

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

PRESIDENT ROCK:

The hour of nine-thirty having arrived, the Senate will please come to order. Will the Members be at their desks; will our guests in the gallery please rise. Prayer this morning by the Reverend James Johnson, Monroe Street Christian Church, Springfield, Illinois. Reverend.

THE REVEREND JAMES JOHNSON:

(Prayer given by the Reverend James Johnson)

PRESIDENT ROCK:

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

SECRETARY HAWKER:

Senate Journal of Tuesday, June 12, 1990.

PRESIDENT ROCK:

Senator Kelly.

SENATOR KELLY:

Thank you -- thank you, Mr. President -- thank you, Mr. President. I move that the Journal just read by the Secretary be approved, unless some Senator has additions or corrections to offer.

PRESIDENT ROCK:

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

SENATOR KELLY:

Mr. President, I now move that reading and approval of the Journals of Wednesday, June 13th; Thursday, June 14th; Tuesday, June 19th; and Wednesday, June 20th, in the year 1990, be postponed, pending arrival of the printed Journals.

PRESIDENT ROCK:

You've heard the motion as placed by Senator Kelly. Is there

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

any discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The motion carries, and it is so ordered. Messages from the House.

SECRETARY HAWKER:

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

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 1535 with House Amendment 1.

Passed the House, as amended, June 20, 1990.

I have like Messages on Senate Bill 1537 with House Amendment 1; Senate Bill 1589 with House Amendment 1; Senate Bill 1591 with House Amendment 1; Senate Bill 1784 with House Amendments 3 and 5; Senate Bill 1788 with House Amendment 1; Senate Bill 1795 with House Amendment 1; Senate Bill 1799 with House Amendment 1; Senate Bill 1800 with House Amendments 1 and 2; Senate Bill 1801 with House Amendment 1; Senate Bill 1802 with House Amendments 1 through 10 and 12 through 31; Senate Bill 1803 with House Amendments 2, 3 and 4; Senate Bill 1805 with House Amendment 1; Senate Bill 1806 with House Amendments 1 and 2; Senate Bill 1807 with House Amendments 1, 2, 3, 4, 5 and 8; Senate Bill 1809 with House Amendments 1, 3, 5 and 6; Senate Bill 1810 with House Amendments 2 and 3; Senate Bill 1812 with House Amendments 1, 2 and 3; Senate Bill 1813 with House Amendments 1 and 3; Senate Bill 1814 with House Amendment 1; Senate Bill 1815 with House Amendments 1 and 3; Senate Bill 1817 with House Amendment 1; Senate Bill 1818 with House Amendment 1; Senate Bill 1819 with House Amendment 1; Senate Bill 1823 with House Amendment 1; Senate Bill 1825 with House Amendment 1; Senate Bill 1826 with House Amendments 1, 3, 5 and 7; Senate Bill 1827 with House Amendment 3; Senate Bill 1828 with House Amendment 1; Senate Bill 1829 with House Amendments 1 and 2; Senate Bill 1830 with House Amendment 2;

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Senate Bill 1831 with House Amendment 1; Senate Bill 1926 with House Amendment 1; Senate Bill 1929 with House Amendment 1 and Senate Bill 1933 with House Amendment 1.

PRESIDENT ROCK:

Secretary's Desk. Resolutions.

SECRETARY HAWKER:

Senate Resolution 1266 offered by Senator Schaffer.

It is congratulatory.

PRESIDENT ROCK:

Consent Calendar. The Senate will please come to order. We'll begin on the Order of House Bills 3rd Reading. Page 6 on the Calendar. We'll go through the Order of House Bills 3rd Reading, deal, obviously, with the Agreed Bill List, and go to House Bills 2nd Reading. There have been a number of requests. I understand the Recall List is being circulated. Those Members who wish to recall their proposal -- those will be skipped as we go through the rotation, and we'll get back to the recalls later. On the Order of House Bills 3rd Reading, House Bill 309, I understand, is on the Recall List, or will be on the Recall List. 4-9-3. Senator Dudycz. Read the bill, Madam Secretary, please. On the Order of House Bills 3rd Reading, House Bill 493. Read the bill, please.

SECRETARY HAWKER:

House Bill 4-9-3.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. House Bill 4-9-3, as amended, -- it amends the Juvenile Court Act and the Vehicle Code. It requires the Secretary of State to cancel the driver's license or permits

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

of anyone who is convicted of violating the Liquor Control Act, or the Cannabis Control Act, or the Controlled Substances Act while in actual physical control of the motor vehicle at the time of the arrest. As the bill came to the Senate, it required the Secretary of State to cancel the driver's license or permit of any minor under the age of eighteen who is convicted of violating the Liquor Control Act, Cannabis Control Act or the Controlled Substances Act. The bill was amended to state that the person who is to have his driver's license cancelled had to be in actual physical control of the motor vehicle at the time of the arrest. Our colleague on the other side, Senator Daley, then amended the bill to have it apply to all drivers, regardless of the age, which actually strengthens the bill. I believe the legislation of this nature is long overdue. If a drug dealer is selling drugs from his car in a school parking lot and is caught by a police officer, in addition to any other penalty which might be imposed, the drug dealer would also have his driver's license cancelled, and if an individual is driving on a roadways and in possession of a controlled substance, he loses his driver's license. I don't know of any opposition to the bill, and I would ask for a favorable roll call.

PRESIDENT ROCK:

Is there discussion? Any discussion? If not, the question is, shall House Bill 493 pass. Those in favor will vote Aye. Opposed, vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. House Bill 493, having received the required constitutional majority, is declared passed. 950. Senator Mahar. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 950.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President, Members. House Bill 950, as well as 953, and Senate Bills 2075 and 76 are a result of the 1988 Governor's Commission to review the Mental Health Statutes and provide recommendations for revision. We originally looked at -- the Governor asked us to look at ambulatory commitment, informed consent and forensics, and the Commission went on to expand that to restraint and seclusion, confidentiality, as well as, in general terms, the rights of the recipients. Representative -- Senator Kelly, Representative McGann and I have had hearings over the last three months to extract from that report those particular items which we could achieve a consensus on with the administration and all the interested parties around the State. House Bill 950, by amendment, does the following: Amendment No. 1 increases the maximum period that a court can order hospitalization from sixty to a hundred and eighty days. Amendment No. 2 defines psychotropic medication; requires that patients be advised in writing of the side effects of medication; of their right to refuse treatment; mandates regular reviews for persons who receive psychotropic medication over an extended period of time. Amendment No. 3 requires that restraint which is applied for medical reasons be documented and authorized by a physician; limits the time that seclusion can be used for behavior modification; provides that only trained personnel can be authorized to apply restraints; requires that restraint -- or restrained or secluded recipients be examined within two hours by either a physician or a supervisory nurse; requires that a facility director be notified of the imposition of restraint or

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

seclusion within twenty-four hours; requires that restrained recipients be observed every fifteen minutes as opposed to every hour; requires restrained deaf recipients to be allowed freedom of movement with their hands at regular intervals so they may communicate; requires the recipient in seclusion be observed at all times; requires that a recipient who is restrained or secluded be advised of his or her right to have one or more persons or agencies notified of a restraint or seclusion; and Amendment No. 4 takes a -- deletes a portion of Amendment No. 2. If there are no questions, I would ask for a favorable roll call.

PRESIDENT ROCK:

Any discussion? If not, the question is, shall House Bill 950 pass. Those in favor will vote Aye. Opposed, vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, none voting Present. House Bill 950, having received the required constitutional majority, is declared passed. 951. Senator Mahar. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 951.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. House Bill 951 very simply statutorily creates the Governor's Council -- Planning Council on Mental Health, and also a Planning Council on Developmental Disabilities. I would ask for a favorable roll call.

PRESIDENT ROCK:

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

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

House Bill 951 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, none voting Present. House Bill 951, having received the required constitutional majority, is declared passed. 953. Senator Kelly. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 953.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and Members of the Senate. This is another recommendation of the Commission to revise the Mental Health Code, which Senator Mahar and I are sponsoring. The bill, as amended, provides procedures for confiscating firearms from mental health patients. It requires the Department to establish rules to provide service to clients by qualified professionals. It extends certificates of commitment to be signed by psychiatrists and clinical psychologists. It also allows the Department to promulgate rules for those MH and DD persons confined to local jails and juvenile detention facilities, and finally, we adopted Senator Fawell's amendment, which removes the minimum distances facilities can be located. With that I solicit your support, and be glad to answer any questions you have.

PRESIDENT ROCK:

Is there any discussion? Discussion? If -- Senator Keats.

SENATOR KEATS:

Could we get a clearer explanation of that final amendment again on the CILAs, please?

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

PRESIDENT ROCK:

Senator Kelly.

SENATOR KELLY:

Senator Fawell probably could explain it better than I, but it -- it eliminates the minimum requirement. I think I mentioned there would be some controversy on the footage requirement. This eliminates it, so that there is no requirement.

PRESIDENT ROCK:

The question is, shall House Bill 953 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, 1 Nay, none voting Present. House Bill 953, having received the required constitutional majority, is declared passed. 954. Senator Kelly. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 954.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Kelly.

SENATOR KELLY:

I'm sorry. We're going to ask this one to be held. The CILAs...

PRESIDENT ROCK:

Take it out of the record. Top of Page 7. 982. Senator Schuneman. Read the bill, please.

SECRETARY HAWKER:

House Bill 982.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Senator Schuneman.

SENATOR SCHAFFER:

Thank -- thank you, Mr. President. House Bill 982 is a rather straightforward, simple bill, but has significant impact. What, in effect, it does is establish a law that says that if we, as a Legislature, are mandating health insurance coverages, that they must be mandated for everybody in Illinois, not only the small employers. And I -- I think that people that are involved in these issues have had adequate time to look at this, and I would simply urge your favorable approval of the bill.

PRESIDENT ROCK:

Discussion? Senator Jones.

SENATOR JONES:

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

PRESIDENT ROCK:

I'm sorry. Senator Jones, just hold it a minute. We're having a little trouble with our electronic scoreboard. Top of Page 7. It's House Bill 9-8 <sic> ...(machine cutoff)...

SENATOR JONES:

Yeah. Senator Schuneman -- are we all right?

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Senator Schuneman, this amendment that you put on the bill has far-reaching effects that I don't think the Membership has really understood. Do you mean to tell me that any benefits that we pass as a General Assembly as it relate to -- to insurance, that no -- it could not pass unless we do the same thing for the -- the Public Aid, Medicaid, Medicare benefits?

PRESIDENT ROCK:

Senator Schuneman.

SENATOR SCHAFFER:

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

No. It -- it would have no connection with Public Aid benefits or Medicaid. It only applies to mandated health care coverages and -- in the private sector or -- well, basically in the private sector.

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Well, the way I read the analysis of this, it says that added provisions, "That no legislation enacted after the effective date requiring the offering of health care coverage shall apply to any insurer unless that legislation applies equally to employee welfare benefit plans." So if -- what I'm saying to you is that if this bill were to become law, or we want to increase benefits for those in the private sector, we must also increase the benefits of our State Plan that we have for the Members of the General Assembly, the plans that we have for State employees - is that what you're saying?

PRESIDENT ROCK:

Senator Schuneman.

SENATOR SCHAFFER:

No. I'm not saying that at all. This affects only health care plans provided by insurers, and the State of Illinois is a self-insured plan, since you're referring specifically to the State of Illinois. But let me ask you a question. What's wrong with that? If -- if, in fact, we're mandating health insurance coverages on everybody else, why wouldn't we be willing to mandate them on State employees?

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Well, I'm not the sponsor of the bill, and since you are sponsoring it, and this legislation was not heard in committee, it

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

was sort of a sneak attack, more or less, and it has wide-range implications. And I think the Membership should be aware as to what this -- this amendment actually does. If you are limiting the -- the coverage for insurance not unless that insurance cover other plans -- that's the way I read it. Then what you are doing is prohibiting this General Assembly from ever enacting legislation that's going to impact in the private sector, unless it does it for all. That's the way I read it.

PRESIDENT ROCK:

All right. Further discussion? Any further discussion? Senator Schuneman, you wish to close?

SENATOR SCHAFFER:

Thank you, Mr. President. Well, in order to clear up any misunderstanding about this, this bill, if passed, would not have any effect at all on Medicare, Medicaid or the State Group Insurance Plan. That -- they are self-insured or -- in -- in the case of the Medicare, Medicaid, of course, they're government-provided benefits. And the State Employee's Group Insurance Plan is a self-insured plan, so it would have no effect on that. But what we're seeking to do here is make the point to the General Assembly that as we mandate coverages in health insurance plans, we're not mandating it on everybody. The fact of the matter is, when we pass a mandate here, about sixty percent of the people that you think you're affecting are not affected at all, and the forty percent that you are affecting are basically small employers and private individuals. So they're the ones that are having to pick up the cost. The -- the recently passed mammogram coverage is a good example. We passed that bill last year, and all small employers in Illinois now have to pay for that coverage. And that may be a laudable thing, but you know who's not paying for it? The State of Illinois Group Insurance. We're not -- we're not providing that coverage for people. Everybody

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

provides the mammogram coverage if it is diagnosed by a doctor, but if it is elective, which is what we mandated on all the small employers in Illinois, then, for example, the big group plans don't have to provide that, because they are exempt from what we're doing here. So all we're saying by this amendment is if you're going to do it to anybody, do it to everybody. I think it's a good idea, and I think we ought to pass the bill. I ask for your approval.

PRESIDENT ROCK:

Senator Jones, the Gentleman was closing.

SENATOR JONES:

Okay. Well...

PRESIDENT ROCK:

All right. The question is, shall House Bill 982 pass. Those in favor will vote Aye. Opposed will vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 51 Ayes, 6 Nays, none voting Present. House Bill 982, having received the required constitutional majority, is declared passed. 1220 is on the Recall List, as I understand it. 1268. Senator Marovitz. Read the bill, Madam Secretary, please. On the Order of House Bills 3rd Reading, top of Page 7, is House Bill 1268. Read the bill, please.

SECRETARY HAWKER:

House Bill 1268.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. House Bill 1268 establishes a presumption of paternity when blood

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

tests establish a combined paternity index of five hundred to one, which can be rebutted by clear and convincing evidence. An affidavit or other verified document establishes a chain of custody of blood and tissue samples for admissibility in court. Each party can challenge the results and require an expert to appear in court. This portion of the bill was drafted by the Women's Law Project, at the request of the Citizens Council on Women, and was negotiated with the Child Support Division of the Cook County State's Attorney's Office. The bill has the support of the Illinois Task Force on Child Support Enforcement. Senator Macdonald was the original sponsor of this legislation, which passed the House 112 to nothing. Also on this legislation is the amendment which specifies that if there are -- a happy, intact, functioning family -- if there's a happy, intact, functioning family -- happy, intact, functioning mom and dad, that mom and dad would make the decision about who sees their kids and how often, and the government would not be allowed to intrude and tell that happy, living together, functioning mom and dad who can see their kids, and for how long they could see their kids. But we've also added one other thing - that if one of those parents, even though they're working and living together, joins with the in-law or the grandparent, then there could be visitation awarded by the court. I would solicit your Aye vote.

PRESIDENT ROCK:

Discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDENT ROCK:

Sponsor indicates he will yield.

SENATOR FAWELL:

What you are actually doing then, in effect, is repealing the Grandparents' Rights Acts, aren't you?

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

The answer to that is no, we are not doing that at all, and I want to make that very clear. That is not what is being done here. The only change that is being made is in one limited situation, where the -- where the mom and dad are living together, working together, happy, functioning together and making decisions together; where there is no divorce pending, no separation, there's no death, one of the parents hasn't absented himself from the home. Only -- the only situation this applies to is where mom and dad are living, working together, functioning together as an intact family. Then we are leaving the decision about who their children should see, and for how often, up to them, and not allowing the government to step in and interfere with that decision-making process.

PRESIDENT ROCK:

Senator Fawell.

SENATOR FAWELL:

Well, to the bill. I have run into a couple of situations in my district where supposedly this happy, bright, cheerful family were actually, in effect, on drugs, and abusing their children. And all the grandparents wanted was a right to come into court to petition the court to present their side of why in the world they should be able to go in and see their grandchildren, who they personally felt that their own daughter and son-in-law were physically abused -- abusing them and neglecting them. Now if the courts decided there was not enough evidence to allow them to go in, I certainly agree that the grandparents ought to keep out of it. But I am going to tell you, unfortunately in this world there are situations where parents do abuse their children, and whether it was my daughter or my son that would -- was doing that, if I

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

thought that there was evidence that that was happening, I certainly would want to go in and protect those grandchildren. I think what you are doing is you are whittling away at those grandparents' rights that so many felt were important. You did it with an amendment on another bill that is presently in the House - that frankly nobody caught - and now you are doing it again. And I think we ought to -- if you want to take the grandparents away, do it on a bill. Don't do it on an amendment and take little bits and pieces away. Because there are situations where grandparents have to come in, unfortunately, and correct a situation. I think this is a bad idea, and I think we ought to reject the bill because of it.

PRESIDENT ROCK:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate. I fully concur in the remarks of Senator Fawell. I've had situations where the parents -- the wife says to the husband, "If you let your -- the kid be seen by your mother, I'm going to leave." So the guy, in order to keep peace in the family, goes along with her. Now this is wrong. This hurts the child. It hurts the child more than the sponsor of this amendment over there, to repeal it, realizes. Because children are entitled to know their parents -- their parents -- and they're also entitled to know their grandparents. After all, the grandparents produced the parents. I think this is wrong, and I would advise the sponsor to take this bill out of the record, and get it back on 2nd Reading and take this repeal off. It's not fair. There have been instances in my county where the parents are on drugs, and they just go along, and the kids are left neglected. Now what are we going to do about things like that? Who else is going to take an interest if it isn't the grandparents? After all, the court's

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

going to decide. If the court decides that the grandparents don't have a right to see the children, the courts will make the decision. I think we are trying to protect the children here, and I -- I really am opposed to this amendment as it is in this bill.
PRESIDENT ROCK:

All right. WCIA-TV has requested permission to videotape. Without objection, leave is granted. Senator -- further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank -- thank you, Mr. President. With all due respect to my colleagues on this side of the aisle, they're -- they're simply wrong in their attack on this bill. Number one, it does not repeal the Grandparents' Visitation Act. That Act provides that they may come in and seek visitation through the court when there has been a divorce, when there's been a separation, when there's been a -- a death of one spouse, when for some reason the -- the parental influence on the family has been disturbed. And that's as it should be; we don't want a -- a new spouse or -- or new -- new parents to keep grandparents from visiting their grandchildren. And I supported that bill. We've supported several bills on that subject. This bill deals strictly with the limited situation, when there has been no breakup in the family, no death, no separation. When you have two parents with their children, those parents ought to have the right to make the decisions regarding their children. Now the argument has been raised that this is somehow addressed, or that this provisions somehow protects abused or neglected children. That's utter nonsense. We have laws on the books in this State - strong laws. We have protection, we have anonymity, we have confidentiality, where any evidence -- any evidence of neglect, any evidence of an abuse, can be reported, and the government then does, in fact, step in, through the Department of Children and Family Services,

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

or the State Police, or other law enforcement agencies. If there is any evidence of abuse or the use of drugs or neglect, that can be reported anonymously by the grandparents, by a neighbor, by anyone else, by a day-care worker, a teacher, a doctor, and the government will step in. So to interject abuse or the use of drugs or neglect is simply not germane to the thing we are talking about here, which is the right of a -- of a family of intact parents to make decisions such as we are talking about here, and not to be dragged into court and expend many dollars in -- in legal fees and otherwise to interfere with their control of their intact family, and I would support the bill.

PRESIDENT ROCK:

Further discussion? Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. With all due respect and -- and great admiration for the prior speaker and also to the sponsor of this bill, I would like to tell the sponsor, Senator Marovitz, that -- that the amendment that you have put on is highly, highly controversial. The bill as it originally was taken to the Judiciary Committee from the Council on Women was a very, very important bill. So much so that rather than have any controversy over the bill, I changed chief sponsorship of that bill. I -- I think that this amendment is so controversial that I think it will imperil this bill, and I would ask you if you would consider taking this bill out of the record, and taking it back to 2nd, and removing this amendment, so that this bill can go forward and -- and be a straightforward bill as we had intended it to be in the first place. The original intent of this bill is extremely important to the people of the State of Illinois, and I would hope that this bill could pass forward, but I do realize that with this grandparent amendment back on the bill again, that I think it will damage the bill - maybe we should address that at another time, in

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

another Session, or maybe in a conference committee. But I -- I -- I have to say that I regret that this amendment was put on the bill, and I would ask the sponsor if he would consider taking it off.

PRESIDENT ROCK:

Further discussion? Senator Keats.

SENATOR KEATS:

Much of what I was going to say was said by Senator Hawkinson, so I will dramatically reduce the point I was going to make - that Senator Hawkinson was really quite on -- on line in terms of what are the precedents in the bill. This is what you have to keep in mind. Court precedent in Illinois law essentially gives the parents priority, even in the case of abused children, and Senator Rock and I have sponsored bills in this area. We have seen abused children given back to parents, because that's what the law and the court precedents say. So that that precedent is there; that is the priority. So what we are trying to do under this bill is to make sure that at least we've now clarified what role grandparents have, what right they have to intervene in a family situation. This is in reality protection for the children of the family, and says this decision will be made based upon this law, not based upon individual court cases, and individual grandparents suing, et cetera. This is really the best way to do it. To say it is controversial is true, and it would be totally unfair to allege this is not controversial. But to say that -- that we should simply - the Legislature - not act, is silly. The courts themselves have said - and our law has said - the parents have priority. This simply clarifies how it will be done. And for that reason -- the rest of what I was going to say, Senator Hawkinson has already said. The real world says we have to do it, whether it's controversial or not.

PRESIDENT ROCK:

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President, Ladies and Gentlemen of the Senate. In -- in great part, I would agree with what Senator Hawkinson so eloquently put forward here. This particular bill, as it has now fomented and been passed out by the Legislature, has caused all sorts of difficulties in my district between families, in what really and truly are -- are domestic disturbances, and I don't know that just saying arbitrarily that the parents are bad, and therefore the grandparents are good, or vice versa, solves this problem. We have had both parents, where the case could be made on both sides of the issue. I think to make it a blanket endorsement that somehow grandparents intervening here make for a better family situation, I don't know that that can be said. Furthermore, as we look at why we are doing bills like this at all, we can assume that there is already an upset in the family that the courts or us or anybody else isn't going to be able to solve, because it is a deep-seated family disturbance in an intact family. I think this is a fair bill and a fair way to approach this situation, because I have now had intact families driven out of State by aggressive grandparents who don't necessarily make the case that they will be better for the children involved. I have local police departments calling me saying, "This is fair; we can live with this." I -- I would just submit that there is some local support for this. I think it's a fair approach, and I think we should act.

PRESIDENT ROCK:

Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, as the spokesman on this -- Republican spokesman on the Senate Judiciary Committee, I would like to urge your support, both for the bill and the amendment. I

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

think the amendment, in fact, is a reasonable compromise between two sides who feel quite strongly in -- in different directions. But the fact that we would now be requiring one of the parents to join in a petition filed by grandparents for visitation, I think makes sense. I would also add that the underlying bill is -- is highly important, in that it will help -- help prosecutors and others to bring cases under the Parentage Act, and in so doing will help streamline - we hope - our child support and -- and child support collection systems. So I urge support for the bill.

PRESIDENT ROCK:

Further discussion? Senator Marovitz may close.

SENATOR MAROVITZ:

Thank you very much, Mr. President. Well, let me clarify one thing right away. This bill has nothing whatsoever to do with child abuse or substance abuse, which Senator Hawkinson so eloquently -- eloquently pointed out. There are laws on the books which allows DCFS to go in upon any complaint, as Senator Hawkinson pointed out, and take the child away from any parent where there's allegations of substance abuse, or child abuse. And I think it is very important that every child should have as good a relationship and as frequent a relationship with their grandparents as possible. I had a very good one. But I think where there is a conflict - and remember grandparents and in-laws are the same thing - where there is a conflict and the parents are working together as an intact family, that the decision should be left up to the parents. After all, where does the government come in and say, "We're going to intrude in your internal family affairs and tell you who has to see your kids and how often." When you drag the children through court, what has to happen - and what's happening today - is the parents then have to take family money and hire expensive lawyers, go through court time, the kids have to have depositions taken, psychological tests of those kids,

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

cross-examination. There are emotional scars on those kids, just to find out - because the grandparent or the in-law has petitioned - what's in their best interest. Legal fees, time off work, court costs, depositions, cross-examination, psychological testing. The fact is, this isn't necessary where you have parents working together. If one parent disagrees with the other parent, this law says, "Fine." If one parent disagrees, that parent will join with the grandparents, and then the grandparents still can go in. So we have even refined this further, to only the situation where grandparents living -- of parents living and working together, agree -- agree that -- as to how often the grandparents or the in-laws should see their children. I really don't think this is that controversial. I've had hundreds of calls from parents who say that in-laws have said, "We have lots of money, and we are going to drag you through the courts as a result of this new law." We're going to stop that with this. Where two parents are working together and functioning together, the government should not come in and tell that happy family who can and should see their kids. If there is abuse going on, there are laws on the books right now to cover that. This doesn't involve that limited situation. I solicit your Aye vote.

PRESIDENT ROCK:

The question is, shall House Bill 1268 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 42 Ayes, 9 Nays, 5 voting Present. House Bill 1268, having received the required constitutional majority, is declared passed. 1504. Senator Marovitz. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 1504.

(Secretary reads title of bill)

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. House Bill 1504 allows a continuance of up to a hundred and twenty days to allow the State to obtain DNA test results. Currently a defendant must be tried within a hundred and sixty days if they're not incarcerated, and a hundred and twenty days if incarcerated. The court may allow an extension of up to sixty days if the State has not been able to obtain evidence despite its due diligence. Also on this is the legislation dealing with ticket scalpers and ticket brokers, and I -- I believe there was passed out on your desk a letter from the Chicago Cubs, the Chicago White Sox, the Chicago Bears, the Chicago Blackhawks, the Chicago Bulls, Poplar Creek Music Festival, JAM Productions, the Auditorium Theatre, where Phantom of the Opera is playing, Ticketmaster and Ticketron. And the purpose of this bill is to put more tickets in the hands of the average ticket-buying fan, the average theater patron, the average concertgoer, and make sure that that average ticket-buying fan only has to pay the face value of the ticket and not be gouged by ticket scalpers or ticket brokers. The current law has no teeth in it. The current law has no teeth in it. This legislation would allow the owner of a team or the promoter of an event to go to court and get an injunction preventing anybody from selling, reselling, or advertising for sale tickets at an escalated price. Those tickets could then be confiscated and given away to charity by the court. This -- this would mean that the State's Attorney and the Attorney General would not have to be the one to go after these individuals, but the owner of the teams or the promoter of the events could and would do that - oversee this - and prevent the scalping of tickets. This means that the

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

thousands of tickets that are presently in the hands of a very limited group of ticket brokers and ticket scalpers would go back into the box offices and be available for the average ticket-buying fan that supports the team, or the theaters, or the artist, on a regular daily basis. I'd be happy to answer questions, and solicit your Aye vote.

PRESIDENT ROCK:

Discussion? Senator Savickas.

SENATOR SAVICKAS:

I just heard a comment that the tickets would be confiscated and given away to charity? That means the public would not have access to them? I mean, what...

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

I'm glad you clarified that. These are tickets that have already been sold. Remember these are tickets that have already been sold. So somebody's already bought them. Okay? So now the team has already reaped the benefit from them. We're going to confiscate the ticket from the people who try and commit this illegal act, and give those tickets away to charity.

PRESIDENT ROCK:

Senator Savickas.

SENATOR SAVICKAS:

So the public that wanted these tickets in the first place that were prohibited from getting them because they were scalped, or bought up, or whatever, can't get them now because they're confiscating them, giving them away to charity, and they can't use them anyway. I mean all we're concerned here then is that the team got their money, but the public that wants to go view these events can't -- has -- have no opportunity. Is this what we're talking about?

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

I'm glad you brought that up. No, that -- that isn't at all what we're talking about. The way the bill is going to work -- what happens today, Senator Savickas, is the ticket scalpers or the ticket brokers will pay somebody forty, fifty dollars to wait in line and -- and get as many tickets as possible. They may pay as many as ten, twenty, thirty kids to wait in line overnight to make sure they're the first ones in line, so that they can get these seats. And then they'll give them to the ticket scalper or ticket broker, and he'll resell those tickets illegally at escalated prices. When an injunction issues, Senator Savickas, those individuals will not be able to do that. They won't send those kids in line to get the tickets, because once an injunction issues, they'll lose what they paid the kid to wait in line, they'll lose the face value of the ticket, and they -- and the tickets will be confiscated from them. So there'll be no purpose for them to have a kid wait in line, because they're not going to be able to scalp these tickets. Therefore, all those seats will be in the box office and available to the average ticket-buying consumer.

PRESIDENT ROCK:

Further discussion? Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

I just have a question of the sponsor, if I might. If I have four tickets to a football game and I -- I'm not going, and I give them to someone to stand outside the stadium or whatever it is which is a common practice, and sell them for the same price, that obviously is not ticket scalping and would not apply to your bill. Is that correct?

PRESIDENT ROCK:

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Senator Marovitz.

SENATOR MAROVITZ:

That is correct, Senator Demuzio.

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

If they -- but if they sell them for five dollars more than what the face value of the ticket is, and they're found guilty, then they get -- is it automatic - a one-year sentence and a five-thousand-dollar fine?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

No. It is not automatic. That is just a maximum penalty that is allowable. It's up to the purview of the judge. It is not automatic.

PRESIDENT ROCK:

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank -- thank you, Mr. President. I would just point out to the Members that there is another important provision on this bill. That is the reduction of the post-conviction relief petition time from ten years to three years. We added additional appellate public defenders last year - the Powell Commission of the United States Supreme Court is trying to deal with the problem of reducing the length of time for death penalty appeals. If you look at how long John Gacy has been -- been appealing. This has gone on forever. It's made a shambles of our criminal justice system. This simply says that the post-conviction petition must be filed within three years. It's part of a -- of a plan to start getting a handle on making these a reasonable length of appeal to put some credibility back in our death penalty appeal cases, and I

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

would urge support.

PRESIDENT ROCK:

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

SENATOR MAROVITZ:

Well, thank you very much, Mr. President. Once again, this is aimed at people who buy tickets in bulk and take the best seats away from the ticket-buying public. We want to put as many seats as possible back in the box office, so that the average ticket-buying fan will be able to pay the face value of the ticket and support the teams, or the theaters, or the -- the artists that they like without being gouged by ticket scalpers or ticket brokers, and I solicit your Aye vote.

PRESIDENT ROCK:

Question is, shall House Bill 1504 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 49 Ayes, 5 Nays, 1 voting Present. House Bill 1504, having received the required constitutional majority, is declared passed. Senator Hall, on 1560. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 1560.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Hall.

SENATOR HALL:

Yeah. Would -- would you take that out of the record for me, please?

PRESIDENT ROCK:

I will take it out of the record. 1681. Senator Dunn. Read

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

the bill.

SECRETARY HAWKER:

House Bill 1681.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Dunn.

SENATOR R. DUNN:

Thank you, Mr. President and Members of the Senate. This bill, as it now stands, deals with parental involvement in schools. Senator Holmberg and Senator Kustra added two amendments which do the following: Senate Amendment 2 provides the school report cards issued by school districts must include a parental involvement component. Report cards are set forth in percentage of students whose parents or guardians have had one or more parental contact with the student's teachers; Senate Amendment No. 2 <sic> (3) allows school districts to utilize up to two of the days allowed for teachers' institute as parental institute days. I'll be glad to answer any questions I can about the bill. Thank you.

PRESIDENT ROCK:

Discussion? Any discussion? If not, the question is, shall House Bill 1681 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, 3 Nays, none voting Present. House Bill 1681, having received the required constitutional majority, is declared passed. 1699's on the Recall. 1762 is on the Recall. 2178. Senator Jones. Read the bill, please, Madam Secretary. Top of Page 8, on the Order of House Bills 3rd Reading is House Bill 2178. Read the bill, please.

SECRETARY HAWKER:

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

House Bill 2178.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Thank you, Mr. President and Members of the Senate. House Bill 2178 validates the appropriation and tax levy ordinance for Cook County, and Cook County Forest Preserve District, and the Downstate Forest Preserve District for 1989. It adds that downstate county commissioners shall not receive an annual salary that is greater than the annual salary paid to the county clerk of that county. It validates the tax levy for downstate forest preserve districts that did not specifically itemize in detail as required by Statute, and also correct a technical error of allowing local health departments to take over Tuberculosis Control Program by reducing the tax money available from a .5 percent to a .05 percent. That's all the bill does. I ask for a favorable vote.

PRESIDENT ROCK:

Discussion? Any discussion? If not, the question is, shall House Bill 2178 pass. Those in favor, vote Aye. Opposed, Nay. The voting's open. Have all voted who wish? All voted who wish? Have all voted who wish? Take the record. On that question, there are 51 Ayes, 6 Nays, none voting Present. House Bill 2178, having received the required constitutional majority, is declared passed. 2367. Senator Jacobs. 2388. Senator Jacobs. Which one do you want or all of the above? 2367. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 2367.

(Secretary reads title of bill)

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. This bill started out as another bill, and it has the amendment that was put on by Senator DeAngelis, which was initiated by Park Forest, and it's similar to Senate Bill 2128, and I know of no known opposition to this bill.

PRESIDENT ROCK:

Discussion?

SENATOR JACOBS:

Be happy to answer any questions.

PRESIDENT ROCK:

If not, the question is, shall House Bill 2367 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. House Bill 2367, having received the required constitutional majority, is declared passed. 2388. Senator Jacobs. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 2388.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. This bill was sought by the Department of the Employment Security, and it's designed to conform Illinois Law to the latest federal interpretation of deductions from the unemployment insurance benefits for spousal support, and I know of no opposition, and it is supported by both

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

labor and business.

PRESIDENT ROCK:

Discussion? If not, the question is, shall House Bill 2388 pass. Those in favor, vote Aye. Opposed, Nay. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. House Bill 2388, having received the required constitutional majority, is declared passed. 2389 is on the Recall List. 2543. Senator Keats. Read the bill, please.

SECRETARY HAWKER:

House Bill 2543.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Keats.

SENATOR KEATS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. The bill was essentially a vehicle bill to begin with. We added the amendments yesterday that we explained at the time - at the time - that had to do with the savings and loans. When a bank buys one, which is now acceptable under the Federal Act, how they would move the branches, where they could be moved, et cetera, and how that process would go. That was really the major import of the two amendments yesterday, and if they have any questions, I'd be glad to answer them.

PRESIDENT ROCK:

Discussion? Is there any discussion? If not, the question is, shall House Bill 2543 pass. Those in favor will vote Aye. Opposed, vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, no Nays, none voting Present. House Bill 2543, having received the required

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

constitutional majority, is declared passed. 2842 is on the Recall List. 2884. Senator Karpziel. Bottom of Page 8, on the Order of House Bills 3rd Reading, is House Bill 2884. Read the bill.

SECRETARY HAWKER:

House Bill 2884.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. House Bill 2884 does three things dealing with townships. First of all, it amends the Township Purchasing Act to require advertising for bids in connection with contracts over five thousand dollars in townships having ten thousand or fewer persons, and for contracts over ten thousand in townships having ten thousand or more persons. What actually it does is let the -- allow townships over ten thousand population to let no bid contracts under ten thousand dollars. The amount now is five thousand. We're simply increasing it to ten. It also amends the Highway Code, and says that in a case of a road district having a population of fifty -- fifteen thousand or more, that it requires that contracts for construction material, supplies, machinery or equipment costing more than ten thousand be let to the lowest bidder -- responsible bidder. And then it also amends the Township Purchasing Act. It requires that with respect to a township contract, for township services or other items, which is subject to bidding requirements, the township must advertise for bids at least once. These are all township-requested bills, and I ask for your Aye vote.

PRESIDENT ROCK:

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

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

House Bill 2884 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. House Bill 2884, having received the required constitutional majority, is declared passed. 2899. Senator Collins. 2966. Senator Newhouse. 2-9-6-6. Top of Page 9. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 2966.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President, Senators. This bill is for the purpose of helping students make career choices. It provides instruction in secondary schools to prepare students for the working world. Each school board will determine how much time will be given to the instruction so that that kind of flexibility built in. I would ask for a favorable roll call.

PRESIDENT ROCK:

Discussion? Is there any discussion? If not, the question is, shall House Bill 2966 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, no Nays, none voting Present. House Bill 2966, having received the required constitutional majority, is declared passed. 3019. Senator Marovitz. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 3019.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. House Bill 3019 deals with the Statute of Limitations for legal malpractice. Currently there is no Statute of Limitations specifically for legal malpractice. Rather, under current law, the nature of the cause of action determines what the Statute of Limitations period is. Case law has established that a cause of action for legal malpractice will not accrue until the client discovers or should have discovered the facts establishing the cause of action. What 3019 does - it's a proposal of the bar association -- the Illinois State Bar Association - it provides a two-year Statute of Limitation on attorney malpractice with a six-year limitation after the individual -- that's the -- that's the outer limit -- two years after the individual knew or should have known, but no more than six years. We have done similar things in this Body recently for physicians, dentists, registered nurses, hospitals, architects, builders, contractors, public accountants, and the lawyers are really the last one to get on board, and specifically define what the Statute of Limitation is. I think it's up to the Legislature to do that -- to put the -- to put the -- the limits in -- into the law so that everybody knows and that there's no doubt, and that's what this legislation's all about. An action would have to be brought within two years from the time the person bringing the action knew, or reasonably should have known, the injury for which damages are sought, but in no case more than six years after the date on which the act or the omission occurred.

PRESIDENT ROCK:

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, I also rise in support of this legislation. To make the point again, as Senator Marovitz just did, that -- that there is ample precedent for this sort of limitation based on what we have done for other professionals. In fact, the Statute of Limitations that's proposed in this bill is somewhat less restrictive than those we have already passed affecting medical professionals and providers. In that -- in -- in -- in -- in that case the Statute of Limitations -- the outer limit is -- is four years after the act or omission has occurred, whereas this entails a six-year limitation, and again, in the case of accountants, there is a five-year outer limitation in -- in that situation, and -- and again four years in this proposal. I would additionally like to make the point that like these other professionals, one of the reasons that legal costs go up in the way that -- that medical costs do is the ever-rising cost of malpractice insurance, and this, in the opinion of the insurers, including the Illinois State Bar Association, which now has its own captive insurance program, is something that will help to -- to contain the increases in premiums for legal malpractice insurance, and so I, too, support the legislation, and am a co-sponsor.

