who are presently sitting on the bench. And you're doing a disservice of people who are contemplating running, and seeking that honorable office. This is a wrong way to go, and unfortunately, I'm going to have to oppose it, for those reasons. I have absolutely nothing against the sponsor, and his thoughts on the subject, but I thought that if you really want to discuss this in total, have the input from the Cook County Judiciary, the opportunity existed in committee, and it wasn't taken. And for that reason, I'm going to be opposing Senate Bill 543.

PRESIDENT ROCK:

Senator Brookins has moved to discharge the Committee on Executive from further consideration of Senate Bill 543. Those in favor of that motion 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 36 Ayes, 13 Nays, none voting Present. And the motion carries. 689. Senator Topinka. Read the motion.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Public Health, Welfare and Corrections from further consideration of Senate Bill 689, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Topinka.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Mr. President, if I may, I would like to hold this bill, and not call it.

PRESIDENT ROCK:

How about 784? 7-8-4. Read the motion, Madam Secretary.

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SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Public Health, Welfare and Corrections from further consideration of Senate Bill 784, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Topinka.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President, Ladies and Gentlemen of the Senate. This amends the -- the Senior -- the Illinois Act on Aging and it defines multipurpose Senior Centers, and it authorizes the Department on Aging to establish and fund multipurpose Senior Centers. Obviously, funding depends upon money -- monies that are available. There is no funding proposal that accompanies this. This merely ascertains the fact that the Department on Aging would indeed be able to do this, as was originally intended through federal legislation.

PRESIDENT ROCK:

All right. Senator Topinka has moved to discharge the Committee on Public Health from further consideration of Senate Bill 7-8-4. Discussion? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I just wanted to point out that the Department on Aging apparently is in opposition to this bill. They filed a fiscal note showing the cost 4.4 million dollars to carry out the intent of this bill. And apparently the groups that were in favor of doing something have endorsed Senate Bill 699 and Senate Bill 1185, of which Senator Topinka is a co-sponsor. So I am not sure that we need a separate bill such as this.

PRESIDENT ROCK:

Further discussion? Further discussion? Senator Topinka has

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moved to discharge the Committee on Public Health from further consideration of Senate Bill 7-8-4. Those in favor of that motion 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 33 Ayes, 4 Nays, 2 voting Present. And the motion carries. 1124. Senator Topinka. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move to suspend all applicable rules, and to discharge the Senate Committee on Public Health, Welfare and Corrections from further consideration of Senate Bill 1124, and that the foregoing bill be placed on the Calendar on the Order of 2nd Reading. Filed by Senator Topinka.

PRESIDENT ROCK:

1-1-2-4. Senator Topinka.

SENATOR TOPINKA:

Mr. President, Ladies and Gentlemen of the Senate. This is an administration bill, and it amends the Water Well Pump Installation Contractors License Act, to define monitoring well and excludes them from coverage under the Act. It changes the definition of construction, defines closed loop well and monitoring well. It does a lot of what Senator Joyce's bill did the other day. It goes beyond that. It is the -- the effective date would be January 1st, 1990. This, I guess, began out of a problem that Senator Philip had in his district, and it went on with the Senate Energy and Environmental Department supporting it. So I would ask for your favorable response.

PRESIDENT ROCK:

All right. Senator Topinka has moved to discharge the Committee on Public Health from further consideration of Senate Bill 1124. Discussion? Senator Smith.

SENATOR SMITH:

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Thank you, Mr. President. To the sponsor of the bill, as you stated, last week we had Senator Joyce -- Jerome Joyce had Senate Bill 250, which we have under consideration, and could not your legislation be amended to that? Because after all, there are a lot of House bills that are going to be coming before our committee that's doing the same thing. I wanted to ask you that.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

This bill is cleaned up, ready to go. It needs no amendments, it covers the whole issue. It's supported by the Department, and it does everything it is supposed to do in terms of these wells.

PRESIDENT ROCK:

All right. Senator Topinka has moved to discharge the Committee on Public Health from further consideration of Senate Bill 1124. Those in favor of that motion 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 24 Ayes, 17 Nays, 1 voting Present. And the motion fails. 1329. Senator Topinka. On the Order of Motions in Writing, bottom of Supplemental Calendar, Senate Bill 1329, Madam Secretary. Read the motion, please.

SECRETARY HAWKER:

I move to suspend Senate Rule 5c, and that Senate Committee on Judiciary be discharged from further consideration of Senate Bill 1329, that it be placed on the Senate Calendar on the Order of 2nd Reading. Filed by Senator Topinka.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate. This bill basically picks up from a bill that I guess died in

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Rules Committee or was tied up somehow last year from Senator Marovitz and Senator Degnan. And what it would do -- it amends the Controlled Substances Act to put propyhexedrine into the Schedule V. It is apparently some kind of a nasal ingestion, and it belongs in this capacity. And so I would ask for your favorable roll call.