PRESIDENT ROCK:

Discussion? Further discussion? Senator Keats.

SENATOR KEATS:

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

PRESIDENT ROCK:

The sponsor indicates he will yield, Senator Keats.

SENATOR KEATS:

Senator, I -- I recognize the limitations that there are some other professional groups with similar limitations, and I ask

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

everyone to listen to this for a moment. I ask my colleagues to listen to this for a moment, 'cause I want to put something in -- in a comparison. If you're a small business person - man or woman - and you're a manufacturer, how long is your Statute of Limitations which is equivalent to your malpractice?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Would you repeat that?

PRESIDENT ROCK:

Senator Keats.

SENATOR KEATS:

A small business person - man or woman - say a manufacturer - and by the way, the Manufacturers' Association opposes this bill - if you're a small manufacturer, your equivalent to malpractice, how long are they held liable for a product they produce?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Well, I'm not sure if you're talking about product liability, an oral contract, a written contract. It depends on the -- the nature of the cause of action. If it's a written contract, it's ten years. If it's an oral contract, it's five years. I'm not -- or if you're talking about product liability -- I'm not sure exactly what you're referring to.

PRESIDENT ROCK:

Senator Keats.

SENATOR KEATS:

The point is, Senator Marovitz has fairly answered the question. You're talking minimums are five to ten years. If it is a product liability judgment, it can at times be ad infinitum. So what we are saying is for certain professionals - who, by and

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

large, make more money than do small manufacturers and small business people - we will offer those who are at the wealthy end of the spectrum -- we offer those at the wealthy end of the spectrum -- I would say to my colleagues here, Ladies and Gentlemen, this is a bill of tremendous importance. We are setting a precedent that probably we should all be carefully listening to.

PRESIDENT ROCK:

Further discussion?

SENATOR KEATS:

Hold it, Mr. President.

PRESIDENT ROCK:

Senator Keats.

SENATOR KEATS:

Okay. What we are saying is if you are a business person, a manufacturer - a small person - a small business, you do not have these protections offered, and yet we will offer those to the wealthy and successful professionals at the top end of the economic spectrum, where the small business person has no protection similar to this. If you are a manufacturer such as Johns Manville -- and asbestos is -- when they designed that material, they had no comprehension that they were doing this damage. Their liability runs for at least forty years for a mistake that all of society should be accepting. Now we're saying an attorney for a mistake that is an obvious error in their training, we'll give them six years. Now you think about that from the point of a small business person who doesn't make this kind of money that the professionals do, in a court system totally subsidized, that they operate in a system where their expenses are minimal to get into, then you look at a manufacturer what they have to go through, and you'd understand why the Manufacturers' Association opposes this bill. If you have any concern for a

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

small business person, you ought to say, "Let's give them the exact same standards we are giving this special interest group," certainly one noted for its influence.

PRESIDENT ROCK:

Further discussion? Senator Dudycz.

SENATOR DUDYCYZ:

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

PRESIDENT ROCK:

The sponsor indicates he will yield, Senator Dudycz.

SENATOR DUDYCYZ:

Senator Marovitz, I'm a little confused. I received a letter from the Chicago Council of Lawyers a few days ago, and they state, in their letter to me, that House Bill 3019 would shorten the Statute of Limitations for clients who sue their lawyers to two years from the time the client discovered or should have discovered a wrongful act by the lawyer. Moreover, the bill would limit the time to sue a maximum of six years from the date of the lawyer's wrongful act, regardless -- regardless of when the client discovered that conduct. And then they go on to say that the Chicago Bar Association opposes House Bill 3019, and they end the letter by saying that the Illinois Legislature should not favor lawyers and their insurers at the expense of those citizens who have valid claims against their lawyers, and then they urge us to reject House Bill 3019. I'm getting mixed signals. We have some lawyers' groups that are saying -- I guess the attorneys on the Floor are saying to support it, and those groups who purport to represent you are saying to oppose it. Could you clarify that for us nonlawyers?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

I will be very happy to clarify that. I'm not sure why you're

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

confused, but I have -- I've yet to see any lobbyist down here from the Chicago Council of Lawyers. I don't think that any one of us have -- have been approached on any issue down here or educated on any issue by somebody from the Chicago Council of Lawyers, and if you had, you'd probably be the first one. There is a lobbyist from the Illinois State Bar Association that represents all the lawyers throughout the entire State of Illinois. They are supportive of this legislation. I'm not -- I have not said, nor will I say, the Chicago Bar Association is in favor of that. There is a group of lawyers who have a certain interest in this bill on the other side that are not supportive of the bill, but the biggest lawyers' organization in the State of Illinois - the Illinois State Bar Association - you know who their lobbyists are. They're down here on an everyday basis, and you can see them and ask them questions on any issue. They are supportive of this legislation.

PRESIDENT ROCK:

Senator Dudycz.

SENATOR DUDYCYZ:

I'm sorry, Senator Marovitz. Did you say that the Chicago Bar Association, in fact, does support House Bill 3019 or opposes?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Now I see why we're having trouble. There must be a little wax or something like that. No, the Chicago Bar Association is not in support of the legislation.

PRESIDENT ROCK:

Further discussion? Any further discussion? Senator Marovitz may close.

SENATOR MAROVITZ:

Well, I -- I just want to clarify one thing. Senator Keats

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

got up and talked about we're setting a precedent here, but I want to remind Senator Keats that he voted to set that precedent. He voted to set that precedent when he voted for the Statute of Limitations for only two years after you knew, but not more than four for physicians, two years but not more than four for dentists, two years but not more than four for registered nurses, two years but not more than four for hospitals, two years but not more than five for accountants, that was the precedent that Senator Keats voted for and supported. So this is not setting a precedent. This is just adding another substantial group which needs to have an idea of what their Statute of Limitations is, and I would solicit your Aye vote.

PRESIDENT ROCK:

The question is, shall House Bill 3019 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? All voted who wish? Have all voted who wish? All voted who wish? Have all voted who wish? Take the record. On that question, there are 31 Ayes, 22 Nays, 1 voting Present. House Bill 3019, having received the required constitutional majority, is declared passed. Senator Keats, for what purpose do you arise, sir? I'm sorry. Senator Keats.

SENATOR KEATS:

Verification.

PRESIDENT ROCK:

The Gentleman has requested a verification. Will the Members please be in their seats. Senator Keats has requested a verification. The Members will please be in their seats. All right. Senator Keats has requested a verification of the affirmative vote. That request is in order. I'd ask the Members to please be in their seats. Madam Secretary, read the affirmative roll.

SECRETARY HAWKER:

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

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

PRESIDENT ROCK:

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

SENATOR KEATS:

Senator Smith.

PRESIDENT ROCK:

Senator Smith on the Floor? Senator Smith on the Floor?
Strike her name.

SENATOR KEATS:

Senator Jones.

PRESIDENT ROCK:

Senator Jones is not a Member of the affirmative roll call, I'm sorry to say.

SENATOR KEATS:

Senator Collins.

PRESIDENT ROCK:

Senator Collins on the Floor? Senator Collins is in the back of the Chamber.

SENATOR KEATS:

Senator Hall.

PRESIDENT ROCK:

Senator Hall is in his seat.

SENATOR KEATS:

Okay.

PRESIDENT ROCK:

Senator Smith is in the Chamber. All right. The roll has been verified. On that question, there are 31 Ayes, 22 Nays, 1

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

voting Present. House Bill 3019, having received the required constitutional majority, is declared passed. 3020. Senator Brookins. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 3020.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. House Bill 3020 will require all young folks under the age of eighteen, while riding a motorcycle, to wear helmets, and it is limited to the City of Chicago only. I ask for affirmative vote.

PRESIDENT ROCK:

Discussion? Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. Only to bring attention to the Members that this is the mandatory helmet legislation, and it does apply only to Chicago. I -- I was a hyphenated co-sponsor of that amendment. I don't know that I want to really put this type of mandate on the people of Chicago either, at this particular point, but at least we're out of it. But I just wanted -- we were rolling pretty quick there, and I just wanted people to realize what this legislation was. This is the mandatory helmet legislation. Thank you.

PRESIDENT ROCK:

Further discussion? Senator Weaver.

SENATOR WEAVER:

Well, thank you, Mr. President. A good many years ago we enacted this legislation, and then a few years down the road we repealed it. It seems like we're going through the same exercise

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

again. I've had my share of calls - pro and con - but I really think that the majority of the people of the State of Illinois don't agree with this, and I would predict we'll be back in a couple of years to repeal it again.

PRESIDENT ROCK:

Further discussion? Senator Raica.

SENATOR RAICA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in support of this -- of House Bill 3020. The other day when we discussed legislation and Senator Brookins stood up, and we tried to change it where it mandated everybody in the State -- the entire State of Illinois, there was a lot of opposition. And at that time it was mentioned that it was originally from the City of Chicago and -- and really nobody had a problem with it, and right now it's back to the City of Chicago, and although it's my feeling that it pertained to everybody in the State of Illinois, I guess being a paramedic I have to look at things just a little bit differently. The cost was brought up, and says it's not going to cost the State anything. Well, Ladies and Gentlemen of the Senate, in the long run, it will cost the State. It's going to cost the State in lives, number one, and it's going to cost them in hospitalization and disability, because that's exactly what we're looking at here, because people -- when they -- they don't have a second chance on a motorcycle, and that one hit is the end. I think this is a good idea. It's strictly for the City of Chicago, unfortunately, but I hope we can get an Aye vote, and get it out of here.

PRESIDENT ROCK:

Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Well, Mr. President and Members, I haven't spoken on this issue before, but I feel very strongly about it. The issue on the

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

other side by the opponents is -- is couched in terms of individual rights to ride a motorcycle without a helmet, but I think we ought to look with compassion upon these individuals whom, as Senator Raica pointed out, can become -- can fall into the fatality statistics. I also think we ought to look at this issue in terms of the taxpayers. The Department of Rehabilitation Services circulated a -- circulated a flyer on our -- on our desks yesterday. I'm sorry I don't have it in front of me, but I was -- I was overwhelmed -- well, I've just been -- I've just been given it, if I can digest it, but the -- the average cost of a motorcycle hospitalization is nearly twenty-six thousand dollars per person and has reached as high - caring for one of these individuals over a lifetime - of four and a half million dollars. So for those of you who like to look at things in dollars and cents, why don't we look at this issue from the standpoint of the taxpayers paying the Medicaid bill for individuals who are without insurance who -- who very quickly run through their insurance when faced with the staggering medical costs in one of these instances. I -- I don't see why this does not enter into our equation when we consider the cost and benefits of this particular issue. I think it's outrageous that we don't impose this requirement throughout the State, and this is at least a small first step.

END OF TAPE

TAPE 2

PRESIDENT ROCK:

Further discussion? Senator Fawell.

SENATOR FAWELL:

Question of the sponsor.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Fawell.

SENATOR FAWELL:

My county, obviously, is right next to -- to Cook County and in Chicago. What happens if some of my people go into Chicago without -- without wearing a helmet? Are they still under this bill, or will they be exempt?

PRESIDENT ROCK:

Senator Brookins.

SENATOR BROOKINS:

Yes, Senator, your people would be under this bill, and they would go to jail or be fined.

PRESIDENT ROCK:

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Question of the sponsor.

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Davidson.

SENATOR DAVIDSON:

Since the Senate sponsor and the House sponsor are standing here side by side, I'd like to ask a question. Since we amended it to apply only to the City of Chicago, is the House sponsor going to concur in that amendment?

PRESIDENT ROCK:

Senator Brookins.

SENATOR BROOKINS:

He does not know yet. I cannot answer for him.

PRESIDENT ROCK:

Senator Davidson.

SENATOR DAVIDSON:

Which tells me very quickly, since he's never been bashful about saying his position on other things, that I think this is a

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

good No vote, because we'll see this back, 'cause the House is going to refuse to concur in this amendment, and I'm sure that the illustrious sponsor will probably want to recede from it, and then you'll have this little donnybrook right back in your laps, Ladies and Gentlemen. The best thing to do is to kill this sucker right now.

PRESIDENT ROCK:

Further discussion? Senator Savickas.

SENATOR SAVICKAS:

Yes. Question of the sponsor.

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Savickas.

SENATOR SAVICKAS:

Since this bill now applies strictly to Chicago, doesn't Chicago have the ability and the authority to require this type of helmet law, if they so desired, by ordinance?

PRESIDENT ROCK:

Senator Brookins.

SENATOR BROOKINS:

I would imagine so. I'm not too sure of that.

PRESIDENT ROCK:

Senator Savickas.

SENATOR SAVICKAS:

Well. That's my point. If it only applies to Chicago, why are we, then, preempting Chicago's ability to deal with this problem, and saying just -- as a Statewide and State Statutes -- instead of letting Chicago deal with it?

PRESIDENT ROCK:

All right. Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Parliamentary inquiry, Mr. President.

PRESIDENT ROCK:

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

State your point.

SENATOR LECHOWICZ:

Does this bill affect home rule only, and how many votes will it take to pass?

PRESIDENT ROCK:

...(machine cutoff)... Yes, Senator Lechowicz, this is an amendment to Chapter 95 1/2 - an amendment to the Illinois Motor Vehicle Code. There is no specific attempt to preempt, in any respect. The amendment to the Vehicle Code would be limited, is limited, by Amendment No. 1, to "in cities with more than one million inhabitants." So, in the opinion of the Chair, it will take a constitutional majority, 30 votes, to pass this bill. Any further discussion? Further discussion? Senator Brookins may -- I'm sorry. Senator Berman, did you have your -- no. Senator Brookins, to close.

SENATOR BROOKINS:

Thank you, Mr. President. Illinois is really only one of -- of three States in the -- in the nation that does not have a motor helmet law. We have proved - and it is a scientific fact - that it will reduce -- it will reduce injury. It will reduce the cost to the State of Illinois, and I don't think that no one could have said it any better that Senator Barkhausen, in that in the end, we will be the ones that pay for this injury. I ask for a favorable vote.

PRESIDENT ROCK:

Question is, shall House Bill 3020 pass. Those in favor will vote Aye. Opposed, vote Nay, and the voting is open. Have all voted who wish? Take the record. On that question, there are 25 Ayes, 31 Nays, none voting Present. House Bill 3020, having failed to receive the required constitutional majority, declared lost. 3024. Senator Savickas. Read the bill,

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Madam Secretary, please. Senator Hudson, for what purpose do you arise, sir?

SENATOR HUDSON:

Point of personal privilege.

PRESIDENT ROCK:

State your point, sir.

SENATOR HUDSON:

Thank you, Mr. President and Members. Once again, we have a group in the President's Gallery from Thompson Jr. High School from Oswego, Illinois, and they are here under the guidance of their teacher, Mr. Tom Fletcher.

PRESIDENT ROCK:

Will our guests please rise and be recognized. Welcome to Springfield.

PRESIDING OFFICER: (SENATOR DEMUZIO)

House Bills 3rd Reading is House Bill 3024, Madam Secretary. 3-0-2-4. Senator Savickas.

SENATOR SAVICKAS:

Yes. Mr. President, House Bill 3024, as amended, would create the Local Government Financial Planning and Supervision Act. The amendment was intended to just trigger a conference committee. There is no substantive part of this bill. It was intended to help out a couple of our communities in Illinois if they can put a program together, if they can get the ideas together, and I would just say, let's pass it out, send it over there, and if they can do something, fine - if not, it'll probably die in conference committee.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Question is, shall House Bill 3024 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

question, the Ayes are 35, the Nays are 4, 1 voting Present.
House Bill 3024, having received the required constitutional
majority, is declared passed. 3052. Senator Collins. I'm sorry.
3058. Senator Collins. 3089. Senator Barkhausen. Barkhausen.
House Bills 3rd Reading is House Bill 3-0-8-9, Madam Secretary.

SECRETARY HAWKER:

House Bill 3089.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, this was in a -- a bill that was on
the Agreed Bill List until I took it off yesterday, because we
weren't sure we needed it, but the Forest Preserve District says
that they do. It authorizes a land swap of basically equal
parcels and total acreage between the Lake County Forest Preserve
District and a private landowner, and I ask for your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 3089
pass. Those in favor will vote Aye. Those opposed, Nay. The
voting is open. Have all voted who wish? Have all voted who
wish? Have all voted who wish? Take the record. On that
question, the Ayes are 54, the Nays are none, none voting Present.
House Bill 3089, having received the required constitutional
majority, is declared passed. 3090 is on the Recall List. 3131.
Senator Davidson. On the Order of House Bills 3rd Reading is
House Bill 3131, Madam Secretary.

SECRETARY HAWKER:

House Bill 3131.

(Secretary reads title of bill)

3rd Reading of the bill.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and Members of the Senate, this was on an Agreed Bill List until we took it off yesterday for the amendment, which was put on, which addressed a problem which has happened in Southern Illinois, and the amendment was put on by Senator Rea, and what it does is added the -- an arbitration factor for people who are landowners or a homeowner, and they have mine subsidence, and it -- the mine subsidence insurance would decide it wasn't mine subsidence, then the property owner would have the opportunity to go to a third-party arbitration board, and the loser of the arbitration would then pay for all the costs. There's no cost to the State. I appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, I'm not sure I followed everything you said, but this -- this proposal had some questions in the Executive Committee. Is this a different bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

Entirely different bill. That's 3891.

SENATOR SCHUNEMAN:

Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall House Bill

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

3131 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are 1, none voting Present. House Bill 3131, having received the required constitutional majority, is declared passed. 3136 is on the Recall List. 3149. Senator Jones. House Bills 3rd Reading, House Bill 3149, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

House Bill 3149.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President and Members of the Senate. House Bill 3139 <sic> contains the clean-up language for the Pharmacists Act as relate to discipline. Also it contains in there the Clinical Social Worker Third-Party Payment Act. The issue has been thoroughly debated. I'd ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Just to point out to the Membership that this bill has been amended to, once more, include the attempt to mandate coverage for clinical social workers.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Jones, you wish to close?
Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President. Again, as I indicated yesterday, you can never get a correct answer or response from the

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

minority spokesperson on the Insurance Committee. It does not mandate anything. All it says -- if you mandate the coverage, you must also include the clinical social workers. But this is the truth as relate to this bill, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 3149 pass. 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 34, the Nays are 17, 1 voting Present. House Bill 3149, having received the required constitutional majority, is declared passed. Page 10. 3161's on the Recall List. 3164. Senator Netsch. 3164, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

House Bill 3164.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. House Bill 3164 is one of the two basic bills that is intended to reflect the summit agreement. This is the one part that I think everyone agrees and feels very strongly should be enacted before we go home on June 30th. It is not in its final form. I -- I emphasize that. The bill has been amended so that it will go back to the House for probable non-concurrence and end up in a conference committee. What this does is deal with the Local Government Health Care Fund to be created...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Pardon me, Senator Netsch.

SENATOR NETSCH:

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

...to be...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Pardon me. Ladies and Gentlemen, can we have some order please? We have an extraordinarily long Calendar, and -- Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. The Local Government Health Care Fund is to be created in the State Treasury as a recipient of local monies as well as State monies, with the idea being that we will maximize the amount of federal reimbursement for Medicaid that can possibly be received. Again, at the hearing that was held in Chicago by Senator Smith's committee, at every other forum, there is, I think, almost unanimous agreement that this is an extremely important thing, that it needs to be done, and that we still need to do a little bit of work about its final form. So with that, I would be happy to answer any questions. If not, I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Is there discussion? If not, the question is, should House -- should House Bill 3164 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 49, the Nays are 3, 1 voting Present. House Bill 3164, having received the required constitutional majority, is declared passed. 3167. Senator Fawell. House Bills 3rd Reading is House Bill 3167, Mr. Secretary. Would you read the bill?

ACTING SECRETARY: (MR. HARRY)

House Bill 3167.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This is the inmate education incentive. It applies a 1.25 multiplier to good conduct credit earned by eligible inmates who achieve educational goals set by the Illinois Department of Corrections. It requires no new programs or new funding. The program costs nothing. We already fund inmate education, costing about twenty million dollars a year. This would only give them an incentive as -- to those inmates who take the program seriously. I'd like to read something that the Supreme Court Justice has said. Says, "The number of young functioning illiterates in our institution is appalling. Without these basic skills, what chance does a person have in securing a gainful occupation when that person is released and begins to search for employment with a built-in handicap for criminal conviction?" All this does is -- is allows a prisoner to have good time, if indeed, he completes a course. I would be willing to answer any questions, and I'd solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Hawkinson.

SENATOR HAWKINSON:

I would only point out to the -- the Membership that -- that this bill applying the 1.25 times good time will now be doubled because of the action that we took yesterday, if that becomes law in doubling the meritorious good time, this would add another ninety days times the 1.25 factor. So for those who were concerned about the bill yesterday, this will even magnify that fact.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Fawell, you may close. Oh, I'm sorry. Senator Karpel.

SENATOR KARPIEL:

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Thank you, Mr. President. Well, I'm just standing in support of this bill. The bill that was passed out yesterday for meritorious good time is, you know, was tied to nothing. We weren't going to be requiring the inmates to do really anything at all for that good time, just be -- just to -- we were passing that bill for the obvious reason that we have overcrowded prisons, and it's a way of trying to get more inmates in our prisons, and at the same time letting some out early. This bill, at least, is tied to something. We're asking them to do something, to learn something that might reduce recidivism, which might be to their benefit, which would be to the community's benefit - perhaps give them a way of getting a job when they do get out. I mean, at least this is tied to some positive concrete good, and I suggest that this is a much better way to go than we -- than the bill we passed yesterday, and I would support this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion, in this order. Etheredge, Dudycz and Geo-Karis. Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise on a point of personal privilege. I would like the record to show that I intended to vote Yes on House Bill 3149, but unfortunately punched the wrong button.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, the record will so reflect. Further discussion? Senator -- how'd I call it? Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. Just a question of the sponsor regarding Senator Hawkinson's comments. That raised the red flag, which, to me, Senator Fawell, could you please explain the good-conduct credits in a little bit more detail?

PRESIDING OFFICER: (SENATOR DEMUZIO)

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

All right. Senator Fawell.

SENATOR FAWELL:

Thank you for asking that question. Let me tell you first of all there are several people that are exempt under this whole thing, and will not receive any credit. Those are anyone who is convicted of first degree murder, second degree murder or a Class X felony. And this is a one-shot deal. They get one bite of the apple. If it doesn't take, they cannot come back then, the second time and say, "Gee, I'd like to go to school again, and get good time." This is only a one-time shot. It is called -- it is -- and they have to complete the class, and they have to be able to -- they have to be in attendance, and pass every week.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator -- Senator Dudycz.

SENATOR DUDYCYZ:

Well, Senator, how about a robber? I know -- not the armed robber. How about somebody who commits a robbery, combining what happened yesterday with what -- what's happening today, are -- are we going to give any -- any prison time to any of these felons or are we just going to be slapping him on the wrist and say, "Go through the front door and come on out the back door." I think we're sending the absolute wrong message out there, and I think it's going to haunt this Body. What we are doing is we are giving good time to people who have done some bad things, and I think that -- we're sending a message to the Judiciary, we're sending a message to the law enforcement community, that we're soft on crime. I don't care what you say, Senator - I mean, I'm getting a little upset with what's happening in this Body. We're getting -- we're giving every opportunity for these convicted felons to get out of the penitentiary. That's a wrong thing - what we're doing, and it's going to come back and haunt us in the future.

PRESIDING OFFICER: (SENATOR DEMUZIO)

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate. I usually agree with my colleague, Senator Dudycz, but in this case, first of all, inmates with a prior felony conviction for which they are incarcerated in the Department of Corrections, do not have eligibility for this program, and secondly, this applies to first-time offenders, and thirdly, as the Senator said earlier, no Class X offenses and no murder case -- no -- no murder offenders are included in this. I think this is a better bill than the one that was there yesterday, and I support it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR FAWELL:

Thank you very much. First of all, I -- I -- you have to understand that if he doesn't get any good time, he will -- this will not kick in. It's a -- it's a multiplication. It's one-fourth more of his good time that he has earned - that he has earned. It doesn't take in that -- that time when we were shoving them out the door. The American Bar Association in 1976 endorsed this concept. The regional superintendents endorse it. The Department of Corrections endorses it, and now I think this is a much better way to go than frankly we did yesterday. I didn't vote for one of those bills yesterday, because I think that is sending a bad message. Just to end up, it says - and again, I'm quoting the Supreme Court of the United States - just as good behavior credit is now allowed to reduce sentencing, we should allow credit on sentences for those who cooperate. We should help them to learn their way out of prison. I would solicit an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Question is, shall House Bill 3167 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 34, the Nays are 19, 1 voting Present. House Bill 3167, having received the required constitutional majority, is declared passed. Senator Carroll, do you want to handle this next bill on -- all right. House Bills 3rd Reading is House Bill 3168, Madam Secretary -- Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 3168.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

With leave of the Body, Senator Carroll will handle it. Senator Carroll.

SENATOR CARROLL:

Why, thank you, Mr. President and Ladies and Gentlemen of the Senate. This is the ordinary and contingent expenses for the Office of the State's Attorneys Appellate Prosecutor Commission. It is within the Senate bipartisan guidelines reducing operations and allowing, however, for the increase in rent at the Elgin office. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Question of the sponsor, please. Senator, it's my understanding that - having once served on the Appellate Prosecutor's Commission - that one-third of their funding comes from the State, and two-thirds from the -- comes from the county contributions, and that the deletions that we made will have -- be magnified three times in their budget. Has that been corrected by

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

amendment or reduced? I know I had some conversations last evening.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President. Senator Hawkinson, I don't know what time last evening - as to the validity of the conversation. It's two-thirds State, one-third county. But, however, either way. It doesn't matter. They were under the mistaken impression that our plan allowed growth of 3.2 percent, instead of reduction of 3.2 percent. Secondly, no, we did not bring down the county line. That doesn't matter. It's a match, but we didn't double hit them. In other words, if they had three million, two of which was State and one was county, we deducted 3.2 from the two million. Okay? Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall House Bill 3168 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. House Bill 3168, having received the required constitutional majority, is declared passed. 3197's on the Recall List. 3202. Senator Dunn. On the Order of House Bills 3rd Reading is House Bill 3202, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

House Bill 3202.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Thomas Dunn.

SENATOR T. DUNN:

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Thank you, Mr. President. This permits an urban sanitary district with a population of less than thirty thousand, in Lake County only, to dissolve.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If -- Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

You mentioned that this relates only to Lake County. You're always having a fit when I have anything to do with Will County. Why did you take this bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dunn.

SENATOR T. DUNN:

Because it included my county as well, at the time.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

But it does not include your county now, does it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dunn.

SENATOR T. DUNN:

Correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate. I'm opposing this bill. This is some special legislation to benefit a few in Lake County, and therefore, I respectfully ask for a vote -- a No vote on this.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

I'm glad my colleague from Lake knows at least something about this bill. I don't know anything about it. Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Barkhausen.

SENATOR BARKHAUSEN:

Who wants this Senator Dunn, and who opposes it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dunn.

SENATOR T. DUNN:

Mr. Dwight A. Magalis, who is the County Administrator for the County of Lake. I believe he's your administrator.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen. Senator -- further discussion? Senator Hudson.

SENATOR HUDSON:

Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will. Senator Hudson.

SENATOR HUDSON:

Tom, I think you indicated to me that counties such as DuPage would not be affected by this. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dunn.

SENATOR T. DUNN:

Yes, sir. That's correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hudson.

SENATOR HUDSON:

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Due to its population -- due to the population of the county and also the size of the sanitary district itself.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dunn.

SENATOR T. DUNN:

As well as my intent.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further -- Senator Hudson.

SENATOR HUDSON:

In the case, for example, of the Hinsdale Sanitary District or the Naperville Sanitary District, this would not affect them?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dunn.

SENATOR T. DUNN:

Correct.

PRESIDING OFFICER: (OFFICER DEMUZIO)

Further discussion? Senator Dunn may close.

SENATOR T. DUNN:

A Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 3202 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all -- have all voted who wish? Take the record. On that question, the Ayes are 30, the Nays are 23, 1 voting Present. House Bill 3202, having received the required constitutional majority, is declared passed. Senator Geo-Karis, for what purpose do you arise? Senator Geo-Karis.

SENATOR GEO-KARIS:

I would like verification, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis wishes to have the affirmative vote

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

verified. All Members will be in their seats. Mr. Secretary, read those who voted in the affirmative.

ACTING SECRETARY: (MR. HARRY)

The following voted in the affirmative: Alexander, Berman, Brookins, Carroll, Collins, Daley, Davidson, del Valle, Demuzio, Thomas Dunn, Hall, Hudson, Jacobs, Jones, J.E. Joyce, J.J. Joyce, Lechowicz, Luft, Netsch, Newhouse, O'Daniel, Rea, Schaffer, Severns, Smith, Topinka, Vadalabene, Welch, Zito and Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis, do you question the presence of any Member who voted in the affirmative?

SENATOR GEO-KARIS:

Jeremiah Joyce.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce on the Floor? Is Senator Jeremiah Joyce on the Floor? He's right behind the Podium, Senator. Senator Geo-Karis.

SENATOR GEO-KARIS:

Senator Alexander.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Alexander on the Floor? Back of the Chamber.

SENATOR GEO-KARIS:

Senator Jacobs.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs on the Floor? Oh, he's talking with Senator Macdonald. Senator Geo-Karis, do you question the presence of any...

SENATOR GEO-KARIS:

Yes. Hold on a minute. I guess that's it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. On that question, the Ayes are 30, the -- the Ayes are 30, the Nays are 23, 1 voting Present on a verified roll call.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

House Bill 3202, having received the required constitutional majority, is declared passed. 3220. Senator Rock. House Bills 3rd Reading is House Bill 3220.

ACTING SECRETARY: (MR. HARRY)

House Bill 3220.

(Secretary reads title of bill)

It's the 3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 3220 is an amendment to the Civil Procedure Act, and it deals with the subject of garnishment. As I'm sure most are aware, perhaps not aware, there was a case in the district court arising out of Edgar County, wherein the judge last November declared the Illinois Statute unconstitutional - as not being in line with the federal due process guidelines. All 3220 does is introduce into the garnishment procedure those due process guidelines of notice to the debtor, the opportunity to be heard. Essentially, that's it. It's a required notice to the judgment debtor of the post-judgment wage garnishment proceeding, an opportunity for a hearing and the -- the information to the debtor that he or she, in fact, does have that right to a hearing. I know of no objection. It's an attempt on our part to render due process in terms of this utilized -- much-utilized procedure, and I would solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Welch.

SENATOR WELCH:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Welch.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

SENATOR WELCH:

Senator Rock, does your bill require the employer to give a copy of the filled-in answers to the interrogatories on a wage garnishment, as well as the attorney for the judgment creditor sending a copy of the same document to the debtor?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Was that required by a federal lawsuit, or -- or why is there the double notice there?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

It is -- it is, as I understand it, felt to be more in line with the federal due process requirement, and we're just trying to insure the fact that we are -- that we are -- in line, constitutionally.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall House Bill 3220 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. House Bill 3220, having received the required constitutional majority, is declared passed. 3272. Senator Hall. On the Order of -- all right. 3273. Senator Rock. House Bills 3rd Reading, House Bill 3273, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

House Bill 3273.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the annual appropriation for the Office of the State Board of Education; the annual appropriation for the Common School Fund; the Distributive Aid Formula, and for the categorical grants. House Bill 3273 will appropriate, with the full expectation of being spent, in excess of four billion dollars, and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall House Bill 3273 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. House Bill 3273, having received the required constitutional majority, is declared passed. 3288. 3290. On the Order of House Bills 3rd Reading is House Bill 3290, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

House Bill 3290.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and Members of the Senate. There's two provisions to this bill. The first portion added the language

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

to the School Code clarifying that the school districts and their employees may reach agreement regarding dental benefit coverage. The second provision is a Senate amendment offered by Senator Jacobs, which added language of a bill the Senate passed last year - with bipartisan support, I might add. But it was never heard in the House. This addressed the issue of a notice to those nonteaching school employees in instances of their dismissal. Presently a secretary or a custodian can be dismissed at any time. House Bill 3290, as amended, requires that when such an employee is dismissed, the school district must give them the reason for dismissal. Other than that, I ask for your support, and be glad to answer any questions you might have.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in opposition to this bill. Let me tell you what it -- let me tell you what it does. This is -- in essence becomes a -- a tenure bill for the nonteaching staff of our various school districts. If there is one comment that I hear over and over again from my constituents - and I would assume that your constituents are no different from mine - is that one of the things that we could do to improve our schools - would -- get rid of teacher tenure. I hear that over and over again. I hear that comment almost as often as I hear the question, "What ever happened to that money that goes to the schools, that is generated by the Lottery?" What we're doing here is going in exactly the wrong direction from that which our constituents want us to go. Our constituency does not want to extend tenure provisions to nonteaching personnel. I strongly urge you to vote No on this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. Senator Kelly, I too rise in opposition to House Bill 3290. And I think perhaps it was before you joined the Senate, but back a number of years ago, a good friend of mine who sat on that side of the aisle, Senator Terry Bruce, and I used to argue issues like this from time to time, and Terry told me one day, he said, "You know, John, if -- if the Legislature will address the issue of collective bargaining -- mandatory collective bargaining, pass it, have it signed by the Governor, we shall never come back again for issues like this, because these are issues that should be negotiated locally." And you know, I've thought about that over the years. I really thought - although I voted against mandatory collective bargaining - I thought, you know, the one good thing about mandatory collective bargaining, we won't have to deal with these issues that ought to be dealt with locally. You know what's happened, Senator Kelly? Time and time and time again, we come back with issues like this that ought to be dealt with locally. That's the good part about collective bargaining. And we're ignoring that. Two or three years ago, I shared the superintendent's task force on mandates. And we talked about things like this. The IEA, through their president, Lee Betterman, was on that task force, and we issued, as one of our recommendations - jointly, all of us together agreed - that the Legislature should not be overly prescriptive with mandates. Mandates aren't all bad. There are some good ones. But we ought not be overly prescriptive. This is in direct contrast -- in conflict with what we talked about. I think this is the wrong way to go and we ought to defeat House Bill 3290.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion?. Senator Jacobs.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

SENATOR JACOBS:

Thank you, Mr. President. I -- I sort of have to chuckle a little bit, I guess, because we keep talking about once collective bargaining was passed, that no one's going to be coming back. Well that's got to be a two-way street, because it sure as heck happens that the school boards, they come down and they want some things, too. But, not -- regardless of that, there's a couple things that I think we should talk about in this bill. Number one, for those of you who may have a concern, this bill does not affect Chicago. And number two, whenever you're talking about tenure -- if this bill really covered tenure, I would probably be standing alongside of you and saying no to -- to -- to this bill. But this does not expand tenure. And in fact, all we're asking with this amendment is to do something very simple, and that's to give to the very lowest paid employee of a school district the same rights that the educators have, and the administrators have. That -- I -- I see nothing unfair about that. I think it is something that is fair. And I think it's something that we should pass. And, you know, as far as the rest of the bill - progressive discipline, and just cause, all we're saying in the just cause provision is you have to give somebody a reason why you're firing them. Now that's not too much to ask, and that's really all this amendment does, and I ask for your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. You know, quite frankly, what we ought to do is abolish tenure for teachers. All you do is protect lousy, rotten teachers and lousy employees. If you're a good teacher or a good employee, you're going to be there. You know why? Because you're needed, loved and respected. To think that we're going to extend this is

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

absolutely unbelievable. If that -- that's the worst idea I've heard the whole darn Session. We ought to say no.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Kelly may close. I beg your pardon. Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Question of the sponsor, if he'll yield? Did -- did I understand one of the speakers to say that this bill does not apply to Chicago? Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Yes. That is correct. This does not apply to Chicago. This is for downstate only.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, does -- do nonprofessional people in Chicago have this right now? Are they tenured?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Yeah. I'm -- I'm not really sure at this point. I can't give you a clear answer. I know it doesn't apply to Chicago. Maybe someone else has an answer, what the current requirements are and the provisions are. I don't know.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you. Well I -- I'd simply like to make the point then that if this is a decision that only affects downstate, I would ask those legislators from Chicago to possibly let us make the

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

decision. If it's not going to affect you, you know, I think the proper vote is -- is a Present vote here, rather than for you to be making a decision as to how we're going to run our schools in downstate. So, I know you have the right to vote, but I think it would be interesting if you didn't vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

I think Senator Schuneman is probably right. Maybe -- maybe the best vote would be a Present vote, but as a Chicago legislator who may not be voting Present, I -- I want to understand this. This legislates a thirty-day just cause provision. Would you just -- and I apologize - I'm sure you explained it before - would you just explain what that "just cause" provision would be for, and why it's necessary?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

All right. Senator Marovitz, the just clause <sic> is not defined, to allow necessary flexibility in each school district. What it does is it simply requires a school district to give the legitimate reason for dismissal.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator -- further discussion? Senator Raica.

SENATOR RAICA:

Thank you, Mr. President. Senator Kelly, I have a question for you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Raica.

SENATOR RAICA:

Dick, does this affect suburban Cook County?

PRESIDING OFFICER: (SENATOR DEMUZIO)

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Senator Kelly.

SENATOR KELLY:

Yes. It would definitely apply to suburban, to your district.
Yes, it would.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Kelly may close.

SENATOR KELLY:

Thank you, Mr. President. I just want to mention this has nothing to do with tenure. We talked about it. All we are asking for is simple justice, if education support personnel party gets dismissed on a job, they ought to know why. And that's all it does. I'd ask for your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 3290 pass. 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 35, the Nays are 20, 2 voting Present. House Bill 3290, having received the required constitutional majority, is declared passed. 3310. Senator Fawell. House Bills 3rd Reading is House Bill 3310, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 3310.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This bill is the Forest Preserve Act. When -- when this Act was passed many years ago, the Legislature establishing a budgeting process that followed the one used by the

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

cities and the villages. Last year the Legislature amended the Forest Preserve Act to allow forest preserve districts to follow either the processes used by the cities and villages or the processes used by the the park districts. Now, because the forest preserve districts have this option, the phrase, quote, "shall be levied in the same manner as cities and villages," unquote - is obsolete. This bill clarifies and eliminates any confusion that may exist because of the amendments to this Act, which was approved last year. It also gives the DuPage Forest Preserve Police the police power just within the confines of the forest preserve land if they have an easement, own or rent the land. If they go outside the forest preserve land, then they can only act in aid of a regular police force or the sheriff. It also has a clean-up amendment for the fire districts, and I would -- solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, ...(machine cutoff)... shall House Bill 3310 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 51, the Nays are none, 1 voting Present. House Bill 3310, having received the required constitutional majority, is declared passed. Bottom of Page 10 is Senate Bill -- I'm sorry -- House Bill 3318. Senator Marovitz. Senator Smith. 3318. On the Order of House Bills 3rd Reading is House Bill 3318, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 3318.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I'd like to preface by saying that I will explain the first two provisions of the bill, and then I shall turn it over to Senator Berman and Senator Luft. House Bill 3318, as amended, requires the Department of Public Aid to consider the special winter clothing needs of school-age children, when devising standards for grant assistance; and number two, it requires the Department of Public Aid to negotiate a written agreement with the Department of Corrections to implement procedures for pre-release applications and expeditious processing of requests for public assistance filed by persons scheduled for release from State penal facilities. Each qualified applicant shall receive an assistant checked or an emergency assistance grant within ten days of release. Senator Berman.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. Do we not have the explanation of the other two amendments?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator -- Senator Smith. Senator Smith.

SENATOR SMITH:

I'd ask for the adoption of these two amendments, if may.

PRESIDING OFFICER: (SENATOR DEMUZIO)

No. We -- we've already adopted the amendments. We are on 3rd Reading.

SENATOR SMITH:

Okay.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Thank you, Mr. President. To satisfy Senator Donahue's concern, I'll try to explain one of the amendments that I believe that I had on there. It required the Department of Public Aid to furnish dental and eye services to Medicaid recipients who are participating - and only participating - in education training or employment programs, such as Project Chance.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Now, Senator Berman.

SENATOR BERMAN:

Thank you. Also in response to Senator Donahue, I will explain the amendment which deals with what is called spousal impoverishment. This bill -- this amendment, which is now in this bill, codifies the regulation which the Department of Public Aid has promulgated to allow the maximum allowance for spouses to -- to maintain when the other spouse is admitted to a nursing home and subject to the Medicaid rules -- Medicare rules. Be glad to respond to any questions regarding that specific amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. Chairman, and I thank -- or President, I thank all of you for the explanation, but that's what the Senator had said earlier, that you were going to do that. I didn't want to jump in. I rise in opposition to this bill. I know it's a tough one, but in many respects, folks - and I hope you're listening, especially our side of the aisle - that most of this is being done already. What Senator Berman referred to is being done now. What the two amendments that Senator Smith referred to is being done now. So I would hope that we could oppose this. The last amendment that nobody did talk about deals with a -- an immediate effective date, which affects the budget we're talking about right now, too. So I hope we could vote No.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I rise on the bill, rather than an explanation. I strongly urge an Aye vote on this bill. Let me address specifically the issue of spousal impoverishment. Just to give you a short history. The Federal Government, which calls all the shots on this, allowed a state to set certain parameters between minimums and maximums. The Department of Public Aid promulgated a rule that set a minimum level. Now what that meant is that if -- if -- if you're married and your spouse has to go into a nursing home, in order to qualify for Medicare, all that you - the healthy spouse - could keep was at a level of twelve thousand dollars of assets and a certain level -- minimum level of income. The senior community, and that means not only seniors, but people in support of seniors, rose up and demanded that Illinois be responsive to the needs of seniors, and adopt not the minimum level of subsistence, but the maximum level, and the Department of Public Aid rescinded the minimum level regulation and promulgated -- in response to this overwhelming outrage, adopted the maximum level. The reason for this amendment, Ladies and Gentlemen, is so that we, the General Assembly, and the Senate in particular, reaffirm what the Department has done, and that is to be responsive to the needs of seniors and say, "Yes, Department, we don't want a later department regulation to undermine what you, in your good judgment, are doing today, and we want to embody that in statutory language, and that is maximum allowance of assets and income for the non-ill spouse." This is number one on the seniors' wish list, demand list, voter list of this bill, in this Session. Spousal impoverishment is the hottest issue. I strongly suggest, if you expect to get any favorable reaction from your seniors, and the children of those seniors,

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

this is a bill you must vote Aye on. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Smith, do you wish to close?
Senator Smith.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen, I merely...

PRESIDING OFFICER: (SENATOR DEMUZIO)

I beg your pardon. Hold on, hold on, hold on -- pardon me.
Further discussion? Senator Maitland. Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. It is always difficult to oppose what seem to be very worthy causes, Senator Smith. You -- you know how difficult it has been for all of us to deal with the budget issue this spring. You and I have talked, as others have talked, about trying to make -- trying to make the IREAPP Program, that we passed last year, work and be funded properly. We still are persisting in that effort. For the most part, this is a new program - brings with it an eight-million-dollar fiscal cost in FY'91, and more difficult for us to deal with in the future becomes the issue of indexing where we have automatic escalation -- will just take us completely out of control with absolutely no guidelines, and I would urge the Body, at this point at least, to oppose House Bill 3318.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Further discussion? If not, Senator Smith may close.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen. To our colleague, Senator Maitland, I'd like to say that there is no increase here in this particular legislation. It's already in the budget, and all you have to do is exercise it. That's merely all. There is no increase at all. Here it is here. The Department --

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

and may -- all I say then, just a favorable vote, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 3318 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 30, the Nays are 23, none voting Present. House Bill 3318, having received the required constitutional majority, is declared passed. Senator Maitland, for what purpose do you rise?

SENATOR MAITLAND:

Thank you, Mr. President. A verification of the affirmative vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Maitland has requested a verification of the roll call. Will all Members be in their seats. The Secretary will read those names of the Members who voted in the affirmative.

ACTING SECRETARY: (MR. HARRY)

The following voted in the affirmative: Alexander, Berman, Brookins, Collins, Daley, D'Arco, del Valle, Demuzio, Dudycz, Thomas Dunn, Hall, Holmberg, Jacobs, Jones, J.E. Joyce, J.J. Joyce, Kelly, Lechowicz, Luft, Marovitz, Netsch, Raica, Rea, Severns, Smith, Topinka, Vadalabene, Welch, Zito and Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR MAITLAND:

Senator Topinka.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka on the Floor? Senator Topinka on the Floor? Strike her name.

SENATOR MAITLAND:

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Senator Marovitz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz is at the back of the Chamber.

SENATOR MAITLAND:

That's all, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. On the verified roll call, the Ayes are 29, the Nays are 23. Senator Smith.

SENATOR SMITH:

I'd like to place it on postponed consideration, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Postponed consideration. Page 11. 3335's on the Recall List. 3326 is on the Recall List. 3320 -- I'm sorry. 3330. Senator del Valle. On the Order of House Bills 3rd Reading is House Bill 3-3-3-0, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 3330.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. House Bill 3330, as amended, allows the Illinois Department of Public Health to develop one or more pilot projects requiring home visitations and other services for pregnant women, new mothers and infants. The bill also allows the Department to seek out alternative methods of funding the pilot projects.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall House Bill 3330 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are 4, none voting Present. House Bill 3330, having received the required constitutional majority, is declared passed. 3337's on the Recall List. 3386 is on the Recall List. 3394. Carroll. 3394. 3397. Senator Brookins. Brookins. 3397. Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. HARRY)

House Bill 3397.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. This is the CTA bill, and what it does is it allows them to facilitate causes <sic> of ten thousand dollars or over. It -- Authority may also provide for competition, negotiation or the prequalifications of responsible bidders. It prohibits persons from eating and drinking on CTA facilities also.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Keats.

SENATOR KEATS:

I just rise in support of the legislation. The reason we're changing these numbers is they were set in 1974, and it's just not realistic, and this does make it -- frankly, much more cost-efficient for the CTA to operate. For that reason, I would rise in support of legislation.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Kustra.

SENATOR KUSTRA:

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

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

support of the bill, and I'm particularly interested, and would call my colleagues' on this side of the aisle's attention to the part on negotiated bidding procedures. The fact of the matter is that under current conditions, it is very difficult for the CTA to let out a bid and to expect an American company to wind up with it, given offshore competition. There is at least one company that would like to build cars and sell those cars to the CTA, and they build those with Illinoisans right in LaGrange, Illinois, but that's not going to happen until or unless METRA is allowed to do a negotiated bid procedure for the CTA in order to allow an American company a fair shake at this particular bid, and I rise on this bill because I'm confident that with METRA doing the negotiating for the CTA, it'll be done fairly - and most importantly - the end result will be putting more Illinoisans to work. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Brookins, you wish to close?
Senator Brookins.

SENATOR BROOKINS:

Roll call.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall House Bill 3397 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 59, the Nays are none, none voting Present. House Bill 3397, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading is House Bill 3406. Senator Jacobs. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 3406.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jacobs.

SENATOR JACOBS:

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

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jacobs. Senator Jacobs. Excuse me one minute.

SENATOR JACOBS:

Beg your pardon? ...(machine cutoff)...

PRESIDING OFFICER: (SENATOR LUFT)

It's a recall. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 3406.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill originally started out as the -- allowing a summons to be given by certified mail, and since that time has been amended by three times, and the amendments allow that CREDA Bonds be exempt from taxation, rather than at the discretion of the Authority, which is now the case. That's needed in order to comply with Chapman & Cutler's recommendations. Amendment No. 2 allows for continued coverage for firefighters for their insurance benefits if they pay for the coverage, and Amendment No. 3 does the same thing for IMRF employees, and in both cases they -- they have to continue paying for it, and I'll be happy to answer any questions. Otherwise I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Weaver.

SENATOR WEAVER:

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

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

PRESIDING OFFICER: (SENATOR LUFT)

The sponsor indicates he'll yield, Senator.

SENATOR WEAVER:

Senator Jacobs, is there any extra cost associated with continuation of these benefits for retired personnel, or are they paying the average cost that the regular employees?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jacobs.

SENATOR JACOBS:

It is my understanding that they pay the freight for what -- what it costs to keep them on there. Now I think we would be remiss is we would not admit at least that -- I'm sure that there may be some increased cost - minor cost - to the entire program, by the fact that you're keeping people on that are a year and a half extra. In the case of the -- I mean, the case of the AFSCME or the -- the IMRF employees, they are over at sixty-five, so they shouldn't probably have too much of an effect on that, and the firefighters already have it in their provisions. So...

PRESIDING OFFICER: (SENATOR LUFT)

Senator Weaver.

SENATOR WEAVER:

Well I -- I know many municipalities are concerned about the additional cost, and even the availability of getting coverage for their employees, as well as their retirees. Because of the extra cost, is this going to affect the municipalities' ability to -- to obtain coverage?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jacobs.

SENATOR JACOBS:

Without having a crystal ball, I would say no, but I -- I have

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

no way of guaranteeing that -- no more than I would be to say that they're going to be able to carry the same coverage, you know, for their employees now. I -- my best guess would be that they should not have any problem finding availability, and I don't see any tremendous increased cost, if any at all.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Weaver.

SENATOR WEAVER:

Well, speaking to the bill, I -- I guess it's the concern of the municipalities that the extra cost is not a mandated cost, and they're going -- the taxpayers are going to end up paying for it, and it was my understanding that the participants would not be paying anything over and above that which ordinary employees would be paying, which -- and by the fact that their rates are going up, it will affect not only the rates of -- of the employees, but the rates paid by the retirees. So I'm -- I know the municipalities have concern about this.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

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

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates he'll yield.

SENATOR DeANGELIS:

Senator -- Senator Jacobs, we are all very much in favor to insure that retired people get adequate coverage, but let me ask you a question. You're suggesting, with this bill, or mandating with this bill, that the existing coverage stay in effect, even when there is a Medicare policy in effect.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jacobs.

SENATOR JACOBS:

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

For the IMRF employees, no. The IMRF employees - when they become eligible for Medicaid or Medicare, they no longer can provide that -- that coverage. What it does do, it takes care of those people - as an example - that may retire for -- from IMRF at sixty-two. The federal law picks them up to sixty-three and a half, and then they are without insurance from the time they are sixty-three and a half till they're sixty-five. This allows them to continue by paying on from the time they are sixty-three and a half until they're sixty-five.

PRESIDING OFFICER: (SENATOR LUFT)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, was Amendment No. 2 stricken off the bill?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jacobs.

SENATOR JACOBS:

That was the IMRF. Now the -- the firefighters already can do that. Okay?

PRESIDING OFFICER: (SENATOR LUFT)

Senator DeAngelis.

SENATOR DeANGELIS:

I'm sorry, Mr. President. I didn't hear that last...

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jacobs.

SENATOR JACOBS:

It's my understanding, and I -- that the firefighters can already do that. What -- the problem that you have with the firefighters, it's a different situation. Many firefighters and many police officers do not pay into Social Security. So when they get sixty-five, there is no Medicare or Medicaid available to them. So what they have to do is -- is find their own insurance. This just allows them to continue on, because they -- they're not

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

covered by Social Security -- many of them.

PRESIDING OFFICER: (SENATOR LUFT)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, the part that bothers me - and I would like for you to clear this up, because it is a big point - is that, as you are aware, that if you buy a Medicare supplement or use existing insurance as the Medicare supplement, the Medicare doesn't kick in till after the regular insurance is exhausted. So essentially what becomes the supplement is Medicare, and you don't have a Medicare supplement. Your primary insurance is your insurance, and the Medicare becomes the supplement. Now would you correct me if I'm wrong on that?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jacobs.

SENATOR JACOBS:

Senator, I don't think you're wrong. I think you're correct in that case.

PRESIDING OFFICER: (SENATOR LUFT)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, if that be the case, you're talking about some big bucks.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jacobs.

SENATOR JACOBS:

I -- I guess I'm having a problem trying to understand whenever they're paying for it themselves, why anyone would even object. If we're -- if we're defending the insurance companies, I could understand it, but if we're talking about cost to a municipality, I really don't understand that line of questioning, but, you know, just to be perfectly fair about it, in direct

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

answer to your question, I think, yes, the insurance policy would take place first, and the Medicaid would come in, but I'm not an expert in that field, so I really cannot answer that.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates he'll yield.

SENATOR SCHUNEMAN:

Senator, our analysis indicates that this is permissive language. Based on the discussion here, I doubt that that's the case. I haven't seen the -- I haven't seen the language, but does the exact language of this bill require that municipalities offer coverage to their retirees, or does it say that they simply may?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jacobs.

SENATOR JACOBS:

No municipality shall be required by reason of any provision of this Section to pay any group insurance premium other than one which may be negotiated in the collective bargaining agreement. If a person electing continued coverage under this Section becomes eligible for Medicare coverage benefits under the group policy may continue as a supplement to the Medicare coverage underpayment of any required payments -- premiums -- excuse me.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well I -- I think the thing we're concerned about is the extent to which we're mandating costs on local municipalities, and frankly, I've not had an opportunity to look at it. I -- I don't know exactly what the effect would be, but certainly Senator

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

DeAngelis' point was well-taken, in that if there is primary insurance - health insurance - provided by the municipality, then that insurance would be primary, and the Medicare becomes excess. So the -- the primary cost would fall upon whoever's paying for that primary policy. So I have a concern about that, and I'm not sure whether you can address it or not.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jacobs.

SENATOR JACOBS:

I think we have to separate the two. In the case of the policemen and the firemen, normally they do not have Social Security. So there will be no Medicare. Okay? So that's one issue. So they should be allowed that privilege of continuing on with their insurance. With the -- the IMRF employees, once they become eligible for -- for a supplement, or for the Medicare, at that time they cannot buy the insurance. It ceases whenever they go on Medicare. We've got two different issues here. We've got a firefighters' issue, which does one thing, and an IMRF issue, which does something else, and the IMRF issue says - and that's the one that the municipalities have the greatest concern with, until they really understand that whenever they get to age sixty-five and -- and become eligible for Medicare, they are not covered by this bill anymore.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates he'll yield.

SENATOR FAWELL:

Senator Jacobs, I think the problem over here is that we got a missile <sic> that says that this is a mandatory program. You, in

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

effect, are saying this is not mandatory, that this is up to the local village and city councils?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jacobs.

SENATOR JACOBS:

The second amendment is not. The third amendment is mandatory, but again, keep in mind that that amendment, whenever they get ready for Medicare, they -- they can no longer be covered under the plan. So there really is no cost to a municipality. The individual who is paying - who is getting the policy - is paying the freight. I -- I just don't really understand where there's a problem, and as a former mayor, I don't -- you know, we've done this all along, and I can understand other arguments, and maybe this should be part of collective bargaining and all of that, but as a mayor, we -- we found that it did not increase our cost at all - number one. Number two, it's an issue that is just a matter of fairness.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Fawell.

SENATOR FAWELL:

But, just to -- just to reiterate - this is permissive. The village and the councils must vote on it?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jacobs.

SENATOR JACOBS:

As I indicated - and maybe I didn't make it very clear - Amendment No. 3 is -- it does mandate. Amendment No. 3 mandates, and that's why I said the only difference is, however, we're talking about a year and a half of cost that is borne by the employee or the -- the -- the person seeking the insurance itself. I -- I really do not understand - really, it's a matter of principle, I guess - that you've got your missile <sic>.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Evidently they didn't see fit to send them to this side of the aisle, or at least to this sponsor, or even discuss this issue with me, so I don't know how much of a concern they have when they haven't even come forward to me, but I guess maybe there's strange things at work here.

PRESIDING OFFICER: (SENATOR LUFT)

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

SENATOR JACOBS:

Just ask for an Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall House Bill 3406 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 43, the Nays 13, none voting Present. House Bill 3406, having received the required constitutional majority, is declared passed. House Bill 3406 has just been placed on the Recall List. House Bill 3412. On the Order of 3rd Reading. Senator...(machine cutoff)... I'm sorry. House Bill 3412 is on the Recall List. We will move to House Bill 3426. Senator Savickas. Read the bill -- Senator Savickas has asked to have that removed from the Recall List. That's my understanding. Correct, Senator? So the Senator would like to hear the bill at this time. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 3426.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Savickas.

SENATOR SAVICKAS:

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Yes. Mr. President and Members of the Senate, House Bill 3426 is a bill that we introduced to address concern in our communities. I speak of our communities, I speak of Senator Raica, Senator Kelly and Senator Mahar. Where we had the Sun Chemical trying to come in and build and construct a hazardous waste incinerator because it was zoned industrial in one community, which is Bedford Park, which adjoins Burbank and Bridgeview, another community that have residential areas abutting this property. We had a -- a few bills introduced, they were -- some lost, some were decided by the committee that they just didn't address the situation. Hopefully, as this bill was amended, it just puts a moratorium on the -- on permits that would be issued for one year on hazardous waste facilities - the construction of these incinerators. It exempts those facilities intended for use as part of any State or federally designated clean-up action. It has nothing to do with municipal incinerators. It has nothing to do with landfills. This bill, as for Chicago and Cook County, is very important, because those areas that are zoned commercial - and many of our communities abut these commercial areas in Chicago and in those suburban areas of Cook County - that abut these areas can be -- can be faced with this problem. Statewide this can be a problem. We're asking that by the adoption of this legislation, that for one year a moratorium will be enacted to allow us, as legislators, to set a policy and hopefully that part of that policy would include that they cannot create these incinerators next to residential areas. That is the intent and purpose of this legislation. I solicit your support, as - as I might add, are both gubernatorial candidates. Both Neil Hartigan and Jim Edgar have come out to this community, have viewed these areas, have expressed their support to these communities that this legislation should be passed. I ask now for your support.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Welch.

SENATOR WELCH:

Thank you. I would like to ask a question of the sponsor.

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates he'll yield.

SENATOR WELCH:

Senator Savickas, some of the industries that are not involved with incinerators have expressed some concern about what is to be included in this bill. What I'd like to ask you is that, is it your intention to include flaring in -- in your definition of incinerators, or in the coverage of this bill?

END OF TAPE

TAPE 3

PRESIDING OFFICER: (SENATOR LUFT)

Senator Savickas.

SENATOR SAVICKAS:

No, that wasn't the intent. Our discussions with the industry regarding flare-ups and flaring was their concern that if one of the pieces of equipment went out, through whatever cause, that burn off all these gases and that are being used now -- no, that is -- not only is not the intent, I don't think the bill comes near -- near that concern, because this is for new -- new hazardous waste incinerators. All those - I guess you'd -- I don't know if you'd call them incinerators - but all those flaring equipment are already in place, and if something does happen to cause one to go out, as far as I know, and my intention, is that they would replace that piece of equipment so it can operate

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

again. That is not new -- new equipment.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Welch.

SENATOR WELCH:

Well, I'd just like to say that I'm supporting this legislation because I think this gives us some time to work on the issue of hazardous waste incinerators. This is an issue which really hasn't come before the Body before in any real substantive form. The moratorium continues through the entire year of 1991. It expires, I believe, December 31, 1991. In the meantime, we are going to be working on legislation to try to clarify what types of hazardous waste incinerators can be built in Illinois, what the requirements are for sending hazardous wastes to one, and other such issues which we haven't dealt with before. So while the moratorium is pending, it was felt that a year and a half would be sufficient time to work on a piece of legislation. So we're going to see this again, probably next year. Thank you.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Lady from Lake, Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he will.

SENATOR GEO-KARIS:

The bill, as originally amended, provided just for a moratorium, period. Are you saying that your moratorium against incineration is only one year?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Savickas.

SENATOR SAVICKAS:

Yes, -- from the effective date of this amendatory Act of 1990 until December 31st, 1991. We don't know when the bill will be

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

signed, so I'm saying approximately a year. Hopefully, it, you know, it'd be signed sooner. That would extend that a little longer than a year, but it's only until December 31st of 1991, which would allow us, as legislators, to try to address this problem for our communities.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

There was an amendment that was knocked off which provided that every county with a population of greater than one hundred thousand would have to have an approved solid waste management plan before it could site a landfill or incinerator for the purpose of disposing of municipal waste. Can you tell me why you didn't -- you had that amendment knocked off?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Savickas.

SENATOR SAVICKAS:

Yes. Senator, the concern with municipal waste and municipal incineration and municipal landfill locations was one that was causing a lot of concern about -- well, with our cities and our many of our legislators that have this problem in their communities. I didn't want to get involved into a municipal waste concern when we're talking about a private company burning hazardous waste, and has nothing to do with municipal waste. We're talking about companies that will be bringing in from fifty other states that are prohibited now, that would burn their waste from fifty other states - their hazardous waste - in our community.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

One last question. Are you saying that your bill only applies

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

-- excuse me -- to the incineration of hazardous wastes?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Savickas.

SENATOR SAVICKAS:

Yes, specifically to hazardous waste incinerators.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Lady from Cook, Senator Alexander.

SENATOR ALEXANDER:

Thank you, Mr. President. And I appreciate the answer that was just elicited from Senator Savickas, but I do want to hear on the record whether or not, if this legislation, in fact, does pass, how and if it would affect the incinerator that's being proposed for the Village of Robbins, which needs this incinerator badly? Would this affect their placing an incinerator in their area?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Savickas.

SENATOR SAVICKAS:

Senator Alexander, this has no effect whatsoever on the Robbins proposed municipal waste incinerator. The municipal waste incinerators are a totally different subject; that's why the concern was to remove that other amendment dealing with municipal waste, so that it would not be viewed or even considered that this had anything to do with a municipal waste facility. This is hazardous waste facilities only, and no municipals either deal or have that type of facility.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Savickas, to close.

SENATOR SAVICKAS:

Well, Mr. President, Members of the Senate, we've reviewed this bill. You know the purpose. You know the intent. I seek your support as Senator Raica, Senator Mahar and Senator Kelly do,

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

to help not only our communities, but probably for the whole State to address this problem.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The question is, shall House Bill 3426 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 52 Ayes, 4 Nays, 2 recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. House Bill 3454. Senator Woodyard. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 3454.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President, Members of the Senate. Senate Amendment No. 1 on 3454 actually became the bill, and it's a result of -- of negotiations between the Taxpayers Federation, Farm Bureau and Realtors and the Township Officials. And everybody that I know of is in agreement on this bill at this present -- at -- at this time. It allows a township who had been levying in their General Assistance Fund, to transfer the surplus of that one time only into their town fund, out of which they can -- they can provide the human services that were -- that the Township Officials were wanting to do in the original part of the bill. As I say, I know of no opposition to the bill at this time, and would encourage your vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall House Bill 3454 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 58 Ayes, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. The top of Page 12 appears House Bill 3468. Senator Carroll. 3468. Out of the record. 3494 is on the Recall. 3506. Senator Maitland. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 3506.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Mc Lean, Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. Senate Bill 3506 enacts the Radiation Protection Act of 1990. You may recall we amended that -- that bill yesterday, and we removed the podiatrists and the dentists from the advisory board because they are not covered under the bill. And we also extended the limited scope of the -- of diagnostic procedure to now include the chest, extremities, skull and sinuses and spine. That was a suggestion made by, as I recall, the State Medical Society. It's my understanding that -- that the technologists are -- are not in total absolute agreement on it, but I -- I believe there is very limited concern with the bill at this point.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The Gentleman from Rock Island, Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. I was just going to reiterate what Senator Maitland said, 'cause yesterday I did have a question on that issue. As you indicated, the radiologists are still not

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

entirely satisfied, but there's enough good stuff in this bill that we should all give it an Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Maitland, to close.

SENATOR MAITLAND:

Would appreciate your support. Thank you.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, should House Bill 3506 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 57 Ayes, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. House Bill 3513. Senator Schaffer. Out of -- out of the record. 3527. Senator Barkhausen. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 3527.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Lake, Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, House Bill 3527 deals with those portions of the Insurance Code relating to insurance fraud, by adding a provision dealing with bodily injuries of any person. Current law provides coverage for misrepresentations relating to false claims based upon the death injury loss of the insured. This expands on that by covering bodily injuries of any person, whether it be the insured or a third person making the claim. There was an amendment on the bill that made reference to the nature or extent of bodily injuries or the medical expenses related to such bodily injuries, because it was felt by the

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

proponents of the bill that it's -- that it's clear from the language of the bill that is now presented to you that -- that the nature and extent of bodily injuries and the medical expenses for those bodily injuries is -- is also covered. The -- it was felt that the amendment was unnecessary, and was therefore removed. I'd be glad to answer any questions, and would otherwise seek your support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Gentleman from Knox, Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he will.

SENATOR HAWKINSON:

Senator, I -- I'm assuming, by your discussion, that before you're going to hold someone liable for this fraud, they're going to have to have knowledge that some third person's claim is fraudulent. That if a third person is claiming under your policy and you don't know that the claim is not legitimate, you're are not going to be held responsible for fraud. Is that correct?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

That would be correct, Senator.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen, to close.

SENATOR BARKHAUSEN:

I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The question is, shall House Bill 3527 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

voted who wish? Have all voted who wish? Please take the record. On this question, there are 55 Ayes, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 3528 is on Recall. 3529 is on Recall. 3536. Senator Philip. 3526 <sic>. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 3536.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman from Dupage, Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 3536, as amended, is the Governor's ordinary and contingent expenses. It's nine million four hundred and forty-six thousand. It's in compliance with our bipartisan agreement. Be happy to answer any questions, and ask you for an affirmative vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall House Bill 3536 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 57 Ayes, no Nays, 1 recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 3565 is on Recall. 3590 is on Recall. 3613 is on Recall. 3614. Senator Topinka. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 3614.

(Secretary reads title of bill)

3rd Reading of the bill.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Lady from Cook, Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President, Ladies and Gentleman of the Senate, this is an IDPA bill, and basically it would ask that a report be made by the Department of Public Aid to the General Assembly regarding statistics and trends in the provision of medical services to pregnant women. We also added an amendment which would exempt trailer coaches and mobile homes with a value of less than twenty-five thousand from the requirement that the State have a security interest on such trailer, coach or mobile homes, for Public Aid -- grantees. There is no opposition that I know of.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall House Bill 3614 pass. All in favor, vote Aye. All opposed, vote Nay. Voting's open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 58 Ayes, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. Top of Page 13 appears House Bill 3630. Senator Maitland. Senator Maitland. Out of the record. 3649 is on Recall. 3655. Senator Zito. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 3655.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Zito.

SENATOR ZITO:

Yes. Thank you, Mr. President and Members. House Bill 3655 when it left -- when it came over was a vehicle bill. We amended it in committee to accommodate the Department of Public Aid, which

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

employs them to establish a uniform reimbursement cycle for nursing home providers Statewide. The Department is mandated to create reimbursement cycles on a calendar-month basis for all long-term care providers Statewide by July 1, 1991. There has been a number of attempts to amend this legislation. I -- I may tell you - and Senator Maitland may continue this conversation - we have agreed not to amend this bill. I don't think the part of the bill now is controversial. There were several other amendments that we had talked about. They're not prepared for this bill. I don't know of any opposition to House Bill 3655 in its present form, and would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Lady from Cook, Senator Topinka.

SENATOR TOPINKA:

Mr. President, Ladies and Gentleman of the Senate. Unfortunately, opposition does exist, because there -- there was at least some seeming agreement that this is kind of half a package. And indeed the Department of Public Aid, you know, has a desire to try and get onto this uniform payment cycle, because indeed it was promised. But the other half of that is that there is also an agreement to remove a provision that we put on last year, which basically got the nursing homes up to snuff in terms of -- of money and getting them up to a COLA type of a situation. It was supposed to be a one-time shot. It was misdrafted, and now the nursing home industry has said, "We like it so well because it guarantees us twenty-six million dollars a year." As a full such COLA, they do not wish to remove it. The amendment that was proposed for this bill never got on. As a result, it is only half a package. And unfortunately, I think we'll have to be in opposition unless that's picked up.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman from St. Clair, Senator Hall.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

SENATOR HALL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he will.

SENATOR HALL:

Senator Zito, that -- I'm informed that this bill does have a twenty-six-million tag, but not with only that. I'm also informed that Senate Bill 1139, which Senator Demuzio and Senator Maitland, I think, are -- are handling this bill, the Department says that they need some cleanup in that, and -- have they contacted you? Are you aware of that?

PRESIDING OFFICER (SENATOR LECHOWICZ)

Senator Zito.

SENATOR ZITO:

Senator Hall, in answer to Senator Topinka's comments - 'cause they're basically the same thing - this bill will establish now a cycle payment for the Department of Public Aid to nursing home facilities. There had been negotiations several years ago, or a year and a half ago, that I was not privy to. Senator Maitland and I have discussed this numerous times. Senator Maitland feels that -- and I feel that there's -- there's a vehicle that we can accommodate the other original agreement. I was not part of that agreement. All I can tell you is what's in this bill now, I believe, is very, very important - not to undermine what Senator Maitland will attempt to do, and I believe it is House Bill 1139 -- Senate Bill, I'm sorry -- Senate Bill 1139. I'm not part of that arrangement or agreements, and I think Senator Maitland can answer your question.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Hall.

SENATOR HALL:

Senator Maitland, are you able to answer that question?

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman from Mc Lean, Senator Maitland. Senator Maitland, please.

SENATOR MAITLAND:

Thank you. Thank you, Mr. President, Members of the Senate. And there is some confusion that persists on -- on this issue. We do plan to offer the amendment on either Senate Bill 1139, which may well be coming back here for a conference committee, or there are a couple of other vehicles where this might be -- be dealt with. Most of the statements that have been made are true and -- and accurate. I did go to Senator Zito and asked to put that amendment on that bill. He had some concerns about it -- wanted this bill to go as it was, we agreed to amend the bill or amend the issue elsewhere. Senator Topinka is absolutely correct. Last year, when we dealt with this issue, there was an agreement between the industry, me, Senator Demuzio, and some other people, on this issue. Unfortunately, when the -- when the language was drafted, it suggested an automatic 7.1 percent increase every year, and that was not the agreement. We asked the language go through that way, and we'd deal with it, and I committed to making the change either last fall or this spring. I'm living up to that agreement, the Illinois Health Care Association's living up to that agreement, and we do plan to -- to cause that to happen.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? Senator Zito, to close.

SENATOR ZITO:

Well, thank you Mr. President and Members. Senator Maitland, thank you for your explanation. I can tell you, Ladies and Gentlemen, those of you who want to vote or have been asked to vote No on this legislation simply because of that agreement, this is not -- certainly not the bill to do that. This concept is an important concept, because it will provide those necessary --

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

necessary dollars to our nursing homes throughout the State of Illinois. Senator Maitland assured you that that agreement will be handled on different legislation. Please, don't hold up this bill because of that other commitment. I would ask for a favorable vote.

PRESIDING OFFICER (SENATOR LECHOWICZ)

The question is, shall House Bill 3655 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 41 Ayes, 15 Noes, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. House Bill 3656 on Recall. 3658 is on Recall. 3675. Senator del Valle -- Senator Rea. Read the bill. Senator Rea.

SECRETARY HAWKER:

House Bill 3675.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Franklin, Senator Rea.

SENATOR REA:

Thank you, Mr. President. This -- this bill is a very important bill. Last year Illinois welcomed two hundred thousand new residents to our State. They were young, uneducated and helpless, but they fought to live in this State, even though all of them were newborn children. These babies were survivors born into a State where infant mortality figures hang like angels of death at the door. Illinois currently has an infant mortality rate of eleven percent. Or, if you need it in harsher terms, where more than two thousand babies die every year. That figure makes us the state with the sixth highest infant mortality rate in the nation, and in my district is one of the highest counties. I

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

have a county that is the highest in the State. Here in Springfield, in the black neighborhoods, forty-four babies die for every one thousand births. The bill before us today could help rescue the thousands of babies that are drowning in these death house -- in this death -- figures that I quoted to you before. House Bill 3675 directly hits the problems on two fronts. Lack of OBs and family physicians practicing in designated shortage areas, and a lack of State funding available to cover those women who desperately need to receive Medicaid funding in order to receive health care during their pregnancies. First, the bill would add an additional fifteen thousand poor Illinois women and their infant children to the eligibility roster for Medicaid-funded health care benefits. And secondly, it would bring new physicians and OB physicians to Illinois designated shortage areas. The residents who live in these counties would receive the OB physician care that has been missing from these counties for years, forcing some pregnant women to drive for longer than hour to deliver a baby in a hospital. It would create incentives for hospitals to continue their OB units, and might even encourage other hospitals to reinstate their OB units. This bill is an important component in reversing our infant mortality figures. Children born into poverty already have enormous hardships to bear. At least let's give them a fighting chance with this bill. And I might just add that this is a problem throughout this State. Just today I received a copy of an article that was in the Trib. "Doctor Crisis for Poor DuPage Moms." So it's all over the State. This is an important piece of legislation, and I would ask for your support.

PRESIDING OFFICER:

Any discussion? The Lady from Cook, Senator Topinka.

SENATOR TOPINKA:

Mr. President and Ladies and Gentleman of the Senate. And --

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

and Senator Rea, I think the original bill, as you can see by our vote in committee, was rather favorably received, and to be really honest, you should have quit while you were ahead. Because once you started adding on some of the amendments, then, I think, is where we started getting into problems. And I would point out specifically the provisions of Amendment No. 3, which now tied us in to an eligibility standard with the Federal Government which just increases, without our ever being able to come back to it, at a hundred and eighty-five percent of the federal poverty level. Now that means we would be committed to future expansions in this income eligibility standard, regardless -- regardless of the fiscal condition of this State in any given year. Now you've seen what has gone on this year in terms of budget-cutting, and you have to realize that when you start creating new programs like this, you're cutting back into the budget of those programs which are really, sincerely good, have been tried, true and tested, and which we are cutting now because we don't have enough money to fund them adequately. So what is the point of adding these things on when we're not doing a good job on what we have? I mean it seems counterproductive. The other thing is that I think we made it adamantly clear in committee that this provision of Amendment No. 3 was to stay in committee. It broke 6-6. I mean it was kept in committee. And now you've added it on this bill, and I really feel badly, because I think your original bill was pretty good, but now it's really unsupportable because we can't afford it.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Lady from Cook, Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I rise in strong support of House Bill 3675 with its amendments. I think the bill is in every respect an absolutely right social policy and moral policy, and I think Senator Rea has made those points very effectively. Let me

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

just briefly add why I think it's also good fiscal policy. You know, modern technology has allowed us to preserve the lives of a very large number of babies who are born underweight and with severe disadvantages to -- to start out life, and in most cases they would be disabled. But that kind of care is extremely expensive. Most low-birthweight babies are actually in the hospital a minimum of eight and often eighteen days, and some have to stay as long as two years. It costs a thousand dollars a day to treat an underweight baby in the hospital, and sometimes there are enormous costs that continue thereafter. But it only costs about four hundred dollars a day to provide adequate prenatal care. So the Office of Technology Assessment has, at one time, estimated that it's about a thirty-thousand-dollar savings for every low-weight birth that is averted by proper prenatal care. So allowing more pregnant women to be covered by Medicaid benefits -- is actually going to help reduce our enormous costs in caring for these babies who are born with this disadvantage to begin life. Not only their health care costs, but frequently other problems that they develop that stay with us for a long, long period of time. So that in every sense of the word, not just in a pie-in-the-sky sense, but in every very real sense of the word, this is an extremely good investment, and of course, it is reimbursable by the Federal Government on a matching basis, so that we will be capturing some of the federal funds that otherwise are going to end up going to another state. So that -- I think it makes extremely good fiscally responsible policy, and I would add just one footnote, as Senator Rea has so eloquently said, we almost - we, the State of Illinois - almost match some of the Third World countries in terms of our infant mortality rates. That is a disgrace for a State that is this rich and ought to be this progressive. So it is good policy. It is good finance. It ought to pass.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

PRESIDING OFFICER (SENATOR LECHOWICZ)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. A question of the sponsor, please.

PRESIDING OFFICER (SENATOR LECHOWICZ)

Indicates he'll yield.

SENATOR MAITLAND:

Senator, do you have any idea what the FY'91 cost on -- on this is?

PRESIDING OFFICER (SENATOR LECHOWICZ)

Senator Rea.

SENATOR REA:

Well, in answer to your question, we've been given several fiscal notes. We really don't know. I think what Senator Netsch said there in terms of the returns is certainly true, and that has been provided to us from the U.S. General Accounting Office, and it really kind of boils down to we can either pay now or pay later, and -- and let me give you one other thing here, Senator Maitland. Other studies also show that if low-income pregnant women are not provided the sufficient health care, their children may have developmental problems, and you know who will end up paying for it - that will be the taxpayers that will pay an enormous amount for special education and -- I mean special health care and so forth there that will be necessary.

PRESIDING OFFICER (SENATOR LECHOWICZ)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. Senator Rea, you make -- you make a good point, but from a budgetary point of view, and that's where we have to address this, and I was really -- really amused at Senator Netsch's comments on

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

this very issue. Senator Netsch has done a good job of becoming a fiscal conservative on a lot of these issues, and -- and all of a sudden we're willing to spend ten million dollars this year, and -- and perhaps as much as twenty-four million dollars for years after that. And it, once again, is a worthwhile, needed program, but we're leaving here in two or three days with a budget that we're trying to balance that is some five hundred million dollars off of where the Governor first started, and those aren't easy cuts to make, and we've had to make them. Now you tell me - you tell me - how this fiscal year - Fiscal Year '91 - we're going to pay for this. That is what we have to worry about. Good as the program is, folks, the money isn't there, and we have to deal with it, and we have to deal with it now. And I would seek your opposition.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Cook, Senator Savickas.

SENATOR SAVICKAS:

Yes. Mr. President, I think Senator Rea should be commended for his obvious concern and interest in this very compassionate issue. But there is a problem -- a problem - my problem, I think, and I think our problem - should be with the Illinois Hospital Association's interest in providing new programs -- new programs constantly at the expense of those insured or the Medicare program. When I talk about the insured, I'm talking about the cost-shifting. There are hospitals constantly closing in Chicago. One of the problems that they complain about is that Medicaid does not reimburse them sufficiently to provide the services for these programs. And now we have the Hospital Association that has put on an amendment on Senator Rea's bill that will call for more programs, more Medicaid clientele, with less repayment, with a constant step backward for these hospitals to provide these services. In other words, we're going to give

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

them more to do, pay them at the same low fare, let more hospitals go under, then ask those that are insured to accept a bigger burden on cost-shifting, raise their insurance premiums so that they can't afford to pay them. So now we'll have more people going in for these services without adequate compensation. We cannot start addressing this problem until we start funding these programs adequately. You can't initiate new programs, fund them halfway, have the hospitals close, and say, "Well, we did a heck of a job, fellows. We got the new program. We just closed three more hospitals." And that is what's happening. Until the Illinois Hospital Association wishes to address those problems of the cost-shifting and the proper funding of these programs, we're going to continue to close our hospitals, and we in our urban areas - much less the downstate areas that cannot have hospitals and have the proper care - we will be closing our facilities. And I think it's wrong to adopt that type of a procedure, and I would vote against this bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Lady from Cook, Senator Collins.

SENATOR COLLINS:

Yes. Thank you, Mr. President and Members of the Senate. I'm surprised that one of the speakers on the other side of the aisle didn't understand Senator Netsch's logic in terms of being fiscal responsible. When she talked about that it is far less costly to prevent and to -- to -- to have healthy babies being born, rather than providing adequate prenatal care and then paying the costs probably for the rest of that child's life, in addition to the hospital costs of the mother. And in many instances this problem also adds to the overall hospital costs, because many of these people go to the hospital which -- which really adds to the malpractice insurance costs, because many of the hospitals are sued when these people go in and doctors are sued who -- who are

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

forced to deliver these babies, when these women have never ever had any kind of prenatal care, never seen a doctor. That's some of the real problem here. So if you don't understand that is cost-effective, I don't know where your logic is. Yes, it may cost some money now, but it sure doesn't cost us as much money as we spend a year taking care of low weight -- birth weight babies and some of these children for the rest of their lives.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Rea, to close.

SENATOR REA:

Thank you, Mr. President. I think that, you know, there's a time that we have to get our priorities in order, and just like we do as far as education, and I think this is a -- a problem that certainly should come to the top along with some of the other problems. And as a result, whenever you talk about the -- the budget, sometimes we have to shift those priorities as to where we spend the monies, and I feel that this is one of those areas. There has been a lot of lip service given, but just remember that truly the measure of greatness of any state is in its compassion in meeting the needs of the most vulnerable citizens. And there are none in Illinois that are more so than those that we are talking about here today. I would ask for your vote.

PRESIDING OFFICER (SENATOR LECHOWICZ)

The question is, shall House Bill 3675 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Please take the record. On this question, there are 29 Ayes, 23 Nays, 6 recorded as Present. This bill, having failed to receive the constitutional majority, is hereby declared lost. Senator Rea asks leave to put it on postponed consideration. Hearing no objection, postponed consideration. House Bill 3694. Senator Zito. Read the bill,

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Madam Secretary.

SECRETARY HAWKER:

House Bill 3694.

(Secretary reads title of bill.)

3rd Reading of the bill.

PRESIDING OFFICER (SENATOR LECHOWICZ)

Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and Members. House Bill 3694 started out as a relatively simple bill -- noncontroversial bill. We did add several amendments - five, to be specific - yesterday. We ran through them very quickly, and I'd like to take a couple of seconds to try to explain that, because there had been some questions raised. The original bill mentioned that the Statute currently requires birth certificates to include the blood type of a person whose birth is being registered, but because of the difficulty of accurate blood typing in newborns, the Statute is not valid for purposes of identification, and really has no medical or legal benefit, and so we're removing that. The amendments -- Amendment No. 1, which was put on, amends the Poison Control Act. That was Senator Luft's. It allows the Department of Public Health to make grants to -- regional poison control centers. Senate Amendment No. 2, I believe, was Senator Smith's, which allowed for Social Security numbers to be placed on adoption records. Senate Amendment No. 3, I think comes to us from the Illinois Hospital Association. It allowed hospitals seven days, rather than three days, to register birth certificates. Amendment No. 4 allowed the Department of Public Health to assess fines on ambulatory surgical treatment centers for violations of a Licensure Act. Now there had been some concern yesterday that the amendment may become House Bill 3587, which was a bill that would allow the establishment of

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

post-surgical obstetrical centers. I can assure you now that this bill only allows for the fines, and that the concept provided in House Bill 3587 are not included in this bill. The bill will not be used for this concept P.S.O.C.s will not be an issue this Session, in order for further discussions to occur. Senate Amendment No. 5 then designated strep tests as a simple test that may be performed in a physician's office. It also provides that laboratories performing only simple tests need not register with the Department of Public Health. Now this amendment is intended to comply with the Federal Clinical Laboratory Improvement Act. I don't know of any opposition to these amendments, I'm sorry for taking your time, but we needed to clarify and explain to you what was on this bill. Mr. President, I would move for a favorable vote.

PRESIDING OFFICER (SENATOR LECHOWICZ)

Any discussion? Gentleman from Kane, Senator Friedland.

SENATOR FRIEDLAND:

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

PRESIDING OFFICER (SENATOR LECHOWICZ)

Indicates he will.

SENATOR FRIEDLAND:

Senator, my analysis indicates the State Police were opposed to this bill or a portion of it. Is that true, or what portion? Are they still, do you know?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Zito.

SENATOR ZITO:

Senator Friedland, I -- I have no idea. I -- I don't know of any opposition to any parts or any amendments of this legislation at all. This is the first I've heard of that.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? Senator Zito, to close.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

SENATOR ZITO:

Well, just to ask for a favorable vote. And Senator Friedland, if they were in opposition -- the bill was heard in committee. There was -- nobody filed an opposition. I just ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall House Bill 3694 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 57 Ayes, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 3718. Senator Netsch. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 3718.

(Secretary reads title of bill.)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Lady from Cook, Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. House Bill 3718, as it came to us from the House, was a -- a request of the Legislative Audit Commission, which dealt with petty cash funds. Basically what it did was to increase the maximum fund size from five hundred dollars to one thousand dollars, and the transaction limit from twenty-five to fifty dollars, and required an internal audit for any fund having a reimbursement volume over five thousand dollars annually. The -- this was particularly requested and came to the attention of members of the commission from the Department of Transportation and the Department of Conservation, both of whom were having difficulty living with the -- because of their own bookkeeping problems -- with the prior limits, and this was the

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Audit Commission's recommendation. The amendment which I added on the Floor is -- I would be quite clear to say is not a "merely" amendment. It is a major substantive proposal, and basically what it is is an attempt to deal with the very serious problem in our State financial picture of our very -- our extended lapse-period spending, both in terms of time and amount. I might say that the amendment is co-sponsored now by Senator Schuneman, who has been concerned about this problem for some time also. We reduced the period to two months, and we considerably tightened up the kinds of items which can be paid for doing the lapse period. If the goods and services are delivered by June 30th, then they must be paid for out of the current year. If after June 30th, out of the next year. It is a considerable tightening up of a very major gap in our financial management picture, and I certainly strongly urge an Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Gentleman from Champaign, Senator Weaver.

SENATOR WEAVER:

Well, thank you, Mr. President. I have no objection to the bill as it came from the House, but this is really a substantive change as far as the fiscal matters of the State are concerned. Senator Netsch, I don't remember any discussion in any committee about changing -- shortening the lapse-period spending by thirty days. It's really going to make a -- give the Court of Claims a tremendous burden in out years in the number of claims it will be dealing with, and I can see us doubling the number of employees in the Court of Claims. It affects revolving funds and interagency collections in these revolving funds. I just think that we need a lot more discussion on this change before we put it into legislation this year. And I -- I'd stand in opposition.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Lady from Dupage, Senator Fawell.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

SENATOR FAWELL:

Thank you very much. According to our analysis, it says this may create certain fiscal problems, which in turn would require Statutory changes. All services and goods would have to be delivered by June 30th. Current law requires a thirty-day -- I mean a September 30th delivery date. If we order something - say I order a -- a new computer for my district office, and it isn't delivered until July 5th, but I want to pay for it out of this year's bills, what happens in that case?

PRESIDING OFFICER (SENATOR LECHOWICZ)

Senator Netsch.

SENATOR NETSCH:

It will be paid for if -- if it is not delivered by June 30th, it would be paid for out of the next year's appropriation. And that is, in part, the point of the -- it's not that anything is not going to get paid - any legitimate obligation. It is an attempt to tighten up on what I think everyone in the Audit Commission and in the appropriations process realizes has been abused considerably and as well as throwing our fiscal picture out of shape, and that is that people order something on June 28th, knowing that they're not going to get it by June 30th, so that they can continue to pay for it out of one year's appropriation. That's the sort of thing that it's going to stop. Once in a while there'll be something ordered in time that doesn't get delivered till after June 30th; it'll be paid for out of the next year's appropriation.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Fawell.

SENATOR FAWELL:

Well, to the bill -- you know that might...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Please proceed.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

SENATOR FAWELL:

...that might cause some havoc in my district -- in my district office, but I'll tell you, it seems to me that in your larger agencies - for instance, IDOT - if they order certain materials and they don't happen to be delivered, for whatever reason, until the following year, or your -- your Department of Central Management orders something and isn't delivered until the following year -- it just seems to me that this is not a good idea. There's a lot of things that could prevent deliveries of materials. My family happened to own a trucking business, and I'm going to tell you, sometimes we just didn't get things delivered when we had promised. I do not think this is a good idea. I -- I think this -- the original bill was fine, but this idea is one I think, as the former speaker said, should be looked at, and looked at very closely, before we go jumping into the -- into the pond and say this is what we're going to do.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Cook, Senator DeAngelis.

SENATOR DeANGELIS:

Thank you -- thank you Mr. President. Senator Netsch, you have been on the Audit Commission for quite a long time, and it has been the tradition of that Commission that when they introduce a piece of legislation that it remain, not in its purest form, but not be amended so severely to serve any personal or political purposes. And I really believe that you have gone way beyond what the Commission intends when it introduces legislation, by adding this very, very substantive piece of legislation on that bill. So I have to tell you that -- Senator Netsch, you are going to get a chance to talk, believe me. So I would like to point out to the Body that as the Chairman of the Audit Commission, do not be confused that this is an Audit Commission bill, because what Senator Netsch did is took a pure and pristine bill and modified

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

it severely. All right. Now to the bill. I think that what you...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Your time is just about up.

SENATOR DeANGELIS:

Pardon?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Your time is just about up.

SENATOR DeANGELIS:

You're kidding. I would think that the consequences of this bill are not at all what you think they are, Senator Netsch, because for that person who you're talking about that might be tempted to order something on June 27th, they will simply order it on April 27th, and that takes care of the problem. I'll tell you we're going to get into a problem for those services -- those services that possibly cannot be billed in that period of time. For instance, one of the most significant bills we run in Springfield is the telecommunications bill. Now are we going to turn around and ask all of those companies -- are we going to ask all those companies to come out and shut off all the switches on June 30th, and issue us a bill at that particular time? What you're going to do, basically, is force a lot of companies to have to go to the Court of Claims to get their money, because you, in fact, have pushed off their payments into a period of time in which they cannot, from that appropriation period, pay those particular bills. I'm really disappointed that you would use the Audit -- the good services and offices of the nonpartisan, nonpolitical Audit Commission for political purposes.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Demuzio.

SENATOR DEMUZIO:

All right. I'm surprised. The Chairman of the Audit

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Commission just spoke, and he is, you know -- it's an indictment of himself. I mean, where's -- where is our bill from the Audit Commission? You are the chairman. It's not here. This is the only thing before us. Senator Schuneman and others -- we've been looking for direction from the Chairman of the Audit Commission, and we haven't found it, and this is the best thing -- it's the only game in town, I guess, and I guess we'll just have to go along with it. It seems to me that it's long overdue, and we're all for it.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you, Mr. President. I -- I heard the wailing and gnashing of teeth, and I think it might be a little overreaction. Each of us has to decide whether or not we think there have been some abuses of the lapse-period spending. I happen to think there have been, and there have been instances brought before the Audit Commission, Mr. Chairman, that indicate that very thing. If you think that lapse-period spending ought to be shortened up a little bit, this is the only game in town. This is the only bill that we have to vote on. I think it's not a bad idea to vote in favor of this bill -- send it to the House. They're going to exercise their judgement. Perhaps it needs to be changed or modified in some way, but the basic idea is probably a pretty good one. You know, we're here - we're supposed to be here - to represent the taxpayers, not necessarily the administration. And I think we ought to balance those two interests.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator DeAngelis, for a second time.

SENATOR DeANGELIS:

Well, I -- I just want to point out that Senator Schuneman, we're all here to represent the taxpayers, and if you felt, as the

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

sponsor of this amendment, who put it on a bill that wasn't the bill intended for it to do, that you might just submit a bill, and do that on your own, or - Senator Netsch - who is not shy at all about introducing bills - she could've put it in on a bill. This was put on as an amendment, and that's what my argument is. Something like this is of such a nature and such importance that it ought to be discussed in committee, and the consequences of which are so severe that we ought not to be doing this with an amendment. That's all. I mean, nobody is -- I'm not for lapse-spending going into December, but I'm not for stopping everything on June 30th, either.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Demuzio, for the second time.

SENATOR DEMUZIO:

Well, I -- I just rise again to concur with the comments that were made by my colleague on the other side of the aisle, Senator Schuneman, and I'm sure this is again the bipartisan nature by which we have been approaching this Session this year, and certainly I know that you've, tongue-in-cheek, made some representations here with respect to being opposed to this, and I'm sure that that's just being -- I'm sure that that's just being bipartisan in nature, and as a consequence, it just seems to me that this bill ought to pass and go to the House and be reconciled there.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Netsch, to close. I'm sorry.

SENATOR NETSCH:

Thank you, Mr. President...

PRESIDING OFFICER (SENATOR LECHOWICZ)

Excuse me. Senator Weaver, I'm sorry. I missed your light.
Senator Weaver.

SENATOR WEAVER:

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Pardon me for rising a second time, Mr. President, but I really feel that a change of this magnitude should have the input of all the agencies, higher education, everyone who depends on State funding for their programs, because we're going to -- we're going to hear a lot about this if this is enacted. We're going to hear from those who have to live with it, and find they can't live with it without a hundred other changes in the Statutes throughout the affected agencies. So I find it strange, Senator Netsch, that you bring this before us, having never been heard in committee, having had no input from all of those who will be impacted by it. So I think this is a drastic change that we ought to maybe implement someday, but I think we -- we should be a little cautious here in implementing this without any input from those who are affected.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? Senator Netsch, to close.

SENATOR NETSCH:

Thank you, Mr. President. Let me respond to a couple of points. First, Senator Weaver, it is a -- a major change. I made that quite clear when I passed the amendment out a while ago. I tried to get something like this done earlier in the Session, and the particular bill I had did not make it out of the Rules Committee and the same thing happened to a House version. I do not expect that the operating agencies will ever agree to it, if we asked them for their permission. It's awfully nice having a three-month lapse period and no restrictions, and it has been abused. And one of the things that we're trying to do is to address that. Members of the Legislative Audit Commission have addressed this issue off and on over a period of time, and so this is not a brand new idea that has never been discussed. And I might say to you, Senator DeAngelis, I do have the permission of the House sponsor of the bill to add this amendment. I would not

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

have done so without his permission. Most other states and all units of local government get along without any lapse period. Why we have to have an absolutely unbridled three-month lapse period has never been clear to a lot of us, and we do know that it is subject to a great deal of abuse. I still allow a two-month lapse period, and there are plenty of exceptions built in for some of the kinds of expenses that normally do not all come in on schedule, so that there -- there is flexibility, and if more is needed later, fine. But Ladies and Gentleman, we have got to do something to address this problem which I handed out to you. Every year we've got in the neighborhood of three hundred and fifty to four hundred and fifty million dollars of lapse-period spending, which is more than we have in balance at the end of the year. Which means what we do is we take in revenue on a twelve-month basis and we spend on a fifteen-month basis. We have got to start -- stop doing that and call a halt to it so we can get some control over our budgetary process and our financial management in this State. This is a first step, and an important first step in that direction. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any -- the question is, shall House Bill 3718 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 30 Ayes, 25 Nays, 1 recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. Senator Weaver asks for a verification of the affirmative vote. Please, everyone may be in their seats, and please read the affirmative vote.

ACTING SECRETARY: (Mr. Harry)

The following voted in the affirmative: Alexander, Brookins, Carroll, Collins, Daley, D'Arco, del Valle, Demuzio, Thomas Dunn,

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Hall, Hawkinson, Holmberg, Jacobs, Jones, J.E. Joyce, J.J. Joyce, Kelly, Luft, Marovitz, Netsch, O'Daniel, Rea, Savickas, Schuneman, Severns, Smith, Vadalabene, Welch, Zito and Mr. President.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any questions of the affirmative vote? Senator Weaver.

SENATOR WEAVER:

Alexander? Yes, she's here. Senator Marovitz.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Marovitz is in the Chambers.

SENATOR WEAVER:

Senator Smith.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Smith. She's in her chair.

SENATOR WEAVER:

Is Senator Luft on the Floor?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Luft is in his chair.

SENATOR WEAVER:

Senator Welch.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

He's in the Chamber.

SENATOR WEAVER:

Senator D'Arco.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator D'Arco? He's right there.

SENATOR WEAVER:

No further.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further questions?

SENATOR WEAVER:

Is Senator Zito on the Floor?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Senator Zito. Is Senator Zito in the Chamber? He's on the Floor. No further questions. On this question, there are 30 Ayes, 25 Nays, 1 recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. Senator Raica. With leave of the Body, Senator Raica would like to introduce a group that is visiting Springfield. Senator Raica.

SENATOR RAICA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I'd like to thank President Rock and Senator Joyce for allowing us to present these children here today. A lot of these kids are from Coal City, which is represented by Senator Joyce, and as they're coming out, I'd like to read a resolution that the Senate adopted on May 18th, 1990. And it reads as follows:

(Senator Raica reads SR No. 1060)

On behalf of State Senator Phil Rock, President of the Senate, and Members of the General Assembly, we wish you best in Russia, and do us proud. Thank you.

MEMBER OF THE ON-BROADWAY DANCERS:

(Remarks by a Member of the On-Broadway Dancers)

PRESIDING OFFICER: (SENATOR LECHOWICZ)

House Bill 3722. Senator Topinka. Judy. 3722. Senator Topinka. Out of the record. 3740. Senator Barkhausen. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

House Bill 3740.

(Secretary reads title of bill.)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Lake, Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Mr. President and Members. House Bill 3740 is a Department of Insurance bill. I explained it somewhat, I hope,

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

adequately yesterday, when an amendment was presented dealing with the permissible investments of companies in bonds and various types of bonds for the amendment, and now the bill does restrict those investments to a greater degree than was the case previously. The amendment also added clarifying language to make it clear that the Department has the authority which they have already exercised, and which, in fact, they already do have, but we're codifying the fact that they -- that the Office of Special Deputy, acting as the liquidator or rehabilitator of insurance companies, has jurisdiction over companies that may be licensed in another state, but operate primarily in Illinois, or businesses that that are not, in fact, licensed anywhere. In addition, the bill does a number of other things primarily relating to investments of companies. And I'd be happy to answer any of your questions. Otherwise seek your support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall House Bill 3740 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 55 Ayes, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 3777 is on the Recall List. Top of Page 14 is 3812. House Bill 3812. Senator Welch. Out of the record. 3815. Senator Macdonald. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

(Secretary reads title of bill)

It's the 3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Lady from Cook, Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. These are critical times for

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Illinois Environmental Issue, and House Bill 3815 addresses at least three urgent needs for environment -- environmental progress in our State. Fundamentally, House Bill 3815 provides for adequate criminal penalties to satisfy federal requirements that will enable Illinois to administer our own wastewater pretreatment program. The bill will provide for a Class 4 felony and a fine up to twenty-five thousand dollars a day from nondomestic source contamination into the sewage works. The bill also added Senator Jacobs' amendment to allow the Quad Cities to temporarily dump sludge into the Mississippi River until the EPA and Pollution Control Board conclude their development of standards. This bill also addresses a Pollution Control Board need for clarification of its penalty-setting powers, and lastly, but very importantly, this bill provides for a fee structure to fund hazardous waste clean-up programs. That was Senator DeAngelis' amendment of yesterday. This is a sliding scale fee, and I think Senator DeAngelis is going to speak on this bill, and further clarify this amendment that was put on yesterday. The primary use of the revenue -- generated is to fund Illinois Hazardous Waste Clean-up Program. The Program is designed to address those sites that cannot be cleaned up by the owner and do not qualify for federal superfund program. There are currently more than eighty-nine such sites that will require some State activity, and the number is expected to grow to over three hundred by the year 2000. Without the revenue generated from this fee, there will be no effective State program aimed at cleaning up these sites. This is an agenda, a very important agenda, for the administration, for Governor Thompson and -- and I know that there are those that are opposed to this amendment, but I will tell you that it is urgent for Illinois, at this time, to address this very, very serious need. So I would answer any questions that I can, and I will hope that Senator DeAngelis will further elaborate upon the amendment

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

that was put on this bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Keats.

SENATOR KEATS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates she will yield.

SENATOR KEATS:

I know this is not your amendment, but this thing about dumping the sludge in the Mississippi River - there doesn't seem to be any time limit on this. It's just until rules are promulgated. As much as I respect the Pollution Control Board for whatever reason, some of their rules have been very, very slow. Is this an open-ended dump raw sludge or the last of the treatment sludge into the Mississippi River at the proverbial -- for how long?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Macdonald.

SENATOR MACDONALD:

Senator Jacobs, I think, can elaborate more clearly. It was my understanding in the committee - that's where this amendment was put on - that there are standards being promulgated, and they will be ready very shortly. This is only a temporary permit for them to do this. So I understand that the -- that the standards are very nearly agreed upon by the EPA and the Pollution Control Board. So I will let Senator Jacobs further address this, but that was my understanding, certainly.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman from Rock Island, Senator Jacobs.

SENATOR JACOBS:

Thank you. Let's give a definition of sludge in this case. Okay, sludge, in this case, is the silt or i.e., the dirt that is

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

removed from the water in the process that comes from the river and allows it to go back to the river, via -- vis-a-vis a different method than it does now. It currently is going into streams, which then go into the river. This allows for an alternative, which allows it to go to a manhole, and then back to the river.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Keats.

SENATOR KEATS:

I apologize. As a humble garbage collector, I know a little bit about this subject and about -- that's not dirt you're pulling out. Maybe I'm misunderstanding something, but I know a little about sewage sludge, and maybe I'm just misreading this, but this is not good stuff.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Jacobs.

SENATOR JACOBS:

This is not sewer sludge. This is water siltation -- drinking water. It's the water that you bring in from the Mississippi to drink. It is the silt that deposits from that water that is being allowed to go back as an alternate method. It is not sewer sludge, and I would agree with you. If it were sewer sludge, we'd all be up the river without a paddle.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. I guess this is one of the issues that both the proponents and the opponents are right on. I -- I think I -- I want to address the specific amendment that was put in, the Floor Amendment No. 2, which was put in by Senator DeAngelis, and maybe you can clarify this to me, because the -- the information I received is that although this is for funding

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Illinois hazardous waste clean-up programs, it is a tax, and let's not make any bones about it. It's a tax, and you can dress it up any way you want - you can call it whatever you want. Maybe a good tax, but it's a tax, and just would like to note that the following organizations are opposed to it: the Manufacturers Association, the Illinois State Chamber of Commerce, Chemical Industry Council, National Federation of Independent Business, the Illinois Petroleum Council, the Illinois Association of Realtors, the Illinois Coal Association, the Illinois Municipal League and the Illinois Farm Bureau. This tax that is being placed upon the businesses, I guess it includes everyone who stores chemicals - that's what information was given to me - including farmers, governments, and let's talk about some of those chemicals. Yes, some of them are hazardous waste, but some are chemicals like ammonia, chlorine, which is used for disinfectants or toluene - if I'm saying it right - which is a common -- solvent and cleaner that we all have in our home. Ethelene oxide, which is a hospital disinfectant. Ferric Sulfate, an Iron Salt. I understand there are like thousands of chemicals that are included in -- in this list, but they include acetic acid. You know what that is? That's vinegar. Or -- or - acetone - for you women who use nail polish, that's nail polish remover. Saccharine, which is sweetener, and sodium hydroxide, which is a common household chemical known as Drano. So I guess, again, I don't know if this is of -- should we vote Yes or should we vote No? I think maybe the right vote on this bill should be a Present vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Macdonald.

SENATOR MACDONALD:

Yes. Senator Dudycz, you know, I regret that I have parted the ways on this particular bill with all of those organizations that you read off. Let me make this perfectly clear. This is not

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

a tax on anyone. If the taxpayers of this State were asked to clean up those entities that are included with the eighty-nine sites that will require some kind of cleanup, that would be a tax on the people of this State. Those who generate the problem ought to be able to clean up that problem. This is an assessment and it isn't a fee, and this happens throughout government, throughout -- in many, many other instances, and I resent this fee being called a tax. It is not a tax.

END OF TAPE

TAPE 4

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Lady from Lake, Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates she will.

SENATOR GEO-KARIS:

Does this legislation create an income tax deduction for businesses?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Macdonald.

SENATOR MACDONALD:

There -- there is a corporate tax deduction. This legislation creates an income tax deduction for business. The deduction is based on the amount of hazardous waste rendered nonhazardous or for reducing the amount of hazardous waste generated from year to year. The deduction equals five cents per gallon of treated hazardous waste, as certified by the Illinois Environmental

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Protection Agency. Corporations are currently allowed a federal deduction on income taxes for pollution control equipment. Since this federal deduction is not added back for Illinois income tax purposes, it reduces taxable income for Illinois. In addition to federal tax breaks, corporations in Illinois enjoy a number of sales tax exemptions for machinery and equipment used in manufacturing, repair and replacement parts, fuels, equipment, supplies used in manufacturing processes, sales of property, or as pollution control facilities, and all machinery used in coal gasification operations. Thank you.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Woodyard.

SENATOR WOODYARD:

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

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates she will.

SENATOR WOODYARD:

As a matter of some clarification, because I'm getting different answers on this, it's my understanding that farm chemicals and fertilizers are exempt under this. Is that correct?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Macdonald.

SENATOR MACDONALD:

Let me read you the exemption. Foods, food additives, and cosmetics regulated by the FDA, items sold at retail or used for household purposes, items used in research or medical facilities, agricultural fertilizers and pesticides used by farmers or commercial applicators, motor fuels including diesel, heating oil and propane, engine lubricants and coolants. These are the exemptions.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Woodyard.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

SENATOR WOODYARD:

It's my understanding that a manufacturer of anhydrous ammonia will pay this fee at the point of manufacture, if it's stored there, and it darn sure is stored there. Now the fee is not going to be imposed down on the -- on the fertilizer dealer, but it's my understanding that it is going to be opposed -- or imposed at the point of manufacture, which you then create a passthrough, certainly down through the dealer and to the -- to the individual farmer. Now if that's an exempt material, why are we -- or imposing this fee at the point of manufacture?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Macdonald.

SENATOR MACDONALD:

If it collectively becomes a problem, which apparently it is at that source and at that site, then it has to be regulated.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Woodyard.

SENATOR WOODYARD:

Well it's not a problem at that point of manufacture, but it's my understanding - and I'll give you an example. There is a major manufacturer of anhydrous ammonia, which is manufactured from natural gas, in Tuscola, Illinois. They store this material underground in -- in huge quantities, because it's of a seasonal use. It's my understanding that Quantum will pay this fee, because they are manufacturing anhydrous ammonia, and -- and if that's not a fee that is passed on -- on to agriculture, I don't know what is. And also, if it applies to those farm fertilizers, would not these other exemptions fall under the same category? If -- if they're storing this material, say in food processing, and I have people who manufacture salami skins and weiner skins, and evidently they're going to be -- the fee imposed on them. That's a food product that does require some of this material for its

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

manufacture, and yet food and food products are in the exemption. It looks to me like the exemptions are not really an exemption. Well, the second question, though: after the fund is created -- in my district there are four projects -- projects -- clean-up projects. Two of those involve landfills, and it's -- is it correct that in the case of the landfill, where -- where remediation or the cleanup occurs, and the city does not have the money to pay for that, we will use this fund to come in, do the cleanup, and then go after recapture of the money from the city. Is that correct? Is that the way this works?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Macdonald.

SENATOR MACDONALD:

Yes. I -- I would like for Senator DeAngelis, who did add this on -- I understand a great deal about it, but he may have some points of clarification that he would like to make. To your first part of your question, yes, those companies would be assessed a fee, because they are also manufacturing other chemicals. It is not only those that you spoke of. They're also manufacturing other chemicals.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Woodyard.

SENATOR WOODYARD:

Well, my second question, regarding...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator DeAngelis?

SENATOR WOODYARD:

I'm sorry?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Addressed to Senator DeAngelis, then?

SENATOR WOODYARD:

Yes, that's fine.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator DeAngelis.

SENATOR WOODYARD:

Could you tell me if -- because certainly, in the case of the landfill cleanup where the city does not have the money, this is not a grant program, because I don't think we changed any of the law -- the underlying law. Thus, the agency would have the funds to be able to come in and do the cleanup, but they would go after recapture and -- and thus be in litigation against the city, who in turn would have to litigate against possible generators that put refuse in that landfill fifty years ago. Is that correct?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator DeAngelis.

SENATOR DeANGELIS:

Yeah, and Senator Woodyard here, let me address a couple of the other comments you brought up also, because there was a sheet sent out - and I don't know if it was deliberate or just the fact that somebody misread the bill - but there was a significant amount of erroneous information put on that sheet. There was a statement there talking about all the millions of dollars. There's a kick-out fund -- there's a kick-out amount in this bill. Once we recapture that money you're talking about, the tax starts disappearing, till finally it's -- it's phased out. Okay? The point is that you're -- you're imposing this for a period of time to go in and do this cleanup, and then, in those instances in which there is time -- or delay in recapturing that money, you work toward going after those people, because what happens if you don't is the problem gets worse. The surrounding area -- the area surrounding the contamination drops in value. The cost of cleanup becomes greater. So we need something to go in there, and as Senator Macdonald so very aptly put, as of June 30th, we do not have a Clean Illinois Fund anymore, and we need something to do

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

it. Now, in regard to the -- let me explain this tax. This tax is three-eighths of a cent -- the fee -- the fee. All right. It's the fee. All right. Okay, Geo, thank you.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

What is it?

SENATOR DeANGELIS:

First of all - and this is another bit of misinformation that's out - it is three-eighths of a cent per gallon on the highest level of inventory on a given day during a quarter. In other words, if you were to use three millions pounds a year, you would be taxed on only the amount that represents the highest day's storage. Okay? You would -- the fee would be charged on that. So it's not on the entire three million pounds, as a lot of people would lead you to believe. In addition to that, for those who are very, very substantial generators of the chemical product, we have capped the fee at fifteen thousand dollars, with a maximum of fifty thousand dollars across all facilities. Okay? So it's not a tax that -- it's not a fee that is going to cause a lot of problem for anybody. In addition to that, we've exempted out small employers. We have also exempted out those who have less than ten thousand pounds in inventory. In addition to that, the only tax -- use of the word "tax" in the entire bill, Senator Dudycz, is the tax deduction for those people who cooperate in transforming hazardous materials -- hazardous waste into nonhazardous waste. So what we're trying to do here is do a comprehensive program to deal with a problem that none of us really wants to deal with, that there isn't really a good solution for. But the fact of the matter, this is the best that we think there is. It's not onerous. It's not excessive, and frankly, we think it's the best way to do it. And by the way, Senator Dudycz, I'm going to tell my son when he goes back to school in September, that he is not paying tuition, he's paying a tax.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President. I guess the answer to my question was yes, Senator DeAngelis, thank you. And last question, and I - I'm getting different points of view on this also - is the Illinois Farm Bureau supporting this or are they opposing?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator DeAngelis.

SENATOR DeANGELIS:

I believe after they found out that the farmers are exempted, if you look at Page 3 of the amendment, it says the exemptions pertain to pesticides and fertilizers stored and handled at a facility for the purpose of commercial applications, pesticides and fertilizers stored and handled at a central location for the purpose of distribution to retail sales outlets. So, I mean, the farmer is exempt. Now I don't know if that was an oversight or not, but the farmer is exempt.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from LaSalle, Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. The Farm Bureau from my district came to see me today and said they support this bill. The handout that was handed out by the Manufacturers Association, the Chamber of Commerce, is -- is totally misleading, in my opinion. What they said in one of their first sentences is -- is that this money will be used to fund nonemergency programs that do not warrant increased funding. Nonemergency programs. What's more of an emergency than leaking hazardous waste? And I was able to hand out to all of you, yesterday, a list of projects, and it covers just about all of our districts. And you might wonder why some of these projects in your district are on there when these companies

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

still exist. They're still in business; why don't those companies pay for it? Well the problem is that the State EPA has to send them a notice to start cleaning up, otherwise the State will clean up and send them a bill for triple the amount of the cost. Well, the State EPA doesn't have the money to back up the threats that if you don't clean it up, you're going to have to pay three times the cost. And if all of you will look through the list, you will see that nearly everybody in this Chamber has at least one project on the list. This is in our own interest. It's in the interest of our voters, and the interest of our constituents, and the children who live in our districts. It seems to me that this is something we should be doing for the environment. It's a fee that certainly isn't burdensome. It's been whittled down to the point where it's not that much money. If you recall the Governor's initial package, he wanted to raise over five hundred million dollars. So there has been a lot of -- negotiation. The amount to be raised has come down. We now have a modest program, but it's a program that's going to help everyone in this Chamber. You know, this same -- this same statement that was handed out goes on to say that the diversion of funds is gratuitous and insulting to the business community. Cleaning up their own waste is insulting? Well, if that's an insult, perhaps it should be so. Put bluntly, this is their job now. Well, they don't have the money to do their job. You can't do the job until you have the money. This is a modest way to start the ball rolling. The return on the investment in this particular bill is going to be tremendous, because what's going to happen is the EPA can send notices out to everyone on this list. A lot of them are going to take action and do their own cleanup. It's going to cause those companies to start cleaning who haven't been cleaning in the past. We're going to have more bang for the buck. It's similar to getting a -- getting an appropriation where there's federal reimbursement.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

This is going to be reimbursed by those companies that have to do their own cleanup. I notice not many are paying attention.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Well we could try to get you some attention. Please proceed.

SENATOR WELCH:

But this is a bill that many of us voted for before. 49 to 3, it passed out of here, and that was the right vote. This is a modest movement on behalf of the environment. It's for the worst type of waste that you can have in your district, hazardous waste. This is stuff that will kill people. Put bluntly, this is cancer-causing, and I think all of us should take a step back and say, "This is a modest bill that will help do a tremendous job." And I think we should be voting for it.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from St. Clair, Senator Hall.

SENATOR HALL:

I just want to ask my seatmate here, is this -- I see I have seven sites in my area, is that correct? That's enough for me.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Macdonald, to close.

SENATOR MACDONALD:

Well, Mr. President, I think we have thoroughly discussed this bill. As Senator Welch said, this bill passed out of here, that -- meaning the DeAngelis amendment, which was a bill over here, passed out of this Chamber with 49 Yeas and 3 Nays. I would say that that was the appropriate vote for that bill to have gone out of here, and was then not called in the House. I think that this is a very necessary bill. I want you all to realize that we are talking about seriously hazardous waste, and if you think that people in your area are concerned about landfills, about transfer stations, about incineration, they are more threatened by hazardous waste and the fact that we need to do something now to

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

clean up this situation in Illinois. I urge you to look to your consciences to help us pass this bill, which is desperately needed by the State of Illinois. It is a top agenda for the Governor of this State, and for all of us who have a serious concern about our environmental issues. So I ask for your Aye vote on this particular piece of legislation. Thank you.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The question is, shall House Bill 3815 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 39 Ayes, 16 Nays, 3 recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 3826. Senator Daley. Out of the record. 3834. Senator Berman. 3834. Art. Close enough. Put it on Recall. 3852. Senator DeAngelis. Read the bill.

ACTING SECRETARY: (MR. HARRY)

House Bill 3852.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

For what purpose does the Lady from Cook, Senator Topinka, seek recognition?

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate, all of us at one time or another, especially on the Republican side, have worked with Linda Harper-Reising, who is our staff person for the Health Committee. And she is here in the back gallery today with our newest Republican who is her husband's and hers new baby, Andrew. And he is there today, and we'd like to welcome him to the Senate, 'cause he's already analyzing bills.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Kindly rise and -- kindly rise and be recognized.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Congratulations and welcome to the Senate, once again. Senator DeAngelis. Aldo.

SENATOR DeANGELIS:

Yeah.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

We read the bill.

SENATOR DeANGELIS:

Thank you, Mr. President. House Bill 3852 allows townships of under twelve thousand to have township planning commissions in counties outside of DuPage and Cook. As amended, it also has an amendment that was put on by Senator Mahar that permits some rules and regulations to be included regarding yard waste. This bill of almost an identical nature, that Senator Etheredge sponsored, went out of here with a pretty high vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall 3852 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 57 Ayes, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 3853. Senator Savickas. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 3853.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Cook, Senator Savickas.

SENATOR SAVICKAS:

Yes. Mr. President and Members of the Senate, this bill basically exempts intermediate-care facilities for the developmental disabled of fifteen or fewer beds from the Health

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Facilities Planning Board. This will enable nonprofit facilities to establish these social service settings and assist the State in meeting the OBRA requirements. The other part exempts Misericordia - a campus facility - from the requirements of the board for a community living agreement. There was one other part - an amendment that was to be offered. It still hasn't come down. It dealt with the fines by the Health Planning Facilities Board. Since that hasn't come, at this point I would move this passage of this legislation, and go back to the House for concurrence or for conference committee, if that other portion comes in. And I...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Any discussion? Question is, shall House Bill 3853 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 54 Ayes, 3 Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 3859. Senator Berman. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 3859.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Cook, Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 3859, with the amendments that were placed on it yesterday and the day before, merely spells out the requirements of cooperation between the person that rents a rental car in the event of an accident. Amendment No. 2, that was put on by Senator Jones, spells out in just greater detail what those items of cooperation with the renting company must be. I'd be glad to

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

respond to any questions. Solicit your Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall House Bill 3859 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 56 Ayes, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 3875. Senator Holmberg. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 3875.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. This bill, which amends the Vital Records Act to require notification to the next of kin before a permit for disinterment can be issued, was on the Agreed Bill List. I did take it off and added an amendment which requires the Health Facilities Planning Board to restrict the number of new and expanded beds for treatment of mental illness in areas where a surplus of treatment beds exist. This is -- this amendment is agreed upon by the Department of Public Health, the Department of Mental Health, the Citizens Assembly, the Council on Mental Health and Developmental Disabilities. I'd be happy to answer any questions. If not, I'd ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall House Bill 3-8-7-5 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 57 Ayes, no Nays,

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. House Bill 3891. Senator Davidson. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 3891.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Sangamon, Senator Davidson.

SENATOR DAVIDSON:

Mr. President and Members of the Senate, this bill is in a position we want to get to a conference committee because meetings are going on between the Department of Insurance, insurance companies and homeowners and homebuilders, et cetera, trying to work out a -- an agreement among all of us. And the assurance of the House sponsor they will non-concur. We won't recede. This will put it in a conference committee. If we can get it done by June 30th, we will. If not, it'll be in position -- hearings during the summer and we'll address it in the Veto Session. I'd appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. Well, I expressed some skepticism and some concern in committee. And I don't certainly want to deny anybody the opportunity to have more meetings and -- and try to arrive at some solution, but allow me to ask, is it still the intent to put the State in the business of purchasing these pieces of property?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Davidson.

SENATOR DAVIDSON:

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Not at this time. That's what the meetings are going on about -- to see if there can be set up a fund - an insurance fund or whatever - escrow fund - that if the property owner and -- voluntarily wish to pay in this fund to address the reduction in value of their house, they can. And that's what this ongoing discussion is going about, and this is the request of all the parties concerned, particularly the sponsor of the bill in the House.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Keats.

SENATOR KEATS:

Following up on Senator Rock's train of thought - he answered -- asked my first question. The second one is, in the areas west of our - particularly Senator Zito's district, Senator Topinka's, eastern DuPage, Senator Kustra - we have minor problems with flooding. Now I admit it's the -- the cause of our municipal officials and their ineptness, which has something to do with the subsidence problem. Would these people caught in this flooding problem be treated the same or -- or would this -- or would the people in the mine subsidence problem be getting a benefit or protection not offered for those in flood zones?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Davidson.

SENATOR DAVIDSON:

Well, to my knowledge, it won't address anything in a floodplain, 'cause it has nothing to do with it. This -- there's thirty-four counties where they exist in Illinois where more than one percent of the county's been undermined, and it's mandatory in your homeowners insurance that this coverage be offered to you unless you actually sign, rejecting it. And all we're trying to do is to address this problem. Your floodplain problem would have to be addressed in another bill, in my -- in my opinion.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Davidson, to close.

SENATOR DAVIDSON:

Just appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall House Bill 3-8-9-1 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 52 Ayes, no Nays, 5 recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 3897. Senator Karpziel. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 3897.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Lady from DuPage, Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. House Bill 3897, as amended, requires the Legislative Research Unit to submit annually to the General Assembly a report on federal and State assistance available to low-income persons and families in Illinois. To my knowledge there is no opposition to this bill, as amended.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall 3897 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 56 Ayes, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. House Bill 3902. Senator Karpziel. Read the bill, Mr. Secretary.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

ACTING SECRETARY: (MR. HARRY)

House Bill 3902.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. House Bill 3902 does three things, actually. It puts Will County into the provisions of House Bill 963, which was passed last year, dealing with bike path legislation. It also says that if a forest preserve district in Will County or Kane County - it's limited to Will and Kane - condemns property or -- or goes to court to -- on a condemnation suit for property, that the property owner must then okay them dropping the suit if they want to do that. And thirdly, it -- it amends the Local Governmental Employees Tort Immunity Act by adding forest preserves, except Cook County, to the immunity provisions for officers and employees. This language is identical to language used in the School Code and Park District Code. And I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Is there any discussion? Question is, shall House Bill 3-9-0-2 pass. All in favor, vote Aye. All opposed, vote Nay. Voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 59 -- 59 Ayes, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 3949. Senator Weaver. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 3949.

(Secretary reads title of bill)

3rd Reading of the bill.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Champaign, Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President and Members of the Senate. House Bill 39 -- 3949 amends the Sanitary District Act of 1917, and the River Conservancy District Act. Basically, it simply clarifies the language of the Statutes and conforms it to the decisions of the Illinois courts. Also, Senator Hawkinson put in an amendment yesterday that would protect a petition creating a river conservancy district in his district. So if there are any questions, I'll be happy to try to answer them.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall House Bill 3-9-4-9 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 58 Ayes, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. On top of Page 15 appears House Bill 3-9-6-2. Senator Dunn. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 3962.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman for Will, Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. This deals with the Governor's technical changes that he wanted last year. And there are about three amendments that basically change the money dealing with the State Police and the Gaming Board and where the money goes. It's at the Governor's request. It also contains the riverboat

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

gambling for Will County in 1992. I urge a favorable vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall House Bill -- I'm sorry. Senator Demuzio. Senator Demuzio, please. Demuzio. He's up there in the corner.

SENATOR DEMUZIO:

Is this -- I just wanted to ask the sponsor a question, if I might.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he'll yield.

SENATOR DEMUZIO:

Is this include -- is this a technical change? Does this put the five-hundred-dollar cap back in now?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Dunn.

SENATOR T. DUNN:

No.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Demuzio. Senator Dunn, to close. Question is, shall House Bill 3-9-6-2 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 36 Ayes, 18 Noes, 3 recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 4-0-6-1. Senator Topinka. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 4061.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Lady from Cook, Senator Topinka.

SENATOR TOPINKA:

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Well, Mr. President and Ladies and Gentlemen of the Senate, this is the Tax Amnesty bill, which the amendment yesterday that we put on became the bill. It's exactly as it was when it was Senate Bill 2-1-1-6, with some exceptions that I think are relevant and also extremely good. First of all, the amendment differs in the following -- in the first bill, it was the -- the tax amnesty monies were to go to the Department of Mental Health for the Mental Health Fund. And I think we agreed yesterday that it was kind of bad policy to be giving a one-shot influxion <sic> here of money into a continuing program that needed it on an annual basis. This changes it so that the amnesty would indeed go to the -- the various pension funds, which are now grossly underfunded by the State, and something that we promised that we would do this Session, so we kind of live up to a promise, which is really rather good. Also, it says that taxpayers who participated in the 1984 amnesty would not be eligible to participate again, so that they don't continue their bad habits. Also, we've changed some of the penalty rates in terms of failure to file. In the new bill, failure to file would now be five percent. Failure to pay - it would still be the same fifteen percent it was in the bill that passed out of here -- when we -- it was a Senate bill. The failure to pay trust taxes would be ten percent. And negligence of penalties would be ten percent. According to the Department of Revenue, the following groups were involved in negotiating the new version of the penalty and interest changes. They included the Illinois Retail Merchants Association, the Taxpayers Federation of Illinois, the Illinois State Chamber of Commerce and the Illinois Manufacturers Association. So everybody is pretty well in order on that. I think it's a very good bill. I think we discussed it significantly yesterday when the amendment became the bill. However, I'm open to questions, as I'm sure is Senator Schaffer,

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

who introduced the amendment. And I would solicit an Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The Lady from Cook, Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. A couple of points - one with respect to the changes that were made on the penalty and interest provisions, which are the very technical provisions of the Act. As I indicated yesterday, I think that the adjustments are a step in the right direction, very much. They've reduced the penalty on some provisions that ought to have had it reduced on - such as failure to file or negligent filing of returns. I would like to make one point clear, because I've had subsequent discussions with the Taxpayers Federation, and I think it was mistakenly represented that they had signed off on all of those changes. That is not true. They are still engaged in ongoing negotiations on some of the contents of it, and may or may not end up supporting it. But they -- it is quite clear that they do not at the present time, because that is an ongoing process. Just a couple of comments - and I -- think I have now said them before - on the amnesty part of it. I am not going to vote for the bill, and I realize this is not an easy vote at this point. The amnesty provisions are in better shape, Senator Schaffer - thanks to your amendment - than they were in your original bill, both because those who had amnesty five years ago are going - hopefully - to be denied it - at least the bill so provides this time - and also because the money is not designed to go to an ongoing program. But, number one, if anyone thinks that this is going to solve the pension funding problem - even for this year - that is the fact that we are not funding Senate Bill 95, which we passed last year - this will not do it. The most optimistic forecasts are forty-five million dollars - forty to forty-five. They will not all come in at one time. They will be spread over five systems.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

And they also set us up for what Governor Thompson did to us this year, which was to take thirty million dollars out of another fund and substitute it for the State's regular commitment to funding the pension funds. So that I don't think that anyone who has any illusions that this is going to solve the pension funding problem ought to retain those illusions. The final point is - and I'm -- I have to repeat this again - tax amnesty is a -- is a major issue and a major concern at any time. For a state to do it two times in a six-year period is absolutely dreadful tax policy. We do not know of any other state in this country that has had a second tax amnesty program so short on the heels of the first one. It's bad enough one time, but defensible under some circumstances. It really is not defensible only six years after the first one. It really tells too many honest taxpayers out there that "We are going to put the burden on you - those of you who are honest and pay your taxes on time and as the law requires, but we are going to give those who do not pay their taxes on time, and as the law requires, an opportunity to get off the hook. I -- I absolutely repeat over and over again, folks, that is not the way to set up a good, fair and efficient tax enforcement system.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman from McHenry, Senator Schaffer. Frank.

SENATOR SCHAFFER:

I had some dim hope that Senator Netsch might be won over, but I see my hopes have been smashed once again. I think the bill, in its present form, has addressed all those problems I think that can be addressed, unless you philosophically have a problem with the concept of a -- an amnesty. I would point out, however, that between the first amnesty and the second amnesty we passed a rather comprehensive rewrite of the sales tax law, and there are literally thousands of people out there who are affected for the first time by that. Many of whom are still finding out on a daily

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

basis that they have a liability out there that they never dreamed they had. And one of the purposes of the second amnesty is to give those people, who I guess - in my opinion - through no fault of their own, find themselves staring at considerable tax liability because of the change in the law. Now I understand that ignorance of the law is no excuse. So that I guess just because they don't follow the minute details of what we do down here they are, in fact, guilty, but it does not seem to me to be an unreasonable or inhumane thing to do to -- to open amnesty up again in the face of that rather massive rewrite that we did a couple of years ago, which we're still rewriting, I notice. The other concern I have, quite frankly, as we move through this -- the final hours of this Session and the budget starts to come together, once again the area that is forgotten is the pension funds. I think Senator Schuneman very eloquently yesterday pointed out that I guess every one of us feels that's the next watches crisis - it's not our problem, because it -- the house of cards isn't going to come down while we're on duty. But it's going to come down someday. And if we can't find the -- the courage to at least make an attempt to put some additional dollars in the budget this year for the Pension Fund so at least move as close as we can to funding Senate Bill 95, next year the tab is two hundred and some million. The year after that it's three hundred and some million. And I don't see this General Assembly increasing the State income tax half a percent just to -- for pensions. I just don't see that as ever happening. I really have to say I think this is the last chance for pensions. This is the last chance that this General Assembly is going to do anything before that crisis comes on the horizon. I don't think that crisis is here in this year or next year - maybe not for two or three years - maybe not even during the next term of whoever's elected Governor. But I think all of us know it's out there. And

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

I -- I would not like to be remembered as someone who sat in the Legislature for a long period of time and sat back and watched the pension funds go to blazes. That's why I thought it was a good idea to put this money in. I admit it won't do the complete job. It's only part of the solution, but it is a step in the right direction. And I'd like to see us put this bill out, and to the degree possible, keep this money in the pensions and see that it's used to supplement what's already there.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman -- Senator Demuzio.

SENATOR DEMUZIO:

Rescued -- thank you. Let me just say that Senator Jeremiah Joyce had made a reference when this original concept was here earlier in the Session about who are these individuals that are going to be able to participate in this second -- in this second coming - this second opportunity of having tax amnesty. A comment was made just yesterday and the day before that the revised estimates for the amnesty program was revised down from seventy million dollars down to fifty million and now we're talking about thirty-five to -- to forty million. Somebody obviously out there has some idea as to who's going to qualify for the Tax Amnesty Program the second time around. The -- in terms of -- of public policy, I don't think it makes -- makes much sense to do the amnesty the second time around. I -- I am somewhat troubled, however, by the fact that the proceeds would go, in fact, into the pension fund. And I guess today I suppose that for me, I'm going to rise in opposition to this -- to this bill and suggest that we ought to come back in January and perhaps really talk about what needs to be done in the pension systems in January of next year. We're going to be facing a revenue shortfall of about two hundred and three million dollars in those funds just to begin what we attempted to embark upon for this year. Ninety-five million

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

dollars that we attempted to put in this year is not going to be there. We're just compounding our problems. But I -- I just think this thing sends the wrong signal, and I rise in opposition.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Schuneman.

SENATOR SCHUNEMAN:

A question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates she'll yield.

SENATOR SCHUNEMAN:

Senator, I've heard various estimates of - and I assume these came from the Department of Revenue - as to what the expected yield is for this bill - both in its original form and now in the form that would exclude those people that -- who were afforded amnesty earlier. And as -- as I understand, the original estimate was like seventy million dollars, and now the estimate is forty-five million dollars. My question is, does the difference between seventy million and forty-five million represent the number of people that -- or the number of taxpayers that have already been granted amnesty and now owe the State that amount of money? I mean that's what...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Topinka.

SENATOR SCHUNEMAN:

...that's what those numbers would tend to indicate. But I -- I can't believe that would be the case.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Topinka, please.

SENATOR TOPINKA:

To -- to Senator Schuneman. The seventy-million-dollar figure that was a part of the previous amnesty program came from the Department of Revenue, and since they'd had more time to work this

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

up, that's what they came up with. In this new revised form, it's a little looser in terms of how many are out there. The Economic and Fiscal Commission to the Department of Revenue to us says thirty million. So it's somewhere in there, and I don't think we really know.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Schuneman.

SENATOR SCHUNEMAN:

Did -- at any time, did the Department of Revenue give you an estimate of the amount of money that is now owed by taxpayers who were earlier granted amnesty?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Topinka.

SENATOR TOPINKA:

The Department of Revenue, who stands right by me here, says we don't have -- we don't know that yet.

SENATOR SCHUNEMAN:

Okay. Thank you.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Lady from Lake, Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, sometimes half a loaf is better than none. And we have -- we have not taken care of the pension funds like we should. And I believe that we took in about a hundred and twenty million dollars when we -- when we had our first big amnesty bill, and I think it's become -- it's incumbent upon us to make a start, and I think it's a great idea to give it to the pensions. And I think it's needed. And I can remember when a prior Governor, many years ago, said he was going to fund the teachers' pensions and -- when he was running for office, and then the minute he got in, forgot all about it and defeated it when we tried to do it. So I think it's a step in the

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

right direction, and I think we should support it, because even though I pay my taxes and you pay your taxes, there are going to be people who are slow, but then the other part is the people who did get the amnesty before are not entitled to get it now. So I would ask for a favorable vote on this amendment.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Lady from Macon, Senator Severns.

SENATOR SEVERNS:

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

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates she will.

SENATOR SEVERNS:

I think a second amnesty program is folly fiscal policy. However, we have not met our obligation on Senate Bill 95. Would you answer specifically how the estimated revenue to be generated from this - if it passes - is to be divided, and specifically how much is targeted to go into the Teachers' Retirement System?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Topinka.

SENATOR TOPINKA:

Yes. If I may defer to Senator Schaffer on that one.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Schaffer.

SENATOR SCHAFFER:

The answer to the question is that money that's allocated to the Pension Fund is then distributed to the several pension funds, based on their proportionate size in relation to the total indebtedness of the several pension funds. And in amount of dollars going to the Teachers' Fund specifically obviously would depend on how many dollars came in from the amnesty. But it's safe to say that the Teachers' Fund, being the largest pension

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

fund out there - and I believe having the largest unfunded liability - would be the prime beneficiary of what we're doing. And I would point out, while estimating the amount of money that we're going to make on this is difficult, that the last amnesty far exceeded the estimates - which turned out to be very conservative - that were originally projected. I didn't think it would take in the amount of money that it finally did. So I think - particularly in the face of the number of new people coming on line because of the sales tax reform - there -- there -- the estimates here may in fact be conservative. But I think that's the way we ought to operate. The -- the exact dollar amount I can't tell you, but the -- the larger the indebtedness, the more money they get. That's the way it's been explained to me.

PRESIDENT ROCK:

Senator Severns.

SENATOR SEVERNS:

The percentage going into the Teachers' Retirement System then should be available if the exact - obviously the exact dollar amount is not available. What is the estimated percentage that will go into TRS?

PRESIDENT ROCK:

Senator Schaffer.

SENATOR SCHAFFER:

Frankly, many of the number crunchers who would supply the figures would prefer to have these monies unallocated, and thus far I have not gotten those percentages. I'm sure as we pass the bill, those percentages will be forthcoming. But they're -- thus far I do not have them; I'm just told it's a proportion. All I can say is the Teachers' Fund is by far the largest - has almost twice the unfunded liability of the other major system, which is the State Employees'. They're the big winners - there's no two ways around it.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

PRESIDENT ROCK:

Further discussion? Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. To the bill. Senator Rock and I were the original sponsors of the first Tax Amnesty Program, and we estimated about sixty million dollars would come in, and we received about a hundred and sixty-four and a half. Way beyond our expectations - you're right, Senator Schaffer. When I spoke to some of my business corporations that participated, they said there was only one problem with that particular program, and that is that we chose to run for two months. Most other States had it as a three-month program. And since we were just the second state to try it, many businesses that operate nationwide and could have taken advantage of the program, did not find out about it in time, and they felt that there was a lot more money out there that would be forthcoming had we extended it for that month. My guess is we may pick up some companies like that by doing it one more time, and I stand in favor of the program.

PRESIDENT ROCK:

Further discussion? Any further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Let me add two points. One is, I think everyone should remember about that first amnesty program. If you look at the breakdown and analysis of where the money came from, the overwhelming majority of it came from businesses, from large corporations, and almost all of them had unitary obligations. That is no longer part of the process. We may under- or over-estimate, but we are not going to get that kind of money, because we do not have that unitary thing holding out there. The other point I would like to make is that there is - as far as I can see - nothing in this bill which says the proportions that are going to go to the retirement funds. It just simply says

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

that any required allocation to the General Revenue Fund shall be transferred to the State Pension Funds, after the Department of Revenue has taken three percent off for administration. So I don't see - unless it's someplace else in the Statute books - any kind of a -- a specific allocation required. The -- I think you -- you ought to be aware of the fact that -- that even if this meets your revenue estimates, it is not going to come anywhere close to meeting our obligation under the bill that we passed last year. And no one is more committed to meeting those obligations than I am, because it was my bill in the first place. But this isn't going to do it.

PRESIDENT ROCK:

All right. Senator Topinka, to close.

SENATOR TOPINKA:

Well, Mr. President, as you know, these Chambers - both the House and the Senate - gamble a lot around here. And I think, you know, we got a right to throw the dice on this one too, to see just how much money we're going to get in. It -- it is questionable how much we're going to get in. But anything to benefit these underfunded pension funds, which we knowingly have underfunded here, is a help. There is no question that it's not going to solve the entire problem. It's not. But it certainly is a step up, and it is a commitment. I would agree that -- with Senator Holmberg, I think she makes a good point, that we may have cut the last amnesty program maybe a little too short. This gives those people who didn't participate in the two months that was out there a little more time to play. In answer to your question about the fact that there is nothing in the bill that determines percentages of distribution - there is nothing directly in the bill, but it dutifully notes that the Bureau of the Budget administers this program. And they indeed have a locked-in formula which determines the percentages. So it will follow that

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

formula which is already there. And they will take care of that. I think there's something else in this bill which I neglected to mention in the first place that is very sound policy in terms of how we're operating revenue, and that is at present we have six different interest rates and thirty penalty rates. This particular bill now will cut that down to one interest rate and five penalty rates. It's cleaning it up. It's making it tighter. It's making some common sense out of our revenue program, which right now I think defies description. It's a good bill. We can only win by using it. And let the chips fall where they may in terms of the numbers. But anything could be of help, and it's about time we started on our pensions. I would ask for a positive vote.

PRESIDENT ROCK:

Question is, shall House Bill 4061 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, 2 Nays, none voting Present. House Bill 4061, having received the required constitutional majority, is declared passed. 4124. Senator Marovitz. It's on the Recall. I didn't see it. If -- if it's on Recall, you better let the Secretary know. We don't have any record of it up here. 4140. Senator Marovitz. 4-1-4-0. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

House Bill 4140.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

4140 is a bill that we passed about three weeks ago - four weeks ago - having to do with the Child Accident Prevention Act, which says that if somebody keeps a loaded firearm around and there's a -- and they know that there are little children around, that they would have the responsibility of securing their loaded firearms somewhere where the little child couldn't -- couldn't get it. And if they didn't do that and somebody was shot or killed, they could be guilty of a Class A misdemeanor. The National Rifle Association asked - in fact they told Senator Fawell and Senator Hawkinson - asked them to reduce it from a felony to a misdemeanor and that they would support the bill. We did reduce it from a felony to a misdemeanor, and then they went back on their word and did not support the bill. Since we passed this legislation, three more kids in this State have gotten killed. I passed around an article which says, "Summer gun play," - and this was in the State Journal Register this Monday - State -- "Summer gun play leaves many children dead. Summer's the season for ice cream, baseball, bike rides and all too often accidental shootings involving children. Every summer hundreds of children are killed or injured while playing with handguns, which often belong to their parents or friends' parents," said Bob Scully, president of the National Association of Police Organizations. Just last Monday, Gary Morrissey, thirteen, of Taylorville - right in this district - died of a gunshot wound to the head suffered while he and three other youths were playing with a 20-gauge shotgun belonging to one of the youth's parents. In April, nine-year-old Jake Randall, also of Taylorville, shot himself while playing at home with a rifle belonging to his parents. Dewey Stokes of -- the National President of the Fraternal Order of Police, says, "Parents must take safety precautions to unload and lock up their handguns so that their children aren't exposed to handgun danger in the homes." Many of you got a call from our former colleague, Randy

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Thomas, whose little boy was unfortunately and tragically accidentally shot and killed with a handgun in a neighbor's house that was left out. All this legislation is is basic common sense. Many of the gun owners that I've talked to who originally called in opposition to the bill, and I said, "Do you leave your guns out loaded for -- when there are little kids around?" They said, "No. Who would do that? Who would do such a silly thing like that?" Well, that's all this legislation does. And when it passed in Florida, as I mentioned before, the state was sold out of trigger-lock mechanisms. People bought the trigger-lock mechanisms; they were educated; and that meant fewer accidents. That's what the gun shop owners said about the passage of this law in Florida, where the NRA supported it, and where it's a felony. And here it's only a misdemeanor. The NRA also supported it in Wisconsin. Ladies and Gentlemen, I think this is basic common sense. It worked in Florida. It educated people. How many more kids have to die before we do something that's just basic common sense? This legislation was defeated in the House yesterday. It is my belief that if we pass this legislation that we can pass it in the House. My gosh, if it was good enough to pass three weeks ago, and kids have died since then, what would have changed your mind about voting for a bill with kids dying after you voted for it three weeks ago? And I solicit your Aye vote.

PRESIDENT ROCK:

Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this 4140 bill started out as a home repair bill, and I don't know how the -- he was able to put on an amendment referring to criminal law on it in a different Section of the Statute. However, you cannot legislate against stupidity nor ignorance. If everyone -- if anyone's going to leave a loaded gun around, what are we going

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

to do? The point is to educate people what to do with guns. But if this is another backdoor by my colleague over there - much as I love him - to bring in gun control, I still believe in law-abiding citizens have the right to use their guns when they need to to protect themselves and their families and their homes. And this by -- by -- by-the-way effort to say, "Well, you got to lock your gun," it's just like a reporter, Andy Shaw, said when we went on TV with him. He said, "Well, if the gun is locked and I hear somebody breaking in my house, when am I going to get time to open up the lock and take care of my family?" I think this is ridiculous. I speak against this bill.

PRESIDENT ROCK:

Further discussion? Senator Watson.

SENATOR WATSON:

Yes, sir. Thank you, Mr. President. I too rise in opposition to House Bill 4140. This was a bill that did pass out of here several weeks ago, as Senator Marovitz has mentioned, but one -- and he did mention that the bill failed in the House. One thing he didn't tell you is it only got thirty-six votes. He needs twenty-four more votes in the House to even give it a chance of passage. So I think we're kind of wasting our time here in debating the legislation again. He -- he also talked about the Florida legislation and -- and it's true, they did pass a bill such as this. But the major component of that legislation was an education provision. And that's really what we ought to be doing, is educating young people as to how to handle a firearm and -- and the dangers of firearms. We -- legislation like this just simply doesn't work. And I don't know if you recall that -- when we -- before, when we debated the bill, the National Safety Council had literature on really -- deaths by poisons is three times greater; by drowning, three and a half times greater chance than -- than it would be with a firearm. I mean, if we're -- if we're going to

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

solve some problems, maybe those are the areas that we need to be addressing, and not necessarily the -- the firearm issue. And I agree with Senator Geo-Karis that a proper vote here is No.

PRESIDENT ROCK:

Further discussion? Senator -- Senator Dudycz.

SENATOR DUDYCYZ:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, yesterday we passed House Bill 3838, which will award an additional three months' good conduct credit to incarcerated felons, including armed robbers. And then just today we passed House Bill 3167, which will increase good conduct credit, to inmates who attend class while in prison, by an additional ninety days. And now we're going -- we're going to be turning a law-abiding citizen into a criminal because he keeps a firearm in his dresser drawer. Well, I -- I don't know what message we're sending out there to the communities - to the public - but I think we all owe a lot of explanations to our constituencies when we go home this weekend.

PRESIDENT ROCK:

Further discussion? Senator Joyce.

SENATOR J.J. JOYCE:

Thank you -- thank you, Mr. President. I -- I rise in support of this. I think that it's been said here that what we ought to be doing is training young people in the use of firearms and that sort of thing, and that's all true. It's all very true. But what if -- what if your neighbor's kids come into your house, and he didn't train them in the use of firearms? And he pulls open your dresser drawer and finds a firearm that's loaded and does some -- something, you know, God forbid, to one of your kids or anybody's kids. So I think it's just -- if common sense tells us we ought to lock up those guns, then people, you know, it's just nicer to have it on the -- on the books. The -- the -- you know, we say

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

that people ought to do this, but sometimes they just don't, just because they don't think about it or something. But if it's -- if it's the law and they read about it, maybe they would, and we might save a few lives. And I think that would be worthwhile.

PRESIDENT ROCK:

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. You know, there's a lot of discussion about being strung out again and everything. And none of us like to be strung out on a bill of this magnitude, especially for a lot of us downstaters again and again. But yet, it's -- it's also the point that the issue doesn't change. The issue still is -- is that young people are getting killed and it's not necessary. It's not necessary. It's a lousy five bucks to put a -- a trigger-lock on. And I don't understand why we can't get our fellows in the House, and I don't understand why we have opposition from all of the parties that we seem to have it from. But this bill -- we -- we talk about motorcycle helmets. We talk about everything else, and here's one that is truly, truly a issue that we can resolve very simply, cost-effectively, and save lives. I think it's something that we should vote Aye again for the last time.

PRESIDENT ROCK:

Further discussion? Senator Jones.

SENATOR JONES:

Yeah. Thank you -- thank you, Mr. President and Members of the Senate. I rise in strong support of this legislation, simply because - as it has been previously stated - too many young people have been killed. We talk about the City of Chicago -- we talk about education. The young people are receiving a very poor education now, and the parents -- many of the parents are uneducated, so how are you going to talk about educating a young

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

person as it relate to a gun? In my community, and on the West Side and the South Side, children are dying by the thousands. And again, as Senator Jacobs pointed out, we always are mandating protection for children. Riding motorcycle -- with helmets for them, but if you cannot protect that child who happens to walk into another person's home with his friend and start playing with a gun and accidentally get killed, then we aren't doing our job here. Every day you pick up the newspaper, some young person has been shot accidentally or -- or maybe just playing with a gun or taking that gun in an attempt to commit a robbery or something of that nature. No black person who represent a black constituency should be against this legislation, because too many of our young people have died as result of these -- these guns, be it a shotgun, be it a handgun. And I think we should stand up and be responsible. We should protect them, as we try to protect them in all other manners. And I urge an Aye vote on this bill.

PRESIDENT ROCK:

Further discussion? Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. I was going to try to set this one out and be quiet on this, but I can't. Every member -- every member of the minority caucus - the Black Caucus in the House of Representatives - all but two, opposed this legislation and voted against it. And the reason why they voted against it is because they know that this law will not be enforced equally and fairly in their community and in their districts. And I know the same thing that will happen. It will be enforced doubly in our district. We will make criminals out of law-abiding citizens. Secondly, there's no purpose in having any tool locked up and then in not to be able to use it when you need it. And that's what a gun is. That's what a weapon is. It is a tool. It is a tool to be used and be used correctly. And with proper training, that can happen.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

I rise in opposition to this. It is a bad bill. It's a bad idea. And it will -- will affect our communities worse than -- than other communities.

PRESIDENT ROCK:

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Mr. President, I'd like to ask the sponsor a question, and then I'd like to speak to the bill.

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Davidson.

SENATOR DAVIDSON:

Is a trigger lock necessary on any weapon, or only those weapons that are loaded?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

A trigger lock isn't necessary at all. It's just one of the methods that could be used to secure the weapon.

PRESIDENT ROCK:

Senator Davidson.

SENATOR DAVIDSON:

That's not my question. My question to you was, is the trigger lock - I understand it's one of them as is a locked box and et cetera - is a trigger lock, under this law, required on a weapon that is not loaded?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

No.

PRESIDENT ROCK:

Senator Davidson.

SENATOR DAVIDSON:

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Mr. President and Members of the Senate, couple of things need to be brought to your attention. First off, one of the examples quoted by the sponsor of this bill dealt with an accident which happened in my district. This bill would not apply. The two children broke into a locked gun cabinet. Secondly, one of the other speakers in favor of this bill spoke about young people are killing themselves by the thousands. That's a flat -- false statement. Last year or two years ago on -- according to the statistics given to us by the National Rifle Association and the National Safety Council, between the ages of five to fourteen was a two hundred and twenty deaths total in the fifty United States, so let's not embellish it any more. But lastly, we have debated this thing around. Education - how to handle a gun - is the most important thing. Some of you are fortunate enough to have grown up with a father who educated you. It wasn't my good fortune to have that, 'cause my father died when I was seven. I got my first rifle when I was seven, by selling Cloverine Salve. Fortunately, I had a very good retired farmer friend who taught me gun safety and took me hunting and taught me how to be a good hunter. This absolutely is tilting at windmills by the sponsor. Again, for whatever reason - has to be his reason; it's certainly not mine. Now this bill's been debated -- been defeated in the House. The sponsor knows this bill will suffer the same purpose in the House if it goes back for concurrence if we pass it. And it's certainly not to our advantage to pass it. Now let's quit trying to beat innocent people. How would you like, if you were the owner of a firearm - which I am and many of you in here are - and someone out of your family or someone else broke in - used your gun - had an accident, then you - 'cause in this bill, the civil penalties are still in place - triple damages - and then to compound the injury, you could be sued under the Civil Wrongful Death Act. You better look at all this. Don't look at it emotional just for the gun or

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

not gun; look at what the penalties include in this where you can be sued under the civil liability - triple damages, then you can be sued under the Civil Wrongful Death Act. You're talking about the possibility of injury being compounded on injury. You're already in -- in a state of shock by what may have happened or not happened. This is a bad, bad idea. And I urge all of you to either vote No or vote Present. This not -- has not seen the time when we need this at this time.

PRESIDENT ROCK:

Further discussion? Senator Raica.

SENATOR RAICA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I'd like to direct these comments to what Senator Jones and Senator Brookins said. Senator Jones, you pointed out that the innocent children of Chicago are going to be affected and possibly saved by this bill. You are absolutely wrong. This bill doesn't pertain to the City of Chicago, 'cause in -- in the City of Chicago you cannot legally - legally - own a weapon. If you are a police officer, you can. If you are a citizen, you cannot. The weapons that are confiscated in the City of Chicago were from gang members - from people who were dealing drugs. If you are an innocent person, such as myself or someone else, and you own a weapon, you are violating the law. Ironically enough, the aldermen in the City of Chicago can carry a weapon in the city limits of the City of Chicago. If you're going to make this legislation mean anything, let's take off the inequity that's in the City of Chicago and other parts of this State where you cannot own a weapon, and include everyone, and then maybe this will mean something. But with everything that's going on in the City of Chicago to say that one person's going to be saved by this, you're wrong. Because if you own a gun in Chicago, this bill just means you're guilty to begin with, 'cause you're not supposed to have a

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

weapon.

PRESIDENT ROCK:

All right. Further discussion? Senator Jones.

SENATOR JONES:

Yes. I hate to rise a second time, but in response to the previous speaker's remarks - the city ordinance as it relate to guns that if you own -- own a firearm, you had to register those firearms. You cannot purchase any now since that new law -- ordinance went into effect under the -- under the -- under Mayor Byrne, but you -- you -- many persons in Chicago do own guns and they own those guns legally. So I mean, to make that statement, you cannot own a gun, that -- I mean it's giving misinformation as relate to this bill.

PRESIDENT ROCK:

Further discussion? Senator Marovitz, to close.

SENATOR MAROVITZ:

Thank you very much, Mr. President. Well, so many things were said on this Floor that I think I -- I -- I really have to comment on. First of all, Senator Davidson talked about, and I would quote him, "Quit trying to beat innocent people." Who are we beating here? I mean, what innocent people are we beating? We're trying to save kids' lives. Senator Davidson quotes a hypothetical example, what if somebody breaks into your house, steals your weapon, and then somebody gets killed. You're going to be liable. He hasn't read the bill. The bill specifically - specifically - exempts anyone where there's been a break-in at a house. Specifically says that - right in the legislation. I don't know why we stand up here. Senator Raica said you can't own a gun in the City of Chicago. That's not true. You can legally own a gun in the City of Chicago. You can't buy new weapons. You can legally own a gun - you have to register it. That's not true. You're obviously getting these arguments from the gentleman

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

sitting up in the gallery, but they're not true. Let's be honest. Now Senator Brookins is concerned that this law would not be enforced fairly. I can't believe you'd say that about State's Attorney Partee. I can't believe you'd say that. Now you know State's Attorney Partee would enforce this law fairly, and I don't think it's fair of you to say that or even infer that. The fact is, when I was asked to put an education component in this bill, I said I think that's a great idea. Just like -- I think it's a great idea. Let's put education in this bill. I think it's important for the gun owner to be educated about gun safety. But the lobbyists for the NRA said, "No. No. No. No. No. Wait. I didn't mean educate the gun owner. We don't want to educate the gun owner. I want to educate the little child. I want to give them a coloring book. I want to put a gun in their hand and tell the little child, please don't educate the gun owner, that's not what I meant, Senator Marovitz." The fact is, Senator Geo-Karis says you can't legislate against stupidity. Most of us in here voted about the child seatbelts - about having seatbelts to save our kids. It makes a lot of sense. No idiot would have their little child in a -- in a car without -- without a seatbelt. But the fact is, we legislated that because we want to save kids' lives. Whether it's one kid's life or two hundred - we want to save their lives. That's what this bill's about. It worked in Florida. They sold out of the trigger-lock mechanisms. People were educated. And the gun shop owners that said we never sold so many of these and because we sold them, we're going to have less accidents. Just three weeks ago many of you on the other side of the aisle, my friends, Senator Rigney and Hawkinson and Karpriel and -- and Keats and Kustra and Macdonald and Friedland and Fawell and Etheredge and Barkhausen, voted for this bill three weeks ago 'cause you wanted to save kids' lives. Since then more kids have died. It makes even more sense now and I solicit your Aye vote.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

PRESIDENT ROCK:

Question is, shall House Bill 4140 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, there are 28 Ayes, 28 Nays, none voting Present. House Bill 4140, having failed to receive the required constitutional majority, is declared failed.

END OF TAPE

TAPE 5

PRESIDENT ROCK:

The sponsor requests that further consideration of House Bill 4140 be postponed. So ordered. 4169. Senator O'Daniel. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

House Bill 4169.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President and Members of the Senate. House Bill 4169, as amended, is -- is -- is an agreed bill. It deals with bonding requirements, drilling and operating permits of oil wells, and makes changes that have been agreed to by both Mines and Minerals, and also by the oil and gas industry, and petroleum industry. If there's any questions, I'll attempt to answer them. If not, I'd ask for a favorable vote.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

PRESIDENT ROCK:

Discussion? If not, the question is, shall House Bill 4169 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, 1 voting Present <sic>. House Bill 4169, having received the required constitutional majority, is declared passed. Senator Zito. 4208. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

House Bill 4208.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Zito.

SENATOR ZITO:

Thank -- thank you, Mr. President and Members. House Bill 4208 permits banks and savings and loan associations to honor checks, warrants or other instruments issued by the Department of Public Aid, if the payee has an identification card issued by the Department, or a valid Illinois driver's license, or a valid Illinois identification card, or any identification card issued by the financial institution, or a combination of such identification -- of forms. It requires the Department to issue an identification card to every payee of the grant. It also requires the Department within one hundred and eighty days of the effective date of this Act to establish a program for the electronic issuance and redemption of benefits provided by DPA. It further requires the payee to immediately report to DPA the loss of any instrument used in making a grant payment. This is to ensure -- Ladies and Gentlemen, House Bill 4208 is to ensure safe check cashing by Public Aid recipients and allowing them, and affording them an opportunity rather than walking out of a financial

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

institution with cash, to have proper identification and make sure that that cash, in fact, is safe, and our checks issued from the State of Illinois to that recipient are safe. I'd be happy to answer any questions. I don't know of any opposition, except I should say that the Department was, in fact, working on some clarification language. They have been working on it for several weeks. We haven't seen anything yet, and I felt at this late stage that we should move the bill, and if they have some concerns we can deal with it later.

PRESIDENT ROCK:

Discussion? Senator Keats.

SENATOR KEATS:

I was rising in support of the bill. We've done quite a bit of work on this bill, and there was some hesitancy on the part of the Department of Public Aid. There still is. We promise to continue working with them. If they come up with language that's acceptable to the House sponsor and the Senate sponsors, we'll find a way to work it out. But the key provision to this bill is this would actually allow a Public Aid recipient to take home more money at no expense to the taxpayers - in reality, give them a more protected system. It really is a pretty good idea. I'll just give you one example of the saving. To send out a Public Aid check costs us forty cents a check; to transfer electronically to a bank costs us four cents a check; a ninety-percent reduction in cost per check, and think about how many checks are written. So it's cost-effective for the State and beneficial for the recipient, because they end up with more money, too. It's a pretty good deal both ways, but we will continue to work with Public Aid if they come up with any solution to any potential problems.

PRESIDENT ROCK:

Further discussion? Senator Fawell.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

SENATOR FAWELL:

Thank you very much. Will the sponsor yield for...

PRESIDENT ROCK:

Sponsor indicates he will yield. Senator Fawell.

SENATOR FAWELL:

Senator Zito, I -- I realize this will probably go into a conference committee. I wonder if I could have your assurance that this is not going to turn into a -- a bill. I've gotten a number of phone calls and a number of letters that the banks and some of the other people are concerned about the electronic cash station type thing. I wonder if I could give you -- if you could give me the insurance that that will not turn into this.

PRESIDENT ROCK:

Senator Zito.

SENATOR ZITO:

Senator Keats and I -- and I think I can speak for Senator Keats -- we have no intention of moving House Bill 4208 to a conference committee.

PRESIDENT ROCK:

Further discussion? If not, the question is, shall House Bill 4208 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. House Bill 4208, having received the required constitutional majority, is declared passed. All right. Ladies and Gentlemen, I'm sure everyone is painfully aware that it's Thursday, June 21st, and tomorrow is, indeed, the deadline. So I -- we will proceed now to the Order of House Bills 2nd Reading. And if, indeed, any Member has a bill that is on 2nd Reading, this is the day to move it, if it's to be moved, under the rules. Then we will proceed. I asked the Secretary to distribute the Recall List. So the Recall List

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

you have should be dated Thursday, June 21, as of three o'clock p.m, and as you can see, there's quite a lengthy list, and they're still coming in. We'll go down the Recall List as soon as we finish with 2nd Reading. Senator Rigney, for what purpose do you arise, sir?

SENATOR RIGNEY:

Mr. President, where a bill has been pulled off of the Agreed List for the purpose of a technical amendment, can they go back on?

PRESIDENT ROCK:

On the Agreed List? No. It is our understanding that any time a bill's amended, it will just go on the regular Calendar then.

SENATOR RIGNEY:

So you're not going to have an Agreed List tomorrow?

PRESIDENT ROCK:

No. We'll -- we'll handle the Agreed List that we have currently. Where those bills have been pulled off, they will show up tomorrow on the regular Calendar on the Order of 3rd Reading, and we will, of course, afford the Members the opportunity to get to them. All right. House Bills 2nd Reading, bottom of Page 25. 2-8-6-7. Senator Watson. We are on the Order -- let me say it one more time - we are on the Order of House Bills 2nd Reading, faced with the fact that tomorrow is the last day for 3rd Reading. Okay. Top of Page 26. 2-9-0-7. Senator Netsch. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 2907.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Are there amendments from the Floor?

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

SECRETARY HAWKER:

Senator DeAngelis offers Amendment No. 1.

PRESIDENT ROCK:

Senator DeAngelis, on Amendment No. 1.

SENATOR DeANGELIS:

Yes. Thank you, Mr. President. What this amendment simply does is allow those employers who find it necessary to hire people because of the absence of a person on family leave - that we allow them to deduct the unemployment insurance costs for the additional person they've had to hire to replace the person who's out on leave. I think if we're going to mandate this program, that we ought to give them the opportunity to recover some of their costs, due to the fact that they have to do what we are requiring them to do.

PRESIDENT ROCK:

All right. Senator DeAngelis has moved the adoption of Amendment No. 1 to House Bill 2907. Discussion? Senator Netsch.

SENATOR NETSCH:

Thank -- thank you, Mr. President. Without debating the merits of the amendment, I would question its germaneness to this bill. The bill is a New Act - the Family Responsibility Act - and this is an amendment to the Income Tax Act, and I would point out that, although this does not bind us, that the House has ruled on the very same issue, and has ruled it nongermane, both for that reason and also as a violation of the agreed bill process. And it is quite clear that even if this amendment got on, that it would effectively destroy the bill when it got to the House, but in any event, I do question the germaneness of the amendment.

PRESIDENT ROCK:

Senator DeAngelis, for what purpose do you arise?

SENATOR DeANGELIS:

Well, if there's anything nongermane about this, it's the

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

comments that Senator Netsch made about what the House did. That is certainly nongermane. I think this bill is part and parcel -- this amendment is part and parcel to this bill, and an essential part of it, and ought to be in there, because if we're going to, in fact, enact this kind of public policy, we ought to do it in the proper way.

PRESIDENT ROCK:

All right. This debate can go on and on, Senator Netsch. The Chair is prepared to rule that, indeed, Amendment No. 1 is -- is a purported amendment to the Illinois Income Tax Act by adding Section 208, and the Chair is prepared to rule that the Amendment is nongermane and out of order. Further amendments?

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Netsch.

PRESIDENT ROCK:

Senator Netsch. Withdraws. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 3587. Senator Madigan. Okay. 3610. Senator Dunn. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 3610.

(Secretary reads title of bill)

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

PRESIDENT ROCK:

Senator Dunn, on Committee Amendment No. 1.

SENATOR T. DUNN:

Thank you, Mr. President. I have an agreement with Senator Hawkinson that this bill is going to conference committee to iron out some mutual problems. Amendment No. 1 merely changes the

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

percentages on the distribution of seized assets.

PRESIDENT ROCK:

Senator Dunn moves the adoption of Committee Amendment No. 1 to House Bill 3610. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Are there further amendments?

SECRETARY HAWKER:

No further committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Thomas Dunn offers Amendment No. 1 <sic>.

PRESIDENT ROCK:

Senator Dunn, on Amendment No. 2...

SECRETARY HAWKER:

...2 -- pardon me.

SENATOR T. DUNN:

Thank you, Mr. President. The same comments would apply. This changes notice dates and will go to conference committee as well.

PRESIDENT ROCK:

All right. Senator Dunn's moved the adoption of Amendment No. 2 to House Bill 3610. Is Senator DeAngelis on this bill? Okay. Senator Dunn's moved the adoption of Amendment No. 2 to House Bill 3610. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 3 offered by Senator Thomas Dunn.

PRESIDENT ROCK:

Senator Dunn. Senator Dunn.

SENATOR T. DUNN:

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Thank you, Mr. President. This amendment -- same thing applies, as I said before. It changes notice and filing time periods and reduces the dollar amount for nonjudicial forfeitures and will also go to a conference committee.

PRESIDENT ROCK:

All right. Senator Dunn moves the adoption of Amendment No. 3 to House Bill 3610. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading 3725. Senator Hall. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 3725.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

No Floor amendments.

PRESIDENT ROCK:

3rd Reading. 4149. Senator Marovitz. Yes, no or maybe? Yes. Read the bill.

SECRETARY HAWKER:

House Bill 4149.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Senator Marovitz offers Amendment No. 1.

PRESIDENT ROCK:

Senator Marovitz, on Amendment No. 1.

SENATOR MAROVITZ:

Thank you, Mr. President. Could you just read the last four digits, or numerals, or letters? am04?

SECRETARY HAWKER:

03.

SENATOR MAROVITZ:

Well, then -- then we'll -- then we'll Table that one, or we'll withdraw that one.

PRESIDENT ROCK:

Withdraw that amendment.

SENATOR MAROVITZ:

I don't know what it is. So...

PRESIDENT ROCK:

Further amendments?

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Marovitz.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

...m04?

SECRETARY HAWKER:

Yes, it is.

SENATOR MAROVITZ:

Thank you very much. This amendment says that before someone is let out on bail - either cash or individual bail - they must check the individual's record to see if he's got a felony arrest record before they let him out, and I would ask for adoption.

PRESIDENT ROCK:

All right. Senator Marovitz has moved the adoption of

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Amendment No. 1 to House Bill 4149. Discussion? If not, all in favor, indicate by saying Aye. Opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 4190. Senator Luft. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 4190.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

No Floor amendments.

PRESIDENT ROCK:

3rd Reading. All right. Ladies and Gentlemen, we're there and ready to go back on the Order of House Bills 3rd Reading for the purpose of accommodating those who wish to recall a bill. In addition, we will finish the recalls, and we will do the Agreed Bill List - the final action on that, and there have been requests to go to the Order of Motions in Writing by some who have filed Motions in Writing, and so we will deal with those at the -- immediately prior to concluding our business. Senator Weaver, it's almost three-thirty. We started with you this morning at nine-thirty, if you'll remember, when you and I were the only ones here. On the Order of House Bills 3rd Reading is House Bill 309. Senator Weaver seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 309, Madam Secretary.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Rigney.

PRESIDENT ROCK:

Senator Rigney, Amendment No. 2.

SENATOR RIGNEY:

Well, Mr. President, this is a rather dull amendment. It's the Department of Revenue load-up bill for a number of technical changes that they need to make within the Revenue Code. Most of these things have been around here at one time or another and went over to the House, and they summarily just held up all of the 120 bills over there. Nothing really new in here, except maybe the one provision dealing with a few technical changes to the Motor Fuel Law, and I'm happy to report that apparently those have even received the approval of the petroleum marketers. So I do not think they are particularly controversial in nature. So if there's any questions, we'll attempt to answer them, but it is strictly a technical amendment for the Department.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rigney has moved the adoption of Amendment No. 2. Is there discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. For the Members over here, because this is a very long amendment, let me confirm what Senator Rigney has said. Almost all of these provisions were in technical bills that we had previously passed. The one new Section which is substantive, is the one that deals with the Motor Fuel Tax - the diesel fuel - and how it's to be charged. That is new. It does have the agreement even of those who are most affected by it, and it does seem to make a great deal of sense in terms of good enforcement. So it seems to me that it is a good solid amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rigney has moved the adoption of

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Amendment No. 2. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 3 offered by Senator Rock.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I am sure that everyone is aware, and I thank Senator Weaver for the opportunity to offer this. Bills amending the Revenue Code are -- are scarce as hens' teeth because of House action, so this is really about the only one left. This is an amendment that was -- Amendment No. 3 is an amendment that was requested by the City of Chicago so that they could be in technical compliance with what they feel is necessary on behalf of the Federal Government with respect to the establishment of a special service area - a subtransportation district. You will remember that last year the City received an appropriation concerning a proposed central area distributor - that's an inner city, inner loop transit system of some sort. They have also been pursuing options with the Federal Government - UMTA in particular - and in order to set this up, they feel they need this technical amendment. I know of no objection. It applies solely to the City of Chicago, and, as a matter of fact, downtown Chicago. And I would ask for the adoption of Amendment No. 3.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SECRETARY HAWKER:

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. Page 6, 954. Senator Kelly seeks leave of the Body to return House Bill 954 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 9-5-4, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Netsch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Amendment No. 2 would add to the bill a provision which would create an Illinois coordinating committee on transportation. This is something that's been requested by a lot of the groups that deal with disability rights as well as senior citizens, and it is made up primarily of Code Department Directors - Transportation, DORS, Aging, Public Aid and DCCA. And its purpose really is to try to pull together all -- and coordinate all of the different programs and funding that deal with transportation for those who have special transportation needs. There is a lot of -- of, not just misinformation, but misapplication and lack of coordination, and this would provide a vehicle for pulling it all together. I know of no objection to it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SECRETARY HAWKER:

No further amendments.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. Page 7. 1220. Senator Welch seeks leave of the Body to return House Bill 1-2-2-0 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. House Bills 2nd Reading is House Bill 1-2-2-0, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Welch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. What this amendment will do is delete the original bill, which was basically a vehicle bill, and inserts language allowing for three school districts that consolidated between April 1 of '89 and July 1 of '89 to be eligible for consolidation grants. This is similar to an amendment we put on yesterday on House Bill 3959. However, this amendment also includes a third district in Streator. Streator was not a unit district, and that's why it was left off of that amendment. The amendment repeats the other two districts. The money is already in the budget to pay for this particular amendment, and I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Welch has moved the adoption of Amendment -- Amendment No. 1. Those in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. Page 7, House Bill 1699. Senator Rigney seeks leave of the Body to return to House Bill 1699 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

is granted. On the Order of House Bills 2nd Reading is House Bill 1-6-9-9, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Rigney.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rigney.

SENATOR RIGNEY:

Mr. President, this is the legislation that provides that chiropractic students who are in their last term may practice under the direct supervision of a chiropractor in practice. It was the feeling of the Medical Society along with our own Department of Professional Regulations that we were needing a couple technical changes in the legislation which we have provided for, and we also have set back the implementation date; instead of an immediate effective date, have made it effective July 1 of next year.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. Page 7, Senate Bill -- I'm sorry, House Bill 1-7-6-2. Senator Madigan seeks leave of the Body to return House Bill 1762 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. House Bills 2nd Reading is House Bill 1-7-6-2, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Kelly.

PRESIDING OFFICER: (SENATOR DEMUZIO)

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. I'm ready this time. Senate -- this amendment would retain the contents of the original bill. The -- it would add a provision which provides for a -- which would prevent a loss of a salary for a teacher who is subpoenaed to testify in court only on school-related matters. That's all the amendment does, and I would appreciate your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly has moved the adoption of House Amendment No. 1 to House Bill -- moving the adoption of Amendment No. 1 to House Bill 1762. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. Page 32. On the Order -- Senator Brookins seeks leave of the Body to return House Bill 1784 from Consideration Postponed to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of -- of House Bills 2nd Reading is House Bill 1-7-8-4, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 3 offered by Senator Brookins.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. The purpose of this amendment is to provide for the establishment of a mechanism to make sure the bond's available in those situations where contracts for which bonds is necessary will have substantially positive impact on the

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

economy. This amendment was suggested by the Department of Insurance which estimate the cost to be -- implement to be minimum, and I have also talked with Senator Schuneman and my commitment of that of the House Sponsor will not concur so the -- it will go into a conference committee where his concerns will be worked out.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Schuneman.

SENATOR SCHAFFER:

Thank you, Mr. President. I think that perhaps we should have a little more discussion of this at this time, because if and when this comes back on a conference committee report, sometimes there's not adequate time to talk about it, but Senator Brookins is trying to establish a mechanism of providing surety bonds for contractors - small contractors who basically want to get State and public work. And I -- I have no problem with that, but I do have a problem with the way the language is drawn. For example, it does not define what a small contractor or small business is. So we need to be careful about that. It doesn't define the amount of the bond that could be issued by this mechanism, and we need to address that. Neither does it define -- the bill provides that any losses that may accrue as a result of this would be borne by the insurance companies who are authorized to write bonds in Illinois, and I think we need to define what kind of losses they should be expected to incur. Senator Brookins has agreed, and I've agreed with him, that -- that we should put this amendment on as it is now, and I've agreed to support him in passing it out of here, because he's given me his commitment that this will go to conference. We'll try to work out some kind of reasonable plan that we can all agree on, and see if we can pass it. So with that understanding, I'm in support of his amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Senator Brookins has moved the adoption of Amendment No. 3. Further discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 3 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The bill will then go back to the Order of Consideration Postponed. 2389. Page 8. Senator Jacobs seeks leave of the Body to return House Bill 2389 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 2389, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Jacobs.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Floor Amendment No. 1 to 2389 is simply a clean-up language for the Workmen's Comp bill. It -- I'll explain it if -- the best I can if anybody was interested. But it is agreed upon by all parties, and I know of no known opposition. I just ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

3rd Reading. Page 8, 2842. Senator Welch. Senator Welch seeks leave of the Body to return House Bill 2842 to the Order of 2nd Reading for the purpose of Tabling an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 2842, Madam Secretary. Senator Welch, which one are you -- are we Tabling here? Which amendment? Senator Welch.

SENATOR WELCH:

We're moving to Table Amendment No. 2 that Senator Jacobs put on the bill yesterday.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Welch, having voted on the prevailing side, moves to reconsider the vote by which Amendment No. 2 was adopted. Is there discussion? Those in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 2 is now reconsidered. Senator Welch now moves to Table Amendment No. 2. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 2 is Tabled. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. 3-0-9-0. Senator Watson seeks leave of the Body to return House Bill 3090 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 3090, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 4 offered by Senator Watson.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. Under current law, a county or a

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

municipality may enter into a contract with a school board, a hospital, or a shopping center or apartment complex to regulate the traffic flow in that particular area. What we're trying to do here is simply add churches, also, to that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson has moved the adoption of Amendment No. 4. Is there discussion? If not, those in favor will indicate -- Senator Collins. Apparently -- Senator Collins.

SENATOR COLLINS:

I'm sorry, Senator. Would you -- would you just repeat your explanation again? What you did.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

This amendment addresses a concern in my -- my district - Vandalia. What the amendment does is that currently a municipality or a county may enter into a contract with a school board, a hospital, shopping center, apartment complex for regulation of traffic in those -- in parking areas. All we're doing is adding churches to that list of -- of entities that can be entered into a contract. It's permissive.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson has moved the adoption of No. 4. Senator Hawkinson.

SENATOR HAWKINSON:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Hawkinson.

SENATOR HAWKINSON:

Senator, is it -- I know it's permissive with the municipality that they may enter these contracts, but does this require a church to do anything? This does not allow regulation

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

of church parking lots, does it, unless the church agrees?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. 3136. Senator Watson seeks leave of the Body to return House Bill 3136 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 3136, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 5 offered by Senator Luft.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Amendment No. 5 is offered with the blessing of the Senate sponsor and the House sponsor of the bill. What I've simply done is incorporate a bill that we passed out of here on the Agreed Bill List which created the Tri-County River Valley Development Authority Act. This is similar to SWMPC and the Upper River Valley Development Act and the one that Rock Island area has, and I would try to answer any question. Otherwise move for the adoption of Amendment No. 5.

PRESIDING OFFICER: (SENATOR DEMUZIO)

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Senator Luft has moved the adoption of Amendment No. 5. Is there discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 5 is adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 6 offered by Senators Thomas Dunn and Watson.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Thomas Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. This adds a TIF district to the Southwestern Illinois Authority of Senator Watson. It makes the Director of DCCA an ex officio member of the Will-Kankakee board and deletes IDA. I ask for a favorable...

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SECRETARY HAWKER:

Amendment No. 7 -- pardon me. No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

No further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. 3161. Senator Hawkinson seeks leave of the Body to return House Bill 3161 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 3161, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senators Hawkinson and Barkhausen.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. This is the amendment that I explained yesterday that adds the three Senate bills - two of which were on the Agreed Bill List. One - the use immunity one - passed forty-seven to two. Senator Dunn had a question about the language of the bills regarding forfeiture. A few minutes ago, he amended a bill of his that was on 2nd Reading on this subject matter. I have agreed that this bill also will go to conference, and the parties, including the State police, will try and reach some agreement on the issue of forfeiture, and I would ask for the adoption of Amendment No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. 3197. Senator Savickas seeks leave of the Body to return House Bill 3197 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. House Bills 2nd Reading is House Bill 3197, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 8 offered by Senator Savickas.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Yes. We had a little problem coordinating Senator DeAngelis' amendment and mine that dealt with the monies for Rosemont and the

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

library system. So to satisfy that concern, we want to withdraw, or move to reconsider the vote by which those two amendments were adopted. There is an amendment there on the Desk that would straighten out at least the agreement on the monies on that portion of the bill, and I understand there's one other amendment that someone is offering, too, so...

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator Savickas, could you identify for us the two amendments that you wish to reconsider?

SENATOR SAVICKAS:

I believe it's -- my amendment was No. -- No. 5 and, I think, Senator DeAngelis' was No. 6 -- or 4 and 6.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, let me make a suggestion. Why don't we take it out of the record for just a moment. Oh, 5 and 6? Okay. They've just -- just -- just a moment. Senators, are 5 and 6 now -- 5 and 6? Senator Savickas.

SENATOR SAVICKAS:

So I would move at this time to reconsider the vote by which Amendments 5 and 6 were adopted.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas has moved -- having voted on the prevailing side, moves to reconsider the vote by which Amendments 5 and 6 were adopted. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendments 5 and 6 have now been reconsidered. Senator Savickas now moves to Table Amendments 5 and 6. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendments 5 and 6 are Tabled. Further amendments?

SECRETARY HAWKER:

Amendment No. 8 offered by Senators Savickas and DeAngelis.

PRESIDING OFFICER: (SENATOR DEMUZIO)

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Senator Savickas.

SENATOR SAVICKAS:

Yes. This amendment hopefully, at least, solves that problem on the distribution of the monies, and it's in agreement with Senator DeAngelis on his concern, and I would move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there discussion? Senator Savickas has moved the adoption of Amendment No. 8. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 8 is adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 9 offered by Senators Luft and Savickas.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Amendment No. 9 allows for the use of civic center bond dollars for maintenance on civic centers.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft has moved the adoption of House -- I'm sorry, of Amendment No. 9. Is there discussion? Senator Keats.

SENATOR KEATS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Keats.

SENATOR KEATS:

We're using bond funds for day-to-day maintenance. Now, when we okayed that in McCormick Place that was a blood-bath battle, and there were some technical things involved. We're now saying for civic centers anywhere we're going to bond day-to-day maintenance costs?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

SENATOR LUFT:

I was approached, as Senator Savickas was, earlier on today by Representative Leitch, and asked to put this amendment on. So, in fact, what you state is correct - that bond money could be used for maintenance, which is now prohibited. Bond monies, at this point, can only be used for new construction.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? If not, Senator -- Senator Luft has moved the adoption of Amendment No. 9. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 9 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. 3325. On the Order -- Senator Maitland seeks leave of the Body to return House Bill 3325 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 3325, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Jerome Joyce.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR J.J. JOYCE:

Yes. Mr. President, awaiting further negotiations from the Governor's Office, I'm going to withdraw the amendment, unless we have leave to come back to it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well. Senator Maitland, we certainly have leave to come back to it, but I would point out, we probably have another hour and a half work to...

SENATOR MAITLAND:

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

...As I always do, I will accede to Senator Joyce's request.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Which was -- which was -- which was what? Senator Joyce.

SENATOR J.J. JOYCE:

My request is I hope the Governor's Office is listening, and they realize what day it is and what time it is, too.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, the Chair certainly understands it. Senator Maitland, do you understand this? Senator Maitland.

SENATOR MAITLAND:

Only to say that I was given the amendment, and I thought we had an agreement, and I assume now perhaps we don't have an agreement.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Can I -- why don't we just take this out of the record for the time being, and with leave, we'll come back to it at the end of the -- wherever we are at the end. All right. Take it out of the record. 3326. Senator Keats seeks leave of the Body to return House Bill 3326 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 3326, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Keats.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. Let me just quickly read the paragraph so we have the legislative intent to put the amendment on. 3326 deals technically with nuclear engineers. This amendment is a product of an agreement among the Department of Nuclear Safety, the Governor's Office and the nuclear power industry. It creates a two-year pilot program of State resident

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

engineers for Illinois nuclear power plants, and calls for a formal evaluation of the program prior to its termination. I know of no opposition.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

I -- I got to -- you know, I got to read this stuff in, you know. For purposes of legislative history, I would note that the so-called resident engineers provided for in the amendment -- I would note that the so-called resident engineers provided for in the amendment perform inspectional functions. They do not perform tasks within the scope of the Illinois Professional Engineers' Act. The term "resident engineers" is therefore perhaps a bit misleading. However, it is the title used for State inspectors by the Federal Government. With that legislative history expressed, I move the adoption of the amendment, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

You have to do that on 3rd Reading, too? Senator Keats has moved the adoption of Amendment No. 1. Is there further discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. 3337. Senator Marovitz seeks leave of the Body to return to House Bill 3337 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 3337, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Marovitz.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. Amendment No. 1 deals with guns and children, and no -- wrong amendment, I'm sorry. Amendment No. 1 makes certain exemptions from the Act. It requires State Agencies to inform contractors of applicability of the Act. It changes provisions regarding human rights. It represents a compromise between the Comptroller's Office, IRMA and the Chamber of Commerce, supported by the United Transport Unit, the -- IRMA, the Illinois Retail Merchants Association, the Chicago Chamber of Commerce and Industry, Association Employees of Illinois, the Illinois Education Association. It exempts six categories from the list - the WIC Vendor Management Act, Medicaid contracts with pharmacies, sales tax collections, Superfund, real property, solid waste, and I would just solicit your Aye vote. I know of no opponents to the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Madigan.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President and Members of the Senate. Amendment No. 2 to House Bill 3337 amends the bill to -- in two sections. The first Section would state that the term "grantee" does not include a common carrier that is subject to a federally mandated

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

drug testing program. And in Section 2 by inserting at the end of subsection (g) the following: "The term 'contractor' does not include a common carrier that is subject to a federally mandated drug testing program." This is brought to me at the request of an Association of Common Carriers who are already subject to a stringent federally mandated drug testing program, and they ask that they not be subject to this since they are already underneath the federal mandate on drug testing. I would ask for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there discussion? Senator Marovitz.

SENATOR MAROVITZ:

Question of the sponsor -- are all...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Marovitz.

SENATOR MAROVITZ:

I'm sorry. Are all common carriers -- are all common carriers behind this amendment?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Madigan.

SENATOR MADIGAN:

I can't speak to that statement. I can only speak to the statement of the common carriers that I've talked to or that have come to me. None of those common carriers are in opposition to this amendment. This was brought to me by the -- amendment was brought to me by the Railroad Association.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

That -- that really is the case. That's very -- that's very true. This is a railroad amendment, and I think everybody ought to be aware this is a railroad amendment. The railroads are a

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

very sensitive industry for safety purposes, and as a consequence to that sensitivity, they should not be exempted from the provisions of a law creating a drug-free workplace. I mean, can you imagine passing a law for a drug-free workplace and exempting railroads? The United States Supreme Court has held the railroads and railway employees are subject to much more stringent standards than contained even in this drug-free workplace legislation. To exempt railroads would be exempting an industry that really should be subject to the highest safety requirement, the highest standard and should be the individuals who are most concerned with making sure that they have a drug-free workplace. I can't imagine going home and being able to explain to your constituents how you passed legislation for a drug-free workplace, but we exempted railroads. Try and explain that one. And I'm against this amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Well, Mr. President and Members, to -- to answer Senator Marovitz's remarks on -- on this particular amendment, I think clearly the way we explain it is to make a point - unless I'm missing something either with regard to -- to this legislation or to the application of federal law to the operation of railroads - the way we explain it is simply that federal law already requires much more of railroads than this legislation would, and if the railroads or any other industry is already required to meet a more rigorous standard in terms of drug testing required or the degree of drug-freeness, or drug freedom that is required in the workplace, then -- then why pass duplicative legislation here at the State level? I think really that that's more than an adequate answer.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Marovitz, for a

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

second time.

SENATOR MAROVITZ:

Just to clarify something - that the federal law does not apply to State contracts or grants. Federal law does not apply to State contracts or grants. That's why we need this, and if they're complying with everything on the federal level, why should they be concerned about being under this legislation, unless they have something to hide? I don't see that it's good public policy for the State of Illinois and the Illinois Senate to exempt railroads from a drug-free workplace bill. And that's what this amendment would do, and that's why I'm opposed to it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Madigan may close.

SENATOR MADIGAN:

Well, I -- I think the argument's been actually -- actually the argument for the amendment's been made by the opponent to the amendment, but at any rate, the purpose of this amendment is not to discuss the merits of the bill, but to ensure that if this goes on in other states and continues on in other states, those common carriers that are subject to Federal regulations -- subject to this federally mandated drug program are not then subject to fifty different sets of regulations and attempting to comply with this duplication throughout the United States. And we're only asking that those common carriers that are already subject to a federally mandated drug testing program which is more -- actually more stringent, more strict than this bill, be exempted from the recordkeeping under this provision -- under House Bill 3337. I would again ask for the adoption of the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Madigan has moved the adoption of Amendment No. 2. Those in favor will indicate by saying Aye. Opposed, Nay. Opinion of the Chair, the Ayes have it. Amendment No. 2 is

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

adopted. Further amendments? All right. Senator Marovitz has requested an roll call. Senator Madigan has moved the adoption of Amendment No. 2. Those in favor of the adoption of Amendment No. 2 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 44, the Nays are 7, 1 voting Present, and I thought I heard it right. Amendment No. 2 is adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 3 offered by Senator Marovitz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, Mr. President. Amendment No. 3 to House Bill 3337 creates the crime of drug-induced infliction of great bodily harm, increases penalties for money laundering based on the amount of money that is laundered, and increases penalties for delivery of drugs to a pregnant woman, and I would ask for adoption of Amendment No. 3.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz has moved the adoption of Amendment No. 3. Is there discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 3 is adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 4 offered by Senators Dudycz and Philip.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. Amendment No. 4 strengthens the Drug-Free Workplace Act. Let me read to you the key parts of it - I think it's important enough to read - "Establish a drug testing

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

program for employees which requires the grantee or contractor to annually submit to the Comptroller of the State of Illinois a certified or sworn statement that the " purse -- that the "employees who are working under a State grant, contract, or otherwise are covered by this Act have submitted to a certified drug screening program and have been declared to be free of any evidence of the use of drugs." It goes on to read, Mr. President, "If this program finds that an employee is not free from the use of drugs, the employee shall undergo and satisfactorily complete treatment as recommended by a drug abuse assistance or rehabilitation program that is approved by the Illinois Department of Alcohol and Substance Abuse." And this paragraph does not apply - I stress it does not apply - to drugs that have been prescribed by a licensed physician or other health care professional. In a nutshell, that's what it does.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator Dudycz, "in a nutshell" means you're moving to adopt this amendment...?

SENATOR DUDYCYZ:

...I move we adopt the amendment. And I'd like....

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator Dudycz has moved to adopt No. -- Amendment No. 4. Is there discussion? Senator Marovitz.

SENATOR MAROVITZ:

Is this a "merely" amendment?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

No. No. Does this amendment call for mandatory drug testing or mandatory drug screening?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

SENATOR DUDYCYZ:

Senator Marovitz, it's not a "merely" amendment, but it is just as germane and just as important as Amendment No. 3. It only requires if the employer or the contractor wishes, desires to -- to have State business.

PRESIDING OFFICER: (SENATOR DEMUZIO)

I'm sorry. Senator Marovitz.

SENATOR MAROVITZ:

What we're saying is that anybody who wants to get a contract or grant from the State of Illinois in order to certify that, in fact, they have a drug-free workplace, would have to screen or test all of their employees. I mean, except for railroads. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCYZ:

Senator Marovitz, only those who are under the auspices of -- of a State grant or under a State agency -- State contract, excuse me.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Oh, that's -- just wanted to understand what it was.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Luft.

SENATOR LUFT:

A question of the sponsor, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Luft.

SENATOR LUFT:

Will this include all schools which receive grants from the State of Illinois?

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDY CZ:

Staff tells me only universities.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

So in other words, before any university in the State of Illinois - and I'm talking both public and private which receive State grants - all universities will have to have a drug-free program and certify that every student on the campus, and every university professor, and every janitor, and every employee of the university is drug free.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDY CZ:

Senator Luft, only an employee, not the students, and those only that are working under the auspices of a State grant or a contract.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Jerome Joyce.

SENATOR J.J. JOYCE:

Yes. Thank you. A question of the sponsor. If I'm a highway contractor, I got the bid to do Route 55, and I hire people out of the labor hall for the laborers on that one. I call the labor hall in the morning and say I need fifty people to come out here and work on the highway. I have to make sure that all fifty -- I am responsible then, as the prime contractor, that all fifty of those people are drug free?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDY CZ:

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Under the Act, Senator, employee means an employee of a grantee or contractor directly engaged in the specific performance of work pursuant to the provisions of a grant or contract with the State.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR J.J. JOYCE:

Is that yes?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCYZ:

I think -- I think, Senator Joyce, you should direct that question to the author of the Act - Senator Marovitz. I'm sure that he would be able to answer that one in a lot more elaborate detail.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well. Senator Joyce.

SENATOR J.J. JOYCE:

I'd like to know if this guy has to certify that those fifty people that came from the union hall that morning are drug free. How's he going to do that? Is he going to have the little vial out there, and, you know, do the testing?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCYZ:

Yeah. This doesn't -- this doesn't change anything, Senator Joyce. This goes according with Senator Marovitz's guidelines under his Act -- his definitions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further -- further discussion? Senator Philip.

SENATOR PHILIP:

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

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Senate, and I hope everybody understands this. I want to commend Senator Dudycz. This simply -- this amendment simply says this: if five percent of your employees fail the test, if an employee who fails the test does not go in for some kind of rehab the first time, there's no penalty whatsoever. The second time -- the second time, the contractor is suspended for one year. The third time, you're suspended for five years. Now you want these looney-tuney people driving trucks under drugs? I don't. I think it's a reasonable thing. The first time, there's no penalty at all. Nothing at all. They're slapped on the hand. The second time it's a one-year suspension. The third time it's a five-year. I don't see anything wrong with that. We want a drug-free country, a drug-free place to work. We're entitled to that, and we ought to be tough on these drugees.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz, for what purpose do you arise?

SENATOR MAROVITZ:

Just a point of information relative to that. I just want to correct something, so there's no misunderstanding. We took the truckers out of this bill, so they don't have to do this. I just don't want any misconceptions. They're out of the bill, so a trucker doesn't have to do this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

I'm sorry. Senator Philip.

SENATOR PHILIP:

Thank you, Mr... Well, why in the world did we take them out? You -- you got schoolteachers in them, Senator. You got -- why don't you put legislators in it, Senator? I'll vote for that. I -- I mean, I can't believe you've taken truck drivers out. Is there something pure about truck drivers? Is there something special about truck drivers? I don't know that. You're going to pick on teachers and let truck drivers walk, huh? Bad idea.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Yeah. Thank you -- thank you, Mr. President. I would like to ask the sponsor if the cost of doing this drug test is a tax.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCYZ:

Senator DeAngelis, it's a tuition.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Dudycz, do you wish to close? Senator Dudycz.

SENATOR DUDYCYZ:

Just briefly -- just briefly, Mr. President. If we're serious about creating the Drug-Free Workplace Act, let's put some teeth in it, and I ask for your favorable support to this amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz has moved the adoption of Amendment No. 4. Those in favor will indicate by saying Aye. Opposed, Nay. Opinion of the Chair, the Nays have it. Senator Dudycz has requested a roll call. Senator Dudycz has moved the adoption of Amendment No. 4. 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 37, the Nays are 5, none voting Present. Amendment No. 4 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. Senator Macdonald seeks leave -- is Senator Macdonald on the Floor? Well, let's -- leave to come back in a -- in a couple of minutes, she's... 3386. Senator Savickas seeks

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

leave of the Body to return House Bill 3386 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 3386, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Savickas.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Yes. Mr. President and Members of the Senate, Amendment No. 1 is a amendment that addresses some of the concerns on the anti-solicitation of real estate. It does eight -- eight things. Some that are already incorporated in law, and some that are new. The first, it deletes the anti-solicitation provisions from Chapter 38, which I think is the criminal chapter, and instead incorporates the Anti-solicitation Law into the Real Estate Brokers License Law. The second -- it provides that the Department of Professional Regulations must receive, file and index all notice and lists of persons who wish not to be solicited to list or sell residential property. Third, the Department would compile such a list once every six months and make the list available to the public, and all licensed real estate brokers and agents with a business address in Cook or one of the collar counties. Fourth, the method of providing notice is the same as current law - stressed again is current law - by an individual signing a notice or by the completion of a list of names -- I mean, and addresses of persons who wish not to be solicited. The fifth -- it prohibits a real estate broker from soliciting any owner of property in Cook County to sell or list a property after the licensee has received notice that the owner does not wish to list or sell the property. The licensee is deemed to have received valid notice from the owner thirty-five days after the

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Department has made the list available to the brokers. Sixth, it adds a definition of solicitation which would prohibit communication with an owner for the purposes of attaining a sale or listing of the owner's residence. However, soliciting does not include a broker advertising by general print or broadcast medium. And I think this addresses one of the concerns that the real estate industry had in -- where they had -- one of their members had a mailing, and it was viewed as soliciting. Seventh, for the first offense, the Department shall issue a cease and desist order against the broker, and a business fine of at least one thousand dollars. Second and subsequent violations shall result in a revocation of the license and a fine of at least a thousand. The eighth item, which is an item of real contention with the real estate brokers and which we hope to have had resolved by drafting an amendment - which hasn't come up yet - that would create a Real Estate Solicitation Violations Committee to hear alleged violations of the anti-solicitation provisions of the law. The committee would consist of three licensees and three public members appointed by the Director. The amendment that we wished to have replaced this portion of the bill would have eliminated the Real Estate Solicitation Violations Committee and just put it under the DPR's Disciplinary Board, composed of three licensees, three public members, none of whom are related to or employed by a licensee, and DPR Director is the tie-breaking vote. This is the basic structure of the amendment to remove it from the Criminal Code, or remove most of it from the Criminal Code and make it more applicable, and I would solicit your support for the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. -- thank you, Mr. President. As the sponsor suggested, this is a very big bill. It's an entirely new bill.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

It's entirely new policy, for the most part. It has - as he said - eight or more parts to it, and I haven't even had a -- and it is controversial, and I wonder if this amendment has been distributed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Jones. I'm sorry. Senator -- that was a question? Sorry. Senator Savickas.

SENATOR KARPIEL:

...amendment -- has it been distributed...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Oh, I'm sorry...

SENATOR SAVICKAS:

Well, it's been on the Calendar...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

It's been -- the amendment's been filed for what -- a week now. I imagine the Secretary's Office has distributed it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well. Senator Karpriel.

SENATOR KARPIEL:

I wonder if we could take this out of the record till we've all had a chance to see this very large amendment, and I'd like to have it distributed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas, for my own edification what -- how -- how thick is this amendment? Senator Savickas.

SENATOR SAVICKAS:

It's -- should be available...

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. With leave of the Body -- with leave of the Body, we will take it out of the record, and we will come back to it.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Leave is granted. 3412. Senator Berman seeks leave of the Body to return House Bill 3412 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 3412, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Berman.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you. Yesterday, if you recall, we got into a debate regarding a authorization for an increase in salaries for court reporters. That was a stated amount, and that amendment failed. At the suggestion of Senator Keats, who opposed yesterday's amendment, we've worked out this amendment that provides the same exact terms of court reporter authorizations as we have provided in the revised Compensation Review Board Report. In other words, the Federal Index with a cap of five percent, effective July 1 of 1991. Move the adoption of Amendment No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman has moved the adoption of Amendment No. 2. Is there discussion? Senator Geo-Karis. All right. Further discussion? Senator Berman has moved the adoption of Amendment No. 2. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. House Bill 3494. Senator Donahue seeks leave of the Body to return House Bill 3494 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

House Bills 2nd Reading is House Bill 3494, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Donahue.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. Madam Secretary, could you give me the last four digits?

SECRETARY HAWKER:

bam02.

SENATOR DONAHUE:

Okay. House Bill No. -- or Amendment No. 1 to House Bill 3494 would split the current classification of a trailer license plate in the B classification. That is now three thousand to eight thousand pounds, and we're creating new -- two new classifications. One from three thousand to five thousand pounds. The other one from five thousand pounds to eight thousand pounds. And the purpose of this is for -- to clarify which trailers are subject to the Department of Transportation's safety inspections. And these trailers must be equipped with breakaway brakes. We've -- the fee right now under the law is forty-four dollars for those trailers under eight thousand pounds. Because of the split, they'll be forty-four pounds and forty-two -- forty-four dollars and forty-two dollars respectively, and I would move for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Donahue.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. Again, I would -- is it am03? Amendment No. 2 is offered at the request of the Illinois State Police, and it would require school bus driver's permit applicants to submit to a criminal background check, including fingerprints. This would apply to only cities with a population of five hundred thousand or more, and the applicant would pay the fee for the background check. I would move for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SECRETARY HAWKER:

Amendment No. 3 offered by Senator Donahue.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue.

SENATOR DONAHUE:

am04? Thank you. Amendment No. 3 resurrects a part of Senate Bill 2094 which did not get out of the House Rules. It did pass the Senate by a vote of 58 to 0, and it's language that's offered by the Illinois Department of Transportation, and it allows the establishment of business logo signing programs on noninterstate freeways. This is important in the City of Jacksonville, Central Illinois Expressway, U.S. 34 to Galesburg, U.S. 20 to Rockford, 51, and Illinois 336 around Quincy. I would move for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue has moved the adoption of Amendment No. 3. Is there discussion? If not, those in favor will indicate by saying

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Aye. Opposed, Nay. The Ayes have it. Amendment No. 3 is adopted.

Further amendments?

SECRETARY HAWKER:

Amendment No. 4 offered by Senator Donahue.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue.

SENATOR DONAHUE:

Thank you. am01? I would like to withdraw this amendment, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Donahue seeks leave to withdraw. Amendment's withdrawn. Further amendments?

SECRETARY HAWKER:

Amendment No. 4 offered by Senator Donahue.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue.

SENATOR DONAHUE:

Thank you. Amendment No. 4 is requested at the Illinois Department of Conservation, and this adds current law -- makes it illegal to operate a nonregistered watercraft. That's current law, and this language clarifies that those individuals who rent, for instance, canoes, or rowboats, or paddleboats, are also required to register their vessel. Current law states that only rented motorboats must be registered. I would move for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SECRETARY HAWKER:

No further amendments.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. Page 2, 3513. Senator Schaffer seeks leave of the Body to return House Bill 3513 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. House Bills 2nd Reading is House Bill 3513, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Schaffer.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and Members of the Senate, this bill deals with electronic incarceration. It's a technical amendment. It cleans up a couple things on the bill, and it also clarifies that it could be used for bond -- people out on bonds pending trial or appeal.

RESIDING OFFICER: (SENATOR DEMUZIO)

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

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. 3528. Senator Barkhausen seeks leave of the Body to return House Bill 3528 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 3528, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 3 offered by Senators Berman and Severns.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

SENATOR BERMAN:

Thank -- thank you, Ladies and Gentlemen of the Senate, and I want to thank Senator Barkhausen for the courtesy of bringing the bill back. This is a bill that has the amendment that Senator Maitland put on the other day that brought in the bare-bones health insurance coverage for small employers to provide to their employees. What this amendment does is to require that that bare-bones insurance - health insurance - include the provision for low-dose mammography for women thirty-five years of age or older. This is a more restrictive amendment than the one that we put on the Senate bill that passed out of here unanimously, but this was by -- pursuant to discussion with this principal sponsor. This is mammography only. It does not include dependent coverage. I would be glad to respond to any questions, and ask your Aye vote.

PRESIDENT ROCK:

All right. Senator Berman's moved the adoption of Amendment No. 3 to House Bill 3528. Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

A question of the sponsor, please.

PRESIDENT ROCK:

The sponsor indicates he will yield, Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, I think that the -- that the so-called bare-bones proposal, as I understand it, would include mammography exams if ordered by a physician, because most health insurance policies do cover that. Now - voluntarily. The -- the cost impact of this issue comes about when the insurance is required to cover elective mammography, and one of the big criticisms of -- of it is that it then mandates these automatic annual expenses on every policy, and so, I guess, my -- my question to you is, are you mandating that -- that elective mammography would be required.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

Yes.

SENATOR SCHUNEMAN:

And -- and you are aware, of course, that that -- that is a significant cost impact?

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

Only at the time that the exam is taken, but in the long run it will save everybody millions of dollars and terrible heartache, which is priceless.

PRESIDENT ROCK:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

No. That's all right.

PRESIDENT ROCK:

All right. Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. This is an issue, of course, that we debated some weeks ago on the Floor of this Chamber, and -- and the whole purpose of this legislation, of course, is to be able to allow for, or provide for, a no-frills policy which would be covering thousands and thousands and thousands of people that are not now covered by anything. My concern with this amendment - and I understand the purpose of it - but my concern for this is that it dramatically increases the cost of the policy that we're talking about here, and therefore, then, would probably not allow a lot of people who we want to have under the policy for -- or for the program under a very basic program would not then be under it. I -- I just,

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Senator Berman, have to resist the amendment.

PRESIDENT ROCK:

All right. Any further discussion? Senator Berman, to close.

SENATOR BERMAN:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, the opponents to this amendment talk about cost. At this point, we don't know whether there's going to be one employer that's going to undertake this new program or a thousand. We don't know to what extent the usage is going to be. We don't even know the extent of what the quotes are going to be on the insurance. Several weeks ago we had this same debate on a more expensive amendment. That amendment was put on this bill, and the bill, with that amendment, that included low-dose mammography and dependent coverage, passed out of this Body with 58 votes. Not one dissenting vote. Now I support the concept of making health insurance available to as many employees as possible, but I think it's also important for us to restate the policy of the State of Illinois regarding the availability of insurance coverage for low-dose mammography of women thirty-five years of age and over. That's a basic policy. It's a sound investment to prevent terrible tragedies and to cut down on the experience of breast cancer. There is no one that disputes that fact. Now I ask you to support the cause of women; to support the cause of families; to support the cause of a strong public policy against breast cancer. I call for an Aye vote on this amendment.

PRESIDENT ROCK:

All right. Senator Berman has moved the adoption for Amendment No. 3 to House Bill 3528. All in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

PRESIDENT ROCK:

3rd Reading. Page 12 on the Calendar. On the Order of House Bills 3rd Reading is House Bill 3529. Senator Jones seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 3529, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 3 offered by Senator Jones.

PRESIDENT ROCK:

Senator Jones, on Amendment No. 3.

SENATOR JONES:

Yeah. Thank -- thank you, Mr. President and Members of the Senate -- Senate. Amendment No. 3 deletes reference to the providing of three-year loss experience that one has to do in order to not be surcharged for transferring from one company to another, and it also clarifies, rather than lists, the names and addresses that producers must be provided. Clarifies the power to subpoena or arrest for those persons involved with the Illinois Motor Vehicle Theft Council, and it repeals the Motor Vehicle Theft Prevention Act on 1-1-96, and I move its adoption.

END OF TAPE

TAPE 6

PRESIDENT ROCK:

Senator Jones has moved the adoption of Amendment No. 3 to House Bill 3529. Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor?

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

PRESIDENT ROCK:

Indicates he will yield,...

SENATOR SCHUNEMAN:

I think that the amendment does -- if it does what I think it does, it's -- it's fine, but did you remove that last -- that last sentence pertaining to the three-year experience period being required, and make the other change in -- as far as the lists?

PRESIDENT ROCK:

Senator Jones.

SENATOR SCHUNEMAN:

Okay. That -- that's fine. I stand in support of the amendment.

SENATOR JONES:

Yes. Okay.

PRESIDENT ROCK:

All right. Senator Jones has moved the adoption of Amendment No. 3 to House Bill 3529. All in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 4 offered by Senator Jones.

PRESIDENT ROCK:

Senator Jones, on Amendment No. 4.

SENATOR JONES:

Yeah. Amendment No. 4 is a recommendation from the Illinois Department of Public Health, and when we passed the limited Health Service Organization Act, that Act was not supposed to be under the Department of -- Public Health for administration; it should have been the Department of Insurance. And so what this amendment does is take the Department of Public Health out of administration in that Act, and I move its adoption.

PRESIDENT ROCK:

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Senator Jones has moved the adoption of Amendment No. 4 to House Bill 3529. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Also on Page 12 is House Bill 3565. Senator Severns seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 3565, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Severns.

PRESIDENT ROCK:

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. Amendment No. 2 is simply technical and cleanup. I know of no opposition. It was offered by the -- the Department of Public Aid. I would move for its adoption.

PRESIDENT ROCK:

Senator Severns has moved the adoption of Amendment No. 2 to House Bill 3565. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Also on Page 12 is House Bill 3590. Senator Watson seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted?

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Leave is granted. On the Order of House Bills 2nd Reading is House Bill 3590, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 3 offered by Senator Watson.

PRESIDENT ROCK:

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. This is language that's been negotiated between the Department of Alcohol and Substance Abuse, and the Alcohol and Drug Dependency Treatment Groups over the last year to try to resolve a licensing problem, primarily. Those people who -- who actually treat alcohol and substance abuse who are already licensed by the Department of Professional Regulation would not have to be required to be licensed by the Department of Alcohol and Substance Abuse. It's simply clarification language that clears up a problem that's been going on for quite some time, and I know of no opposition.

PRESIDENT ROCK:

All right. Senator Watson's moved the adoption of Amendment No. 3 to House Bill 3590. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Are there further amendments?

SECRETARY HAWKER:

Amendment No. 4 offered by Senator Barkhausen.

PRESIDENT ROCK:

Senator Barkhausen, on Amendment No. 4.

SENATOR BARKHAUSEN:

Mr. President and Members, Amendment No. 4 makes certain technical corrections regarding the -- in the penalty Section of the amendment that we adopted yesterday. I'd be glad to answer your questions, and otherwise would ask for its adoption.

PRESIDENT ROCK:

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Senator Barkhausen's moved the adoption of Amendment No. 4 to House Bill 3590. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Bottom of Page 12, on the Order of House Bills 3rd Reading is House Bill 3613. Senator Severns seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 3613, Madam Secretary.

SECRETARY HAWKER:

Amendment No. -- No. 1 offered by Senator Severns.

PRESIDENT ROCK:

Senator Severns, on Amendment No. 1.

SENATOR SEVERNS:

Thank -- thank you, Mr. President, Members of the Senate. I want to make certain the amendment that I'm reading matches Amendment No. 1 - there, and it's -- the number is LRB8610394.

SECRETARY HAWKER:

Correct.

SENATOR SEVERNS:

Thank you. This -- this amendment simply clarifies intent of the Home Ownership Made Easy Program. It is offered by the Treasurer's Office. It's intent only, and I know of no opposition. I would move for its adoption.

PRESIDENT ROCK:

Senator Severns has moved the adoption of Amendment No. 1 to House Bill 3613. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Severns.

PRESIDENT ROCK:

Senator Severns, on Amendment No. 2.

SENATOR SEVERNS:

I would like that amendment to be withdrawn.

PRESIDENT ROCK:

Lady seeks leave to withdraw Amendment No. 2. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Top of Page 13. We had a late entry. 3-6-3-0. Senator Maitland seeks leave of the Body to return House Bill 3630 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 3630, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 4 offered by Senator Philip.

PRESIDENT ROCK:

Senator Philip.

SENATOR PHILIP:

Yeah. This is a conveyance from the Elmhurst-Chicago Stone Quarry in Warrenville, Illinois. It's okayed by the Department of Transportation. I move the adoption.

PRESIDENT ROCK:

Senator Philip has moved the adoption of Amendment No. 4 to House Bill 3630. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

No further amendments.

PRESIDENT ROCK:

3rd Reading. 3632. Senator Luft seeks leave of the Body to return House Bill 3632, which is found on the Agreed Bill List, Page 21 - so it will obviously be removed - to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 3632, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Luft.

PRESIDENT ROCK:

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Amendment No. 1 is the result of long negotiations between Senator Rigney and -- and DCCA ...(inaudible)... - Freudian slip. It creates the Tri-County Tourism Development Authority, and also the Freeport Tourism Development Authority. I'd ask for the adoption of the amendment.

PRESIDENT ROCK:

Senator Luft's moved the adoption of Amendment No. 1 to House Bill 3632. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 3649. Senator Joyce seeks leave of the Body to return that Bill to the Order of 2nd Reading - that bill is found on Page 13 - to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 3649, Madam Secretary.

SECRETARY HAWKER:

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Amendment No. 2 offered by Senator Jerome Joyce.

PRESIDENT ROCK:

Senator Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. President. This is a clarifying amendment. It clarifies that the money in the Agricultural Incident Response -- the Agrichemical -- excuse me -- Incident Response Fund is used specifically for the provisions of this Act. I'd ask for its adoption.

PRESIDENT ROCK:

Senator Joyce has moved the adoption of Amendment No. 2 to House Bill 3649. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 3656. Senator Zito seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 3656, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 3 offered by Senator Philip.

PRESIDENT ROCK:

Senator Philip, on Amendment No. 3.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. It simply adds two words, "and ordinance." And what it does is require that a municipal -- municipality in the collar counties petitioning for their own stormwater ordinance to have at least a ordinance as strong as the county ordinance. I've talked to Senator Zito; he has no problem with it, so I move the

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

adoption.

PRESIDENT ROCK:

Okay. Senator Philip has moved the adoption of Amendment No. 3 to House Bill 3656. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 3658. Senator Joyce seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 3658, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Weaver.

PRESIDENT ROCK:

Senator Weaver, on Amendment No. 1.

SENATOR WEAVER:

Thank you, Mr. President. This would include coverage through a physician-owned HMO organization. I'd move adoption.

PRESIDENT ROCK:

All right. Senator Weaver has moved the adoption of Amendment No. 1 to House Bill 3658. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 3675. Senator Rea seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 3675. Senator Rea. Senator

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Rea.

SENATOR REA:

Thank you, Mr. President. I would move to Table Amendments 2 and 3.

PRESIDENT ROCK:

All right. Senator Rea, having voted on the prevailing side, is moving to reconsider Amendments 2 and 3 to House Bill 3675 for the purpose of Tabling. All in favor of the Motion to Reconsider, indicate by saying Aye. All opposed. The Ayes have it. The vote's reconsidered. Senator Rea now moves to Table Amendments 2 and 3 to House Bill 3675. Discussion? If not, all in favor of the Motion to Table, indicate by saying Aye. All opposed. The Ayes have it. Amendments 2 and 3 are Tabled. Further amendments, Madam Secretary?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 3722. Senator Topinka seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 3722, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Topinka.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate, what this amendment does is it shortens the turnaround time for the Department of Children and Family Services to place children, you know, into their proper setting.

PRESIDENT ROCK:

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

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

House Bill 3722. Discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, Senator Topinka, it's my understanding this is about a fifty-page amendment. Our staff has no idea what is in it. Perhaps you could speak a little more clearly and more -- little more forcefully and explain to us what we are doing here.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Yes. This was one of the Governor's initiatives that he -- that we have been awaiting it, and it's finally come to us. And basically what this does -- it's legislation modeled after California Statutes, which have been in effect since 1982 and working rather well there. It sets time frames for proceedings subsequent to a child being taken into protective custody with a goal of providing a permanent plan for the child. Right now, a child can float around between their regular parents, adoptive parents, or foster homes for between three and five years. And as a result, you've got this child in limbo. What we are seeking to do is to make sure that this turns around in eighteen months. And I think it's a very helpful type way, because it gets the child established into a home setting without moving them all over the map and -- and keeping them in a constant state of flux.

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

Well, I don't want - unless I have to - to make the request that this amendment be passed out. Do -- why don't you just withdraw this amendment, go to conference with this; afford our staff the opportunity to look at this amendment. If it is as good as you indicate that it is, it will come back here for concurrence. Why don't you just take it out of the record? It

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

already has an amendment on it.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

It was distributed, and I know, because I've spoken to your health staffer; we've been comparing notes on it. So I know this isn't coming totally in a void. I would appreciate it if we could put the amendment on, and then tomorrow, you know, if you really don't like it, you can always vote against it.

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

Well, again, you know, Senator Marovitz - I don't know if Senator Marovitz has looked at this amendment. This deals with children, and I have no idea whose jurisdiction that this amendment falls under. It's some fifty pages at length. It just seems to me to be more reasonable, and certainly more practical, if we just go to conference with this; afford the staffs the opportunity to look at it; let the appropriate committee chairmen go through it to determine whether or not it is as good as you indicate, and if it's that good, why then it shouldn't have any difficulty on concurrence. So, it just seems to me that - I don't know why we're haggling at this hour - if -- we don't even know what we're quarreling about at the moment, because of the fact that it's so -- so lengthy. Why -- why don't you just acquiesce to this request, and let's get it done?

PRESIDENT ROCK:

Further -- Senator Topinka, we have a number of additional lights on. Senator Topinka.

SENATOR TOPINKA:

Okay. If I have my choice though - I mean obviously that's a possibility - but again, within twenty-four hours, and with our

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

good staff people working on this and the process has started - in fact, Senator Jones is a joint sponsor with me on this - I think in terms of just trying to clean the schedule out as much as we can and simplify life, I would still like to have it as an amendment, and then, you know, you can look at it tomorrow; if you don't like it, kill it.

PRESIDENT ROCK:

Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, being the spokesman of the committee other than Senator Topinka's Public Health Committee, to which this measure might have gone, I've had a chance to talk both to Director Johnson and the -- and the liaisons for the Department of Children and Family Services. And I believe, seriously, that this is an emergency measure that we ought to be doing it now, and certainly if we'd look at all the other bills that are on -- have been on the Recall List, or that have been amended here at the eleventh hour, it certainly is not without precedent to be considering something of fairly major magnitude at this juncture. And I would, along with Senator Topinka, like to urge for -- like to urge the adoption of the amendment.

PRESIDENT ROCK:

Further discussion? Senator Collins.

SENATOR COLLINS:

Well. Senator Topinka, I -- I would just like for you to take time and tell us what is in the amendment, because I have not seen it, and you went through it -- your explanation -- pretty briefly there, but if it is very important - and children is my business - and I would just like to know what's in it.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Yes. In response, basically the language allows no more than eighteen months to pass before a final decision is made by the State in terms of returning the child home, or to a long-term foster care situation, or to adoption. Right now, Illinois law allows for this decision to take between three to five years and sometimes longer. And, I mean, you can have a child almost become a teenager or better. You know, you're just about reaching adulthood before your family situation is straightened out. That's very disruptive, and -- and hurts the child, when we're trying to help. And -- children is all of our business. I -- I mean -- I appreciate your comments, and I appreciate your interest, but I think this is good for that reason.

PRESIDENT ROCK:

Senator Collins.

SENATOR COLLINS:

But, Senator Topinka, the long-term foster care arrangements may be necessary in some cases, and I don't have any problems with that portion. But the part that you said - eighteen months for adoption, that gives me some very serious concerns. And I -- I am, you know, I sympathize with the problem that the Department is having right now, but given the fact that many people and many families are strung out on drugs, which is an illness which really cannot be dealt with sometimes within an eighteen-month period. If the people are really trying to get their lives back in order, it may take more than eighteen months, and you haven't talked about exceptions in that kind of case. Long-term foster care arrangements may be necessary for that family who's trying to get their lives back in order. But to -- just to say you're going to take someone's kids permanently in eighteen months - that's not right.

PRESIDENT ROCK:

Senator Topinka.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

SENATOR TOPINKA:

There are provisions that for families that are trying, and in the case of those who are taking drugs and trying to rehabilitate, the Department, indeed, does have that latitude to be able to help them along and go a little bit longer. But where a decision has to be made, and the Department feels it has to be made with some immediacy, this provides them with the tools to do it.

PRESIDENT ROCK:

Further discussion? Senator Welch.

SENATOR WELCH:

Question of the sponsor.

PRESIDENT ROCK:

Sponsor indicates she will yield, Senator Welch.

SENATOR WELCH:

Senator Topinka, many of the foster parents that I've seen in my county -- their complaint is that they can't -- they cannot either get the State's Attorney into court; they can't get the natural parents into court, or when they do get to court, they can't get their appeal processed. Does this bill affect that all?

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Yes it would. It would make them. I mean, this says eighteen months, and they have to be there.

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Is this going to provide any priority upon the State's Attorney to put these cases first, and is it going to provide any money to the State's Attorney to expedite these cases with additional staff or courts with additional judges?

PRESIDENT ROCK:

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Senator Topinka.

SENATOR TOPINKA:

It would probably prioritize these cases. It should not cost any more, because these cases are already in the system - just move them up on the docket. I mean, they've got a deadline. And I think this is something probably judicially we're all seeking, is -- is getting to a deadline instead of dragging these things out, especially while a child is growing, developing, changing.

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Well, I think it sounds like a good idea. I've been trying to get the Department to do something for the last eight years to expedite these cases where the parents -- we don't know if the foster parents are going to be able to adopt the children or not, and they're stuck, not knowing if they have a family or not, sometimes for five and six and seven years. So I think this is a good idea.

PRESIDENT ROCK:

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Question, Senator Topinka. Inasmuch as you're saying that the State's Attorneys of the counties involved will represent the people of the State of Illinois under the Act, and have sole - and I -- emphasize the word sole - authority to commence and prosecute the petitions, what happens to the public guardians, at least in -- in Cook County, who I know are doing an excellent job in this regard?

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

The duties of the public guardian are outlined in this bill as

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

well. So they are taken into consideration.

SENATOR MAROVITZ:

Well -- well...

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

That's all well and good. But the -- but on Page 5, line 5, you give sole authority to the State's Attorney, which means you take away all authority from the public guardian. I wonder why you're doing that, and I -- I would recommend that you remove that. I don't know why you need that.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

The public guardian apparently has just now started one case, as far as I've -- I'm hearing from my expert here. And as a result, this would keep the State's Attorney in -- in control of this situation, as it should be as -- as our main prosecutorial person in the county.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

I don't want to get in a prolonged dialogue with this, but let me just say this: if we check with the public guardian of Cook County, who I know does a very good job in this regard, and he would prefer you take this out so that you're not abrogating their authority. Would you take this language out - this "sole authority" language out?

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

The public guardian has been working through the State's

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Attorney now, so I don't see how this removes him from the case, or removes him from participating in the case and leading up to a timely decision.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Well, if -- if -- if what you're saying is the case, which I don't believe, I -- I think it's different. I'm not saying that you -- but I -- I know that the public guardian, at least in Cook County - I can't speak for any other county - do get involved in these cases. If you're saying that they don't, then why do you need this language in the first place?

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Would not preclude his involvement.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

And I'll -- I'll -- I'll stop after this, but let me just say this. This does preclude his involvement. If your advisor is sitting there telling you it doesn't, he is incorrect, because this language says that the State's Attorney has sole authority - sole authority - to commence and to prosecute all petitions and supplemental petitions. I don't know -- by doing that, you take away all authority from the public guardian.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Does not preclude his involvement, but it does indeed have the State's Attorney prosecute.

PRESIDENT ROCK:

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. I happen to serve on the advisory committee of -- of the Aurora DCFS, and frankly, I think this is an excellent idea. We have got kids that have been in limbo for years, just because of the fact that -- that the foster parents have taken some of these kids in with the idea that maybe there might be a day that they could adopt them, and these kids are just in limbo until such time as that four-, five-, six-year period ends. And as far as the public guardian is concerned, I realize that in Cook County they've got Mr. Murphy, but frankly, in the other counties, what they do is they appoint an attorney, usually that's sitting there in the courtroom, ask them to be the guardian ad litem, he sort of takes care of it, but the -- the State's Attorney is really the one that is there all the time watching out really what happens to the kids, and I think this is an excellent idea. I think we ought to do it. I think it -- it sounds like it's a solution to a problem that's been around way too long, and I would solicit an Aye vote.

PRESIDENT ROCK:

Further discussion? Is there further discussion? Senator Topinka, you wish to close?

SENATOR TOPINKA:

Well, I -- I think we've discussed exactly what it does, and it basically puts kids into a permanent setting, which now is a process that can run from three to five or better years. Hey, it's pro-children, and I think it's something we should have been doing for a long time. I would ask that this be adopted.

PRESIDENT ROCK:

Senator Topinka has moved the adoption of Amendment No. 2 to House Bill 3722. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 3777. Senator Newhouse seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 3777, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senators Newhouse and Smith.

PRESIDENT ROCK:

Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. Mr. President, I move to Table Amendment No. 1, because it's technically incorrect, and I move to introduce Amendment No. 2.

PRESIDENT ROCK:

All right. Senator Newhouse, having voted on the prevailing side is moving to reconsider the vote by which Amendment No. 1 to House Bill 3777 was adopted. All in favor of the Motion to Reconsider, indicate by -- I'm sorry -- Senator DeAngelis.

SENATOR DeANGELIS:

Can I ask him why he is withdrawing that -- wants to reconsider that?

PRESIDENT ROCK:

He said it was technically incorrect. Senator Newhouse.

SENATOR NEWHOUSE:

The bill is technically incorrect. I will introduce Amendment No. 2, which contains the proper form.

PRESIDENT ROCK:

Senator DeAngelis.

SENATOR DeANGELIS:

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Well, Amendment No. 2 is quite different than Amendment No. 1, and if it was a matter -- if it was just a matter of a technical correction, if the technicality is that you wanted to destroy the first amendment, then it is a technical amendment. But I got to tell you, No. 2 looks nothing like No. 1, and I frankly like No. 1, and I would like for No. 1 to stay on, if your intent is to put on No. 2.

PRESIDENT ROCK:

All right. Senator Newhouse is moving to reconsider the vote by which Amendment No. 1 to House Bill 3777 was adopted. All in favor of the Motion to Reconsider, indicate by saying Aye. All opposed. The Ayes have it. The vote's reconsidered. Senator Newhouse now moves to Table Amendment No. 1 to House Bill 3777. All in favor of the Motion to Table, indicate by saying Aye. All opposed. The Ayes have it. Amendment No. 1 is Tabled. Further amendments?

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Newhouse.

PRESIDENT ROCK:

Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. Amendment No. 2 contains much of the same language as No. 1, but it would create a task force appointed by the four leaders to review and examine the findings and recommendations of the Health Care Summit. That's what the amendment does.

PRESIDENT ROCK:

All right. Senator Newhouse has moved the adoption of Amendment No. 2 to House Bill 3777. Discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Well, Mr. President I -- I had my light on, and I -- I thought

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

I could ask for a roll call on his Motion to Table his amendment, and you proceeded to move it forward...

PRESIDENT ROCK:

I did.

SENATOR DeANGELIS:

And...

PRESIDENT ROCK:

We have for the past two hours, as a matter of fact for the past two weeks, been attempting at least to afford the opportunity for sponsors to get the bills in the shape in which they wish to present them. And that's what I'm trying to expedite here today. It's five minutes to five, and we have yet a long way to go.

PRESIDENT ROCK:

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I -- I don't think that it's dilatory to turn around and question an action that has a fairly significant misrepresentation. And that was, with all due respect to Senator Newhouse, who I think yesterday, may not have been aware of what his amendment contained, but certainly to call the amendment that's following this a -- a new amendment which is very similar to the first one, and the reason he's Tabling the first one, because it was technically incorrect is an absolute misrepresentation. I will address this amendment, then, since you've gone -- Amendment No. 2 folks, let me tell you what's happening here, fellow Americans. Senator Newhouse's Amendment that he Tabled did, in fact, create a Cook County Health Care Committee very similar to what I had proposed yesterday, when Senator Rock and I got into an extensive debate, and my amendment was defeated, which is fine. Apparently there was a reconsideration someplace that this amendment was hanging on a bill, an amendment similar to the one that was defeated, so the

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

word came from someplace - unbeknownst from where - but Senator Newhouse complied with that and has removed his amendment. But let me just tell you, the misrepresentation is that Amendment No. 2 is like Amendment No. 1. Folks, it is not. All that Amendment No. 2 does -- it simply says we're going to have a legislative committee study this, and that's it. Now we have been -- I've been a member of this, Senator Smith, you've been a member of this Health Care Committee -- Summit Health Care Committee. For nine months, we have labored diligently on this project. There are some people who want to see the results of that meeting, or the conferences, destroyed. And probably the best way to destroy it is to turn around and say, "We're going to have a legislative committee study it." Now, let me just tell you: this summit committee has had more -- more high-powered people than you'll ever find in any Legislature - more experts. And why suddenly we're now going to turn around and substitute a legislative committee to carry forward the work of the summit is beyond my comprehension, except without attempting to put any ulterior motives on anybody's plate, unless they want to kill the progress, and the results of that -- the findings of that committee. And I know one such person that wants to do it, and Senator Newhouse, I would really ask you, if you're not going to leave No. 1 on, please don't try to fool us by putting No. 2 on.

PRESIDENT ROCK:

All right. Senator Newhouse moves the adoption of Amendment No. 2 to House Bill 3777. Further discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's -- Senator DeAngelis has requested a roll call on the adoption of Amendment No. 2 to House Bill 3777. Senator Newhouse has moved its adoption. Those in favor of the amendment will vote Aye. Opposed will vote Nay, and the voting's open. Have all voted who wish? Have all voted who wish? Have all voted

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

who wish? Take the record. On that question, there are 30 Ayes, 26 Nays, none voting Present. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 3834. Senator Berman seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 3834, Senator -- Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Berman.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Yesterday we adopted Amendment No. 1, which was a -- a request of the Department of Insurance, dealt with three -- areas managing general agents, Medicare supplemental policies, and Property Casualty Guarantee Fund. Upon examining that amendment, it was decided again between the Department of Insurance and myself, that there ought to be certain safeguards regarding Medicare supplemental policies. That's what Amendment 2 does. I've shown it to the minority spokesman on the -- on the Insurance Committee. He has no problem with this, so at this time, I would move that we reconsider the vote by which Amendment No. 1 was adopted, having voted on the prevailing side.

PRESIDENT ROCK:

All right. Senator Berman, having voted on the prevailing side, is moving to reconsider the vote by which Amendment No. 1 to House Bill 3834 was adopted. All in favor of the Motion to

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Reconsider, indicate by saying Aye. All opposed. The Ayes have it. The vote is reconsidered. Senator Berman now moves to Table Amendment No. 1 to House Bill 3834. All in favor of the Motion to Table, indicate by saying Aye. All opposed. The Ayes have it. Amendment No. 1 is Tabled. Senator Berman now moves the adoption of Amendment -- further amendments, Madam Secretary?

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Berman.

PRESIDENT ROCK:

Senator Berman now moves the adoption of Amendment No. 2 to House Bill 3834. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. If you'll turn to Page 24, Senator Netsch has 3894. Senator Netsch seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 3894, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Brookins.

PRESIDENT ROCK:

Senator Brookins.

SENATOR BROOKINS:

Thank you, and I'd like to thank Senator Netsch for allowing me this opportunity. This amendment -- any agent failing to meet the affirmative action and equal employment opportunities or goals shall set up training programs for preparations and promotions of the categories of individuals affected by this failure. Ask for a favorable vote.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

PRESIDENT ROCK:

Senator Brookins has moved the adoption of Amendment No. 1 to House Bill 3894. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 4082. Senator Davidson, on Page 25, seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 4082. 4082, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Davidson.

PRESIDENT ROCK:

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and Members of the Senate, this amendment becomes the bill. This is created by the fact that beaver and the damage that they do in drainage ditches and irrigation ditches is an all-time high. This is addressed to it and has to take a change in the Wildlife Code to allow the snare traps, which must be fifty percent or more under water. It has a diameter of size both large and what it compressed to. Makes a technical change of the word "live trap" to be "box trap," and allows the use of cushion-hold traps. This has support of the Department of Conservation, Farm Bureau, Drainage Districts, Soil Conservations, Ag Association, Farmers Union, National Corn Growers. Appreciate a favorable vote.

PRESIDENT ROCK:

All right. Senator Davidson's moved the adoption of Amendment

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

No. 1 to House Bill 4082. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 4124. Senator Marovitz seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 4124, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 3 offered by Senator Marovitz.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. This is the Currency Reporting Act, which puts us in line with the Federal Government, supported by all the business groups and -- throughout the State, and all the banking organizations throughout the State. And I would ask for adoption of Amendment No. 1 <sic>.

PRESIDENT ROCK:

Senator Marovitz has moved the adoption of Amendment No. 3 to House Bill 4124. Discussion? Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. Senator Marovitz, I don't see the -- the bill on the Recall List, and I -- I'm not aware of what the amendment does. Could you please explain how the amendment differs with Senate Bill 4124 as we -- as it was prior to the amendment being placed upon it, or as it is now?

PRESIDENT ROCK:

...Marovitz.

SENATOR MAROVITZ:

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Okay, first of all, this is House Bill 4124, and it -- it does make some substantial changes which were agreed to by the business community and by the banking community. It incorporates the text of certain other Reporting Acts. The -- a dishonored check -- there's a portion of the bill which deals with dishonored checks. That was proposed by IRMA - that's doing it right - by -- okay, by the Retail Merchants. Current law allows the payee to collect ten dollars or all costs and expenses, including attorney's fees, in current collection with a bad check. Recently a court held that the current Statute doesn't allow the payee to collect nonlitigated costs or expenses, and therefore, the payee can receive only the ten dollars. IRMA drafted some legislation, which they asked us to put on this legislation, and -- and that's what we did.

PRESIDENT ROCK:

Senator Dudycz.

SENATOR DUDYCYZ:

Well, Mr. President, the staff tells me it's a thirty-eight page amendment, and I haven't seen it; and nobody on this side has received a copy of it. We're just wondering - has it been distributed, number one. Number two, Mr. President, it's not on the Recall List that we have in front of us. Shouldn't there be an -- a Supplemental Recall List, if -- if we were to go to that order of business?

PRESIDENT ROCK:

You are correct. Take it out of the record. There will be another Recall List tomorrow. Senator Savickas, are you ready to go back to the ones that we passed over earlier? If you'll give me some direction, did we pass over -- Senator Savickas. Put him -- Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President. With leave of the Body, we took House

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Bill 3386 out of the record because of the distribution of the amendment...

PRESIDENT ROCK:

All right.

SENATOR SAVICKAS:

I think that provision has been satisfied. Everybody must have it.

PRESIDENT ROCK:

All right. Senator Savickas has asked leave of the Body to return House Bill 3386 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 3386, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Savickas.

PRESIDENT ROCK:

Senator Savickas.

SENATOR SAVICKAS:

Yes. Mr. President and Members of the Senate, I will briefly review what the amendment to House Bill 3386 does, now that you have it in front of you. The first item is, I think, an important item. It deletes the anti-solicitation provisions, which are now in effect, from Chapter 38, which is the Criminal Law and Proceeding <sic> (Procedure), and instead incorporates the Anti-Solicitation Law into the Real Estate Brokers License Law. Number two, it provides that the Department of Professional Regulation must receive, file and index all notices and lists of persons who wish not to be solicited to list or sell residential property. Number three, the Department would compile such a list once every six months, and make the lists available to the public and all licensed real estate brokers and agents with a business address in Cook or one of the collar counties. Number four, the method of providing notice is the same as current law, by an

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

individual signing a notice or by the completion of a list of names and addresses of persons who wish not to be solicited. Number five, it would prohibit a real estate broker from soliciting any owner of property in Cook County to sell or list the property after the licensee has received notice that the owner does not wish to list or sell the property. The licensee is deemed to have received valid notice from the owner thirty-five days after the Department has made the lists available to the brokers. Number six -- adds a definition of "solicitation" which would prohibit communication with a owner for the purpose of obtaining a sale or listing of the owner's residence. However, soliciting does not include a broker advertising by general print or broadcast medium. Now these six items were - and I understand through the House staff and through the real estate people and through SONCON's <sic> (SON/SOCC's) Group - they were in general agreement with these six items. The other two items that evidently have caused some concern is item number seven. For a first offense, the Department shall issue a cease and desist order against a broker and a business fine of at least one thousand dollars. At the present law under the Criminal Statutes, it calls for a fine of a thousand dollars and a year incarceration. So I think that this, by transferring it out of the criminal provision, adds -- or is a benefit to the real estate broker. The second and subsequent violation shall result in revocation of the license and a fine of at least a thousand dollars. At present, it would be a Class 4 felony, subject to three years' imprisonment and a ten-thousand-dollar fine. So item -- the seventh item, I think, should be -- should be acceptable to the real estate industry in a reasonable thinking approach. The last item, which would create a Real Estate Solicitations Violations Committee to hear alleged violations of the anti-solicitation provisions of the law -- the committee will consist of three licensees and three public members

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

appointed by the Director. This has been a strong contention with the Real Estate Board, SONCON <sic> (SON/SOCC) and the House staff members that were involved, and the House sponsor agree that this may be too extreme in its definition, and they are agreed to eliminate this section and put in a disciplinary board composed of -- under DPR, three licensees, three public members, none of whom are related or employed by a licensee, and the Director of DPR is the tie-breaking vote, which I think is a reasonable approach or solution to this problem. I will try to answer any questions and solicit your support for this amendment.

PRESIDENT ROCK:

All right. Senator Savickas has moved the adoption of Amendment No. 1 to House Bill 3386. Discussion? Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. The hour is late and everyone wants to go, so I don't think I'm going to ask any questions. But I do stand in strong opposition to this amendment, as do the Illinois Realtors Association. There are several parts of this bill - or this amendment - that are unwieldy, to say the very least, and -- and which they have a -- with which they have a problem. But one of the most important aspects of it is this whole idea of setting up a committee that will bypass the regular Realtors Disciplinary Board and give the disciplinary action to this special committee that is set up for only one of the offenses that is listed. There are thirty-six offenses that Realtors, you know, can be judged on. And this is only one of those offenses, and they're going to set up a special committee to simply discipline Realtors on this one offense. No other -- no other licensee has to do that in -- in the State of Illinois. That is -- that is one. Now, Senator Savickas said something about perhaps changing the way that committee is set up, but in the present amendment, it says three of these public members shall be

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

appointed by the Director after consultation with organizations which have submitted non-solicitation lists. So what you're doing is you're setting up this committee -- all these members that are -- these people that are going to be sending in the lists -- they're also going to have -- three members on the Disciplinary Committee. That's almost like being judge and jury at the same time. I haven't had a chance to look over this amendment a great deal, but there is a problem with the definition of solicitation. The Realtors are very concerned that even if they simply send out a good-will Christmas Card Calendar - something of that nature - that they can be in violation of the Act. The discipline -- the -- the penalty Section is another problem. They're -- you know, it's very nice not to be under the Criminal Code and have those penalties. But this penalty - these are absolutely -- there's no flexibility in this - shall have a thousand-dollar for a first offense -- a thousand-dollar fine, and a second offense, at least -- I mean, you lose your license entirely. That's worse than what we've been doing the last few days for drug offenders. I mean, we're giving some those people just, you know, a first chance, no fine, no nothing. But for someone in the real estate business, bam, they're going to get a fine immediately. I can tell that my colleagues here are -- want me to sit down, but I can't say -- I can't say how much the Realtors are opposed to this legislation. Now I know that Senator Savickas has worked with some -- worked with them and have tried to change some parts of the bill to make them less onerous. But it is still far from a bill that I could support, the Realtors -- Realtors support, or that you should be able -- that any of you should support. They are treating the Realtors as a very special licensed group. They are setting up a committee that will simply be a disciplinary board for one offense only - the anti-solicitation offense. It is wrong to do this. It is bad policy, and I urge your No vote and would like a roll call

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

on this amendment.

PRESIDENT ROCK:

Further discussion? Senator Alexander.

SENATOR ALEXANDER:

Thank you, Mr. President. I, too, rise in opposition to this amendment. I will not go into it as much as Senator Karpziel has, but I resent the fact that this amendment removes from the Criminal Code, Chapter 38, the real estate solicitation provision. I wonder why? I wonder why authority is now going to be given to community groups to become a separatist disciplinarian group to pass on judgments on purported violations of solicitation. I wonder why unprecedented penalties which should be imposed, not by a special select group, will be given to this group to critique, to find violations according to their desires and wishes. And also, I feel that this amendment, if adopted, will further restrict free access to the housing market. We are presently talking about the homeless. We are presently talking about desire to help the homeless and to get affordable housing, and this amendment would surely, surely be in dire opposition to that position of many of the Senators who want to see the homeless in houses. I suggest a No vote and ask for a roll call.

PRESIDENT ROCK:

Further discussion? Senator Jacobs.

SENATOR JACOBS:

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

PRESIDENT ROCK:

Sponsor indicates he will yield.

SENATOR JACOBS:

Senator Savickas, I received notification from -- I'm a Realtor and I received notification from the board. And the next day after receiving that notification, I inadvertently make a

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

phone call, I got in -- in a note in my pocket, and without thinking, I make a phone call to -- to that former client who now doesn't want to be or whatever, am I subject then to a thousand-dollar fine, or I'm -- or if it's a second time, am I subject to -- to having my license -- revoked just for that particular reason?

PRESIDENT ROCK:

Senator Savickas.

SENATOR SAVICKAS:

Well, Senator, we're trying to address that particular concern, and I think we have in this amendment. On Page 5, line 30, "As used in this Section, 'solicit' means communicating with an owner at this residence, whether by phone, in person or in writing, for the purpose of obtaining a sale or listing of the owner's residence. However, 'solicit' shall not include advertising in any print or broadcast media" particularly "...available to advertisers and not addressed to a particular individual or residence." So that if you do just call them, not for a specific purpose -- and that's what they are trying to do is redefine that solicitation, so that those brokers that do send out mailings of Christmas cards or -- or a calendar, or a menu - as was in the case illustrated by the Real Estate Board - that they are not subject to that intimidation or that concern. And the phone call, obviously, if it was not intended for the solicitation, no - this would hopefully clear that up. And I -- I think that's what we're trying to get at to get those where it wasn't intentionally for the solicitation that -- that the broker is not intimidated or harassed on that.

PRESIDENT ROCK:

Senator Jacobs.

SENATOR JACOBS:

I guess just - real quickly - that -- how do we know the

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

intent, number one, and number two, is this limited to Chicago?

PRESIDENT ROCK:

Senator Savickas. Further discussion? Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President and Members of the Senate.
Will the sponsor yield?

PRESIDENT ROCK:

Sponsor indicates he will yield.

SENATOR JONES:

Yeah. Senator Savickas, in your opening remarks, you indicated that the -- this bill need to be amended further. So what is your intent - to put this in conference committee?

PRESIDENT ROCK:

Senator Savickas.

SENATOR SAVICKAS:

That would be the intent. One of the intents -- we do have one more item that we're hoping -- we put the amendment -- I don't have the copies yet - they just drafted it - on the concern of the -- the number eight, the item of the Real Estate Solicitation Violations Committee -- to remove that, and as I said, put that under the Department under the disciplinary board. That amendment has been drafted or it's been drafted -- it's being reproduced now. Obviously, there are some changes that have to be made. Some of these cases - and I -- I think this is important - some of the intent of the original law is -- is harassing some of the brokers. We are trying to alleviate some of their problems and also keep a strong unified anti-solicitation law on the books.

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Well, in addressing the amendment, through the sponsor's own admission, the amendment is bad and need -- it's technically wrong

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

and need to be corrected. And on top of it, the State of Illinois licenses Real Estate Brokers throughout the State of Illinois, and his just limiting such just to the City of Chicago -- and I haven't heard of any problems as it relate to solicitation in the City of Chicago. If -- if the State licenses all brokers equally throughout the State, then why should you limit it just to one geographical area in this State?

PRESIDENT ROCK:

Is that a question? Okay. Rhetorical question at best, the Gentleman informs me. Further discussion? Senator Geo-Karis. There are three or four additional speakers, Senator Karpziel, before we recognize you for the second time. Senator Geo-Karis.
SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, not only is this amendment bad, the whole bill is bad. We already have Section 70-51 of the Illinois Criminal Code, Chapter 38, which has a very strong statement to prohibit the solicitation or inducement of sale or purchase of real estate on the basis of race, color, religion, national origin, ancestry, creed, handicap or sex. It's already in the books, as -- Senator Savickas said. There can be a fine of up to a thousand dollars or up to a year in jail, and a second offense is a Class 4 felony. I think we have responsible people running the Professional Regulations Department. What you're doing is creating another group to pass judgment on a Realtor. It's wrong, wrong, wrong. This bill itself restricts free access of the housing market, and I think it should be defeated. Not only the amendment, but the bill itself.

PRESIDENT ROCK:

Further discussion? Senator Raica.

SENATOR RAICA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senator Jones, I think, Senator Savickas admitted already

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

that he'd be willing to put this in conference committee report and come up with something, if there was a problem with it. He needs something to work with. I think we should put the amendment on the way the Senator wants to get it out of here and have it worked on. You know, and Senator Alexander, the same people that came down here and wanted control of their schools, and we gave them control of their schools, these same people want control of their neighborhoods -- they want control of their neighborhoods. That's all they're asking for. And Senator Karpiel, safeguards -- that's what they want. SON/SOCC and the people who own these homes want some safeguards put in; they feel that this amendment can help them out. Senator Savickas agreed to put it in conference committee report. Why don't we just get it out of here, put it in conference committee and have it worked on?

PRESIDENT ROCK:

Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. I'm sorry to rise again, but I would like to just correct the -- the record on -- on a statement that was made. This bill is not only for -- for the City of Chicago. These lists have to be -- it's for Cook County, and the lists have to be made available to all contiguous counties to Cook, and that includes Will, Lake, DuPage, whatever. And that means that any Realtor from any of those counties that also sell in Cook County will be getting these lists and will be under the provisions of this Act. And as far as putting it into a conference committee, I don't think that's a very good idea either.

PRESIDENT ROCK:

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

SENATOR SAVICKAS:

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Yes. Mr. President and Members of the Senate, part of this process is to not only strengthen the anti-solicitation provisions, but also to remove obligations from those brokers that do not voluntarily violate the law and are subjected to the criminal provisions. We're not trying to impose some new law. This law was created and enacted and put in the Criminal Code. The thought is to remove it from the Criminal Code, give it a little more latitude to responsible brokers and quickly, quickly define and fine those brokers that are abusing this. It's nothing that's a new tricky hard law. In fact, we relieved some of the concern of the broker on the solicitation by defining it so he's not -- not violating the law. I think this amendment and the ones that follow would definitely help our real estate committee. It will definitely help our communities, and would definitely be an asset to the State of Illinois. I would solicit your support for adoption of Amendment No. 1.

PRESIDENT ROCK:

Question is, the adoption of Amendment No. 1 to House Bill 3386. A roll call has been requested. Those in favor of the amendment will vote Aye. Opposed will vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 10 Ayes, 41 Nays, none voting Present. The amendment fails. Further amendments?

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Savickas.

PRESIDENT ROCK:

Senator Savickas, on Amendment No. 2.

SENATOR SAVICKAS:

Amendment No. 2 is -- is that the technical amendment for the effective date?

SECRETARY HAWKER:

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Yes, it is.

SENATOR SAVICKAS:

I would move its adoption.

PRESIDENT ROCK:

All right. Senator Savickas has moved the adoption of Amendment No. 2 to House Bill 3386. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 3 offered by Senator Savickas.

PRESIDENT ROCK:

Senator Savickas, on Amendment No. 3.

SENATOR SAVICKAS:

Mr. President, I would withdraw that at this point. That amendment did straighten out the concern with the committee, and obviously from their vote -- we'll just withdraw it at this time.

PRESIDENT ROCK:

All right. Amendment's withdrawn. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. All right. Ladies and Gentlemen, here is the program. We will now commence with the reading of the Agreed Bill List, House Bills on 3rd Reading, commencing on Page 15. Once those bills have been read in, which I suspect will take probably twenty or twenty-five minutes at a minimum, maybe thirty minutes, we will then have a recorded roll call vote, final action on those bills, and then we will go, pursuant to Member request, to Page 33, to take up Motions In Writing. Specifically, Motions to Discharge Committees, for the purpose of accommodating those Members who have made those requests. So Madam Secretary, on the Order of House Bills 3rd Reading, Page 15 on the Calendar. Read

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

the bills, please.

SECRETARY HAWKER:

House Bill 318.

(Secretary reads title of bill)

House Bill 1190.

(Secretary reads title of bill)

House Bill 1382.

(Secretary reads title of bill)

House Bill 1477.

(Secretary reads title of bill)

House Bill 1550.

(Secretary reads title of bill)

House Bill 1585.

(Secretary reads title of bill)

House Bill 2173.

(Secretary reads title of bill)

House Bill 2181.

(Secretary reads title of bill)

House Bill 2619.

(Secretary reads title of bill)

House Bill 2647.

(Secretary reads title of bill)

House Bill 2823.

(Secretary reads title of bill)

House Bill 2845.

(Secretary reads title of bill)

House Bill 2875.

(Secretary reads title of bill)

House Bill 2896.

(Secretary reads title of bill)

House Bill 2941.

(Secretary reads title of bill)

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

House Bill 2959.

(Secretary reads title of bill)

House Bill 2964.

(Secretary reads title of bill)

House Bill 2965.

(Secretary reads title of bill)

House Bill 2988.

(Secretary reads title of bill)

House Bill 3027.

(Secretary reads title of bill)

House Bill 3038.

(Secretary reads title of bill)

House Bill 3050.

(Secretary reads title of bill)

House Bill 3051.

(Secretary reads title of bill)

House Bill 3063.

(Secretary reads title of bill)

House Bill 3075.

(Secretary reads title of bill)

House Bill 3099.

(Secretary reads title of bill)

House Bill 3107.

(Secretary reads title of bill)

House Bill 3117.

(Secretary reads title of bill)

House Bill 3134.

(Secretary reads title of bill)

House Bill 3144.

(Secretary reads title of bill)

House Bill 3150.

(Secretary reads title of bill)

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

A bill for an -- House Bill 3151.

(Secretary reads title of bill)

House Bill 3154.

(Secretary reads title of bill)

House Bill 3155.

(Secretary reads title of bill)

House Bill 3181.

(Secretary reads title of bill)

House Bill 3195.

(Secretary reads title of bill)

House Bill 3207.

(Secretary reads title of bill)

House Bill 3213.

(Secretary reads title of bill)

House Bill 3214.

(Secretary reads title of bill)

House Bill 3249.

(Secretary reads title of bill)

House Bill 3257.

(Secretary reads title of bill)

House Bill 3261.

(Secretary reads title of bill)

House Bill 3284.

(Secretary reads title of bill)

House Bill 3293.

(Secretary reads title of bill)

House Bill 3294.

(Secretary reads title of bill)

House Bill 3297.

(Secretary reads title of bill)

House Bill 3302.

(Secretary reads title of bill)

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

House Bill 3312.

(Secretary reads title of bill)

House Bill 3316.

(Secretary reads title of bill)

House Bill 3324.

(Secretary reads title of bill)

House Bill 3333.

(Secretary reads title of bill)

House Bill 3334.

(Secretary reads title of bill)

House Bill 3350.

(Secretary reads title of bill)

House Bill 3356.

(Secretary reads title of bill)

House Bill 3363.

(Secretary reads title of bill)

House Bill 3374.

(Secretary reads title of bill)

House Bill 3449.

(Secretary reads title of bill)

House Bill 3479.

(Secretary reads title of bill)

House Bill 3481.

(Secretary reads title of bill)

House Bill 3509.

(Secretary reads title of bill)

House Bill 3510.

(Secretary reads title of bill)

House Bill 3518.

(Secretary reads title of bill)

House Bill 3521.

(Secretary reads title of bill)

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

House Bill 3524.

(Secretary reads title of bill)

House Bill 3572.

(Secretary reads title of bill)

House Bill 3573.

(Secretary reads title of bill)

House Bill 3591.

(Secretary reads title of bill)

House Bill 3597.

(Secretary reads title of bill)

House Bill 3603.

(Secretary reads title of bill)

House Bill 3639.

(Secretary reads title of bill)

House Bill 3651.

(Secretary reads title of bill)

House Bill 3671.

(Secretary reads title of bill)

House Bill 3679.

(Secretary reads title of bill)

House Bill 3682.

(Secretary reads title of bill)

House Bill 3707.

(Secretary reads title of bill)

House Bill 3716.

(Secretary reads title of bill)

House Bill 3717.

(Secretary reads title of bill)

House Bill 3721.

(Secretary reads title of bill)

House Bill 3731.

(Secretary reads title of bill)

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

House Bill 3732.

(Secretary reads title of bill)

House Bill 3733.

(Secretary reads title of bill)

House Bill 3736.

(Secretary reads title of bill)

House Bill 3738.

(Secretary reads title of bill)

House Bill 3739.

(Secretary reads title of bill)

House Bill 3743.

(Secretary reads title of bill)

House Bill 3748.

(Secretary reads title of bill)

House Bill 3766.

(Secretary reads title of bill)

House Bill 3795.

(Secretary reads title of bill)

House Bill 3823.

(Secretary reads title of bill)

House Bill 3824.

(Secretary reads title of bill)

House Bill 3825.

(Secretary reads title of bill)

House Bill 3829.

(Secretary reads title of bill)

House Bill 3830.

(Secretary reads title of bill)

House Bill 3842.

(Secretary reads title of bill)

House Bill 3849.

(Secretary reads title of bill)

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

House Bill 3856.

(Secretary reads title of bill)

House Bill 3868.

(Secretary reads title of bill)

House Bill 3870.

(Secretary reads title of bill)

House Bill 3879.

(Secretary reads title of bill)

House Bill 3983.

(Secretary reads title of bill)

House Bill 3987.

(Secretary reads title of bill)

House Bill 3998.

(Secretary reads title of bill)

House Bill 4009.

(Secretary reads title of bill)

House Bill 4025.

(Secretary reads title of bill)

House Bill 4035.

(Secretary reads title of bill)

House Bill 4038.

(Secretary reads title of bill)

House Bill 4081.

(Secretary reads title of bill)

House Bill 4085.

(Secretary reads title of bill)

House Bill 4159.

(Secretary reads title of bill)

House Bill 4185.

(Secretary reads title of bill)

House Bill 4192.

(Secretary reads title of bill)

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

House Bill 4204.

(Secretary reads title of bill)

House Bill 4221.

(Secretary reads title of bill)

House Bill 3371 offered by Senator Macdonald.

(Secretary reads title of bill)

3rd Reading of the bills.

PRESIDENT ROCK:

The next roll call will be on the final passage of these bills just read by the Secretary. So I would ask all the Members to - within the sound of my voice - to please, again, come to the Floor. Question is, shall this series of bills pass. Those in favor will vote Aye. Opposed will vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. The Nays and Present votes are -- are as recorded in the Office of the Secretary of the Senate. And this series of bills, having received the required constitutional majority by record vote, are declared passed, and the record vote for each bill passed will be entered in the Journal. All right. Ladies and Gentlemen, as a final order of business, a number of Members have filed Motions, which they wish to pursue.

END OF TAPE

TAPE 7

PRESIDENT ROCK:

On the Order of Motions in Writing, Page 33 on the Calendar, is a motion filed with respect to House Bill 2700. Madam

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Secretary, read the motion, please.

SECRETARY HAWKER:

I move that the Committee on Agriculture and Conservation be discharged from further consideration of House Bill 2700, and that the bill be placed on the Order of 3rd Reading.

Filed by Senator Woodyard.

PRESIDENT ROCK:

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President, Members of the Senate. This Motion to Discharge -- is a result of agreements between the Department of Conservation, the Chicago Herpetological -- the snake folks in Chicago, and -- and also the Environmental Council, and there is total agreement on this bill that was left over from last year. I'd be glad to answer any questions on it, but that's what this motion does is -- is discharge and place it on 3rd Reading.

PRESIDENT ROCK:

All right. Senator Woodyard has moved that the Committee on Agriculture be discharged from further consideration of House Bill 2700, and the bill be returned to the Order of 3rd Reading, from which it had been re-referred. Those in favor of that motion will vote Aye. Opposed will vote Nay, and the voting's open. All voted who wished? Have all voted who wish? All voted who wish? Take the record. On that question, there are 46 Ayes, 1 Nay, none voting Present. The motion carries, and it is so ordered. On the Order of Motions in Writing, there's a motion with respect to House Bill 3085, Madam Secretary. Read the motion, please.

SECRETARY HAWKER:

I move to discharge the Committee on Elementary and Secondary Education from further consideration of House Bill 3085, and that the bill be placed on the Order of 2nd Reading.

Filed by Senator Thomas Dunn.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

PRESIDENT ROCK:

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. We had a situation in Will County where two superintendents got indicted for misappropriation of their funds. In an attempt to come up with a bill to provide more notice to the public and to the legislators, I introduced a bill and I attached my amendment to House Bill 3085, which turned out to be the IMA bill. Because of the problems associated with that bill, I held 3085 as the sponsor, since it was the only bill I could attach onto at the time, and I held that bill in committee. What I would like to do, and I seek your indulgence to do, is to discharge that bill and strip the IMA language out of it completely, and to substitute State Board of Education language that is acceptable and has nothing to do with the IMA aspect of the bill, and also language that the regional superintendents are in favor of, which is not related to the IMA bill as well. And that will be the first motion I will make.

PRESIDENT ROCK:

All right. Senator Dunn has moved to discharge the Committee on Elementary and Secondary Education from further consideration of House Bill 3-0-8-5, and asks that it be brought out to the Calendar on the Order of 2nd Reading. Those in favor of that motion. Senator Geo-Karis...

SENATOR GEO-KARIS:

...sponsor yield for a question?

PRESIDENT ROCK:

Indicates he will yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

Why are you stripping the IMA amendment? Is that the one that said that they should teach business? Would you tell us what that amendment was that you're stripping out?

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

PRESIDENT ROCK:

Senator Dunn.

SENATOR T. DUNN:

I'm sorry Senator. I couldn't hear all of your question.

SENATOR GEO-KARIS:

Pardon?

PRESIDENT ROCK:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Pardon, sir?

PRESIDENT ROCK:

Well let's start over. He couldn't hear you, and now you can't hear us.

SENATOR GEO-KARIS

Oh. Why are you stripping out the amendment of the IMA, and what was that amendment about?

PRESIDENT ROCK:

Senator Dunn.

SENATOR T. DUNN:

The -- the IMA bill dealt with the naming of the three-member body to oversee school boards, and the reason I am stripping it is because there was so much opposition to that during the Education Committee's hearing that I did not call the bill. And it is in my -- my intent not to deal with that, but to deal with the subject of the two superintendents that had a problem.

PRESIDENT ROCK:

All right. You've heard the motion as placed by Senator Dunn. Senator Fawell.

SENATOR FAWELL:

Thank you very much. I just wanted to tell my colleagues from DuPage, I did get a phone call from our regional superintendent, who asked that this bill be discharged from committee if at all

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

possible, so I would urge your support for this motion.

PRESIDENT ROCK:

All right. Senator Dunn has moved to discharge the Committee on Elementary and Secondary Education from further consideration of House Bill 3-0-8-5. Those in favor of that 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 42 Ayes, 1 Nay, none voting Present, and the bill is discharged and placed on the Order of 2nd Reading. Senator Dunn, if you wish to proceed, you'd have to have the bill read a second time. All right. With leave of the Body, we'll go to the Order of House Bills 2nd Reading. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 3085.

(Secretary reads title of the bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Are there amendments from the Floor?

SECRETARY HAWKER:

Senator Thomas Dunn offers Amendment No. 1.

PRESIDENT ROCK:

Senator Dunn, on Amendment No. 1.

SENATOR T. DUNN:

Thank you, Mr. President. As I said earlier, this amendment strips out the IMA language and substitutes in the fact that regional superintendents may borrow funds to begin programs where a State or federal grant has been delayed. This also includes the regional superintendents and the ESR's employees into the Tort Immunity Act, and it further requires that the State Board of Education shall report audits to the Legislative Audit Commission, when they are completed, of each educational service region. In

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

the event that there has not been a filing, there shall be notice published in a newspaper in the region that the audit is kept for public inspection by the regional superintendent, and the legislators in the respective districts will be notified as well.

PRESIDENT ROCK:

All right. Senator Dunn's moved the adoption of Amendment No. 1 to House Bill 3085. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Bottom of Page 33. House Bill 3125. Senator Collins. Top of Page 34. House Bill 3139. Senator Zito. House Bill 3242. Senator Topinka. Read the motion.

SECRETARY HAWKER:

I move that the Committee on Agriculture and Conservation be discharged from further consideration of House Bill 3242, and that the bill be placed 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, we are using this bill basically to gut it out and put on an amendment which was an administration bill for the Department of Historic Preservation which was stalled in the House Rules Committee, and it came out of here on the Agreed Bill List. So it's agreed to on all sides.

PRESIDENT ROCK:

All right. Senator Topinka has moved to discharge the Committee on Agriculture and Conservation from further

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

consideration of House Bill 3242. Those in favor of that motion will vote Aye. Opposed, 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 42 Ayes, 2 Nays, none voting Present. House Bill 3242 -- and the motion prevails. House Bill 3242 is discharged. With leave of the Body, we'll read the bill a second time. On the Order of House Bills 2nd Reading is House Bill 3242. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 3242.

(Secretary reads title of the bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments of the Floor?

SECRETARY HAWKER:

No Floor amendments.

PRESIDENT ROCK:

3rd Reading. House Bill 4046. Senator DeAngelis. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move that the Committee on Energy and Environment be discharged from further consideration of House Bill 4046, and that the bill be placed on the Order of 2nd Reading.

Filed by Senator DeAngelis.

PRESIDENT ROCK:

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. House Bill 4046 got stalled in the Environmental Committee because of a political cross fire that was going on at the time, and the bill simply requires that for a composting siting -- for a composting facility, that the siting process be expanded to include a public hearing and a public

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

notice. We've had a proliferation of those compost sites, and a lot of people have been most upset because they have not either been notified or know nothing of that happening. I urge that we discharge this.

PRESIDENT ROCK:

All Right. Senator DeAngelis has moved to discharge the Committee on Energy and Environment from further consideration of House Bill 4046. Discussion? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I'd just point out that this same bill is coming over on -- a bill coming back from the Senate <sic>. I think it's No. 1702, a similar provision.

PRESIDENT ROCK:

Senator DeAngelis.

SENATOR DeANGELIS:

If that be the case, I'll withdraw that request.

PRESIDENT ROCK:

All right. Motion is withdrawn. Additional motions have been filed, Ladies and Gentlemen, with respect to House Joint Resolution 117 and -- 116 and 117 by Senator Watson. The Gentleman is seeking to Discharge the Committee on Executive from further consideration of those two motions, and asks that they be placed on the Calendar on the Order of Secretary's Desk, Resolutions. So -- Madam Secretary, House Joint Resolution 116 and House Joint Resolution 117. Read the motions, Madam Secretary, please. The ones I just gave you.

SECRETARY HAWKER:

I move to discharge the Committee on Executive from further consideration of House Joint Resolution 116, and that it be placed on the Calendar on the Order of Secretary's Desk, Resolutions. Filed by Senator Watson.

PRESIDENT ROCK:

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President; I appreciate this courtesy. Two resolutions and I have talked to both Senator Karpel and to Senator Joyce concerning this. I understand that the Director of the Department of Veterans Affairs needs these resolutions to present to a POW/MIA group. And this particular Resolution, 1-1-6, asks for the display of the National -- of the National League of Families POW/MIA flag in the Capitol Rotunda. Appreciate this -- your support.

PRESIDENT ROCK:

All right. Senator Watson has moved to discharge the Committee on -- Executive from further consideration House Joint Resolution 116 and 117, asking that they be placed on the Calendar on the Order of Secretary's Desk, Resolutions. We'll get to that order of business tomorrow. All in favor of those motions, indicate by saying Aye. All opposed. The Ayes have it. The motions carry, and it's so ordered. Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I'm rapidly writing out the motion right now. It's a Motion to Discharge the Committee on Executive from further consideration of SJR 202, and that it be placed on the Secretary's Desk. That has also been cleared with the respective chairmen, and it is...

PRESIDENT ROCK:

Senate Joint Resolution 202, Madam Secretary. Senator Netsch has moved that the Committee on Executive be discharged from further consideration of Senate Joint Resolution 202, and that it too be placed on the Order of Secretary's Desk, Resolutions. All in favor of that motion, indicate by saying Aye. All opposed. The Ayes have it. The motion carries, and it is so ordered. Two additional motions have been filed. Senator Savickas, you wish to

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

pursue your motion? Here, Madam Secretary, those are the last two. There are two motions remaining, and then we will adjourn until nine o'clock tomorrow morning. The House has already gone home. And we will start at nine o'clock tomorrow morning and hopefully conclude our business early. Motions in Writing, Madam Secretary. Read the motion.

SECRETARY HAWKER:

I move to discharge the Committee on Rules from further consideration of House Bill 2-1-1-7, and that the bill be placed on the Order of 3rd Reading.

Filed by Senator Savickas.

PRESIDENT ROCK:

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and Members of the Senate. I feel a little embarrassed in getting up asking for this discharge motion, but I, as I guess some of you have watched our bills on the House Bills 3rd Reading Calendar, not realizing that "Ruled Exempt" statement after it was the only consideration that that bill was still alive. Sitting there thinking this bill was alive - I had not sought or thought anything that the bill would be called, so at this time to pay for my embarrassment, I am seeking your support in -- in this motion to place House Bill 2117 on the Calendar of House Bills 3rd Reading as it was before.

PRESIDENT ROCK:

All right. Senator Savickas has moved to discharge the Committee on Rules from further consideration of House Bill 2117, and asks that the bill be placed on the Order of 3rd Reading. Discussion? Senator Fawell.

SENATOR FAWELL:

Senator, would you yield for a question?

PRESIDENT ROCK:

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Indicates he will, Senator Fawell.

SENATOR FAWELL:

Senator Savickas, is this the bill about billboards that we are trying to avoid?

PRESIDENT ROCK:

Senator Savickas.

SENATOR SAVICKAS:

Well, I don't know who's trying to avoid it, but yes, it is about the billboards and the regulations on the zoning thing since 1958. I think it should be heard and voted up or down.

PRESIDENT ROCK:

All right. Senator Savickas has moved to discharge the Committee on Rules from further consideration of House Bill 2117 - asks that the bill be placed on the Order of 3rd Reading. Those in favor of that motion will vote Aye. Opposed will vote Nay, and the voting's open. All voted who wish? All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 22 Ayes, 18 Nays, and the motion fails. Further motions, Madam Secretary? Senator Luft, do you wish to pursue your -- read the motion.

SECRETARY HAWKER:

Having voted on the prevailing side, I move to reconsider the vote by which 3390 failed.

Filed by Senator Luft.

PRESIDENT ROCK:

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. It's my understanding that the problems have been worked out with House Bill 3390. One of the problems was the two-year extension of one of the DCCA problems -- or programs. So I'm asking to reconsider the vote by which House Bill 3390 passed, and placed on the Order of 2nd Reading for the

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

purposes of an amendment.

PRESIDENT ROCK:

All right. You've heard the motion as placed by Senator Luft. He's moving to reconsider the vote by which House Bill 3390 was defeated. Those in favor of that motion will vote Aye. Opposed, vote Nay, and the voting's open. All voted who wish? All voted who wish? All voted who wish? Take the record. On that question, there are 39 Ayes, 4 Nays, 1 voting Present, and the motion prevails. With leave of the Body, we'll read the bill a second time. It's on its way down. We'll have to wait, physically, for the bill to get here. All right. Senator Dunn, for what purpose do you seek recognition?

SENATOR T. DUNN:

Thank you, Mr. President. I move for immediate consideration and adoption of Senate Resolution 1269, which is congratulatory.

PRESIDENT ROCK:

Okay. 1269. Senator Dunn. Okay. It's not yet been read in. Senator Welch, for what purpose do you arise?

SENATOR WELCH:

I have a Motion in Writing, Mr. President, on House Bill 4114.

PRESIDENT ROCK:

Okay. Madam Secretary, if you will? The Order of Motions in Writing, Page 34, is -- Motion in Writing with respect to House Bill 4114.

SECRETARY HAWKER:

I move that Rule 5c be suspended with respect to House Bill 4-1-1-4 for the purpose of allowing the bill to be reported by the Senate in Energy and Environment Committee until November 30, 1990.

Filed by Senator Welch.

PRESIDENT ROCK:

Senator Welch.

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

SENATOR WELCH:

Mr. President, this isn't really my bill; this is Senator Davidson's bill. But what I did was, in agreement with Senator Davidson, filed a motion to extend the period for discharging the Committee on Energy and Environment of the bill sponsored by Senator Davidson. The purpose for this was that it was a far-reaching piece of legislation. We wanted to hold a committee hearing before we moved it, and based on that assurance, the members of the committee agreed that we would proceed in this fashion.

PRESIDENT ROCK:

All right. Senator -- Senator Davidson, on this motion.

SENATOR DAVIDSON:

Yes. Mr. President, to concur in what Senator Welch was -- this is a bill that we want to have in position to move when we come back in the fall in relation to the Federal Clean Air Act. This is a joint interest of the public utilities, the coal operators, and the United Mine Workers, all in agreement, and we got to have some vehicle to address what the federal Clean Air Act does or does not do. And this is the vehicle, and at the request of the chairman and the committee that was hearing it, was to ask for it to be exempted from the rules so we can have the committee hearings necessary, and be prepared to address this problem when we come back in the fall.

PRESIDENT ROCK:

All right. You've heard the motion. Those in favor of this motion will vote Aye. Opposed, 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 52 Ayes, no Nays, none voting Present, and the motion carries. All right. On 3390 the situation is Senator Luft's motion prevailed. That bill is back on the Order of 3rd Reading. My understanding was it was

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

to be amended. I don't frankly care if it is amended. So we can move on, Madam Secretary. Senator Topinka, for what purpose do you seek recognition?

SENATOR TOPINKA:

Yes, sir. I have a Motion in Writing for Senate Joint Resolution 116 on Page 34, please.

PRESIDENT ROCK:

All right. Read the motion, Madam Secretary.

SECRETARY HAWKER:

I move that the Committee on Executive be discharged from further consideration of Senate Joint Resolution 116, and that the resolution be placed on the Secretary's Desk.

Filed by Senator Topinka.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Mr. President and Ladies and Gentlemen of the Senate, I appreciate the review that this bill, which was basically a private enterprise review and advisory board to study privatization of activities in the State. Got on the Executive Committee, but a number of people were missing that day. And so, as a result, I would like to discharge the committee so that it would indeed get the full attention of the Senate.

PRESIDENT ROCK:

All right. Senator Topinka has moved to discharge the Committee on Executive from further consideration of Senate Joint Resolution 116, asks that it be placed on the Order of Secretary's Desk, Resolutions -- Secretary's Desk, Resolutions. This is not final action. All right. All in favor of that motion, indicate by saying Aye. All opposed. The Ayes have it. The motion carries, and it's so ordered. Yes, I was going to say that, but you beat me to it. Are there any further motions filed, Madam

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

106th Legislative Day

June 21, 1990

Secretary?

SECRETARY HAWKER:

I move that the Committee on Rules be discharged from further consideration of House Bill 3246, and that the bill be placed on the Order of 3rd Reading.

Filed by Senator Brookins.

PRESIDENT ROCK

Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. On this bill, I have talked with the University of Illinois and et cetera, and they are in support of this, and we did not get an opportunity to get it out of Rules, and I ask that it could be got out of Rules so it could be heard.

PRESIDENT ROCK:

Senator Brookins has moved to discharge the Rules Committee from further consideration of House Bill 3246. 3-2-4-6. Discussion on the motion? Senator Davidson.

SENATOR DAVIDSON:

Mr. President, he asked for it to go to 3rd, be placed on the Order of 3rd Reading, which means passage, and I'd sure like to know what this bill does. He said something about University of Illinois, but my understanding, it applies to all higher education, the Board of Regents, Board of Governors, et cetera, et cetera. I'd like to have a little more explanation.

PRESIDENT ROCK:

Well -- the Chair is prepared to rule the motion's out of order. It cannot go to the Order of 3rd Reading. That motion's out of order. Any further business to come before the Senate? Announcements? Senator Hall moves that the Senate stand adjourned till Friday, June 22nd. Tomorrow morning at the hour of nine o'clock. 9:00 a.m.

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

JUNE 21, 1990

| | | | |
|---------|-------------------------|------|-----|
| HB-0309 | RECALLED | PAGE | 182 |
| HB-0318 | THIRD READING | PAGE | 262 |
| HB-0493 | THIRD READING | PAGE | 3 |
| HB-0950 | THIRD READING | PAGE | 4 |
| HB-0951 | THIRD READING | PAGE | 6 |
| HB-0953 | THIRD READING | PAGE | 7 |
| HB-0954 | RECALLED | PAGE | 185 |
| HB-0954 | THIRD READING | PAGE | 8 |
| HB-0982 | THIRD READING | PAGE | 8 |
| HB-1190 | THIRD READING | PAGE | 262 |
| HB-1220 | RECALLED | PAGE | 186 |
| HB-1268 | THIRD READING | PAGE | 12 |
| HB-1382 | THIRD READING | PAGE | 262 |
| HB-1477 | THIRD READING | PAGE | 262 |
| HB-1504 | THIRD READING | PAGE | 21 |
| HB-1550 | THIRD READING | PAGE | 262 |
| HB-1560 | THIRD READING | PAGE | 26 |
| HB-1560 | OUT OF RECORD | PAGE | 26 |
| HB-1585 | THIRD READING | PAGE | 262 |
| HB-1681 | THIRD READING | PAGE | 26 |
| HB-1699 | RECALLED | PAGE | 186 |
| HB-1762 | RECALLED | PAGE | 187 |
| HB-1784 | RECALLED | PAGE | 188 |
| HB-1784 | POSTPONED CONSIDERATION | PAGE | 190 |
| HB-2117 | MOTION | PAGE | 278 |
| HB-2173 | THIRD READING | PAGE | 262 |
| HB-2178 | THIRD READING | PAGE | 27 |
| HB-2181 | THIRD READING | PAGE | 262 |
| HB-2367 | THIRD READING | PAGE | 28 |
| HB-2388 | THIRD READING | PAGE | 29 |
| HB-2389 | RECALLED | PAGE | 190 |
| HB-2543 | THIRD READING | PAGE | 30 |
| HB-2619 | THIRD READING | PAGE | 262 |
| HB-2647 | THIRD READING | PAGE | 262 |
| HB-2700 | MOTION | PAGE | 269 |
| HB-2823 | THIRD READING | PAGE | 262 |
| HB-2842 | RECALLED | PAGE | 191 |
| HB-2845 | THIRD READING | PAGE | 262 |
| HB-2875 | THIRD READING | PAGE | 262 |
| HB-2884 | THIRD READING | PAGE | 31 |
| HB-2896 | THIRD READING | PAGE | 262 |
| HB-2907 | SECOND READING | PAGE | 176 |
| HB-2941 | THIRD READING | PAGE | 262 |
| HB-2959 | THIRD READING | PAGE | 263 |
| HB-2964 | THIRD READING | PAGE | 263 |
| HB-2965 | THIRD READING | PAGE | 263 |
| HB-2966 | THIRD READING | PAGE | 32 |
| HB