PRESIDENT ROCK:

All right. Senator Topinka has moved to discharge the Committee on Judiciary from further consideration of Senate Bill 1329. Discussion? If not, those in favor of the motion will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? All voted who wish? Have all voted who wish? Take the record. On that question, there are 33 Ayes, 3 Nays, none voting Present, and the motion carries. ...(machine cutoff)... Ladies and Gentlemen, we have a request from a couple of Members to -- given their personal circumstance, to go back to bills that were passed over. That will be the last order of business this evening, and we will commence at nine o'clock tomorrow morning, and start, I hope, again, to accommodate the Members and the clerical help to do recalls. So I would ask anybody that's got an amendment for a 2nd Reading bill - or 3rd Reading bill, I mean - let's get it in so we can get it cleaned up, and then we will do recalls and then 2nd Reading. ...(machine cutoff)... Senator Jones, on Senate Bill 67. For the hundred and third time. Madam Secretary, with leave of the Body, now we're back on Page 59 on the Calendar. 59, Ladies and Gentlemen. 5-9. Right smack in the middle of this hundred-page entry. Motion in Writing with respect to Senate Bill 67, Madam Secretary.

SECRETARY HAWKER:

I move that the Committee on Revenue be discharged from further consideration of Senate Bill 67, and that the bill be placed on the Order of 2nd Reading. Filed by Senator Jones.

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PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Thank you, Mr. President and Members of the Senate. Senate Bill 67 is the income tax increase bill, and I make this motion to get the bill on 2nd Reading, so that it can be amended to give us a permanent State Income Tax, but I don't want to have the same vote that Senator Philip had. I'd like to get this bill out on 2nd Reading so that this Body will have an opportunity to put its tax measure before the people of the State of Illinois, and I ask for a favorable vote.

PRESIDENT ROCK:

Any discussion? Is there any discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Would Senator Jones yield for a question?

PRESIDENT ROCK:

He indicates he will yield, Senator Philip.

SENATOR PHILIP:

Wonderful. Just out of curiosity, Senator, how did you vote on my cigarette tax increase?

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Which one?

PRESIDENT ROCK:

Senator Philip.

SENATOR PHILIP:

Listen, neighbor, I only had one.

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

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Well, I have a problem. I have a conflict of interest. See, I smoke, and -- but -- but in all due conscience, as I indicated to you, this bill will solve many, many problems, and if you place this bill on 2nd Reading, there may not be any need for a cigarette tax increase.

PRESIDENT ROCK:

All right. Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President. I got a conflict of interest, too. I pay taxes, and big taxes.

PRESIDENT ROCK:

All right. Senator Jones has moved to discharge the Committee on Revenue from further consideration of Senate Bill 67, and asks that the bill be placed on the Order of 2nd Reading. Those in favor of that motion 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 6 Ayes, 40 Nays, none voting Present. And the motion fails. On the same page, Ladies and Gentlemen, is Senate Bill 159. Senator Kustra indicated he was late due to personal circumstance; we will attempt to accommodate him. Read the motion.

SECRETARY HAWKER:

I move to suspend Senate Rule 5c, and that the Committee on Executive be discharged from further consideration of Senate Bill 159, and that it be placed on the Senate Calendar on the Order of 2nd Reading. Filed by Senator Kustra.

PRESIDENT ROCK:

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and Members of the Senate. Mr. President, before I address that bill, I would just like to

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comment on the day's proceedings. This is a body that has always been known for its smooth functioning, and the last few weeks have been a little bit more difficult than we are used to around here. We had an agreement. This is the end of a long day. You have lived up to that agreement, I think, with flying colors under some very difficult circumstances. You and all those who've presided, I think, have given Members on this side of the Aisle the -- the accord that I think we -- we expected in the agreement, and I would just like to commend you and all of your Members for what is a very long day. We appreciate the opportunity to do that. Thank you. To the bill: it's the Clean Indoor Air Act. We don't need to debate it now. All I can tell you is that I do think, given the high level of interest of the bill, that we ought to have this bill out on 2nd and 3rd Reading for proper debate. And I would ask for your favorable consideration. Thank you, Mr. President.

PRESIDENT ROCK:

Is there any discussion? Any discussion? Senator Kustra has moved to discharge the Committee on Executive from further consideration of Senate Bill 159, and asks that the bill be placed on the order of 2nd Reading. Those in favor of that motion 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 26 Ayes, 2 Nays, 1 voting Present. And the motion fails. Resolutions, Madam Secretary.

SECRETARY HAWKER:

Senate Resolution 330 offered by Senator Macdonald.

Senate Resolution 331 offered by Senator Hawkinson.

Senate Resolution 332 offered by Senator Smith, President Rock and all Members.

They're all congratulatory.

PRESIDENT ROCK:

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Consent Calendar.

SECRETARY HAWKER:

Senate Joint Resolution 66 offered by Senator Woodyard.

It is also congratulatory.

PRESIDENT ROCK:

Consent Calendar. Ladies and Gentlemen, if there is no further business to come before the Senate, Senator Kelly will move that the Senate stand adjourned until Tuesday -- tomorrow morning at the hour of nine o'clock. Now those of you that have bills on recall, or are interested in amendments - nine o'clock tomorrow morning. We are going to go all day. Senate stands adjourned until 9:00 a.m.

END OF TAPE

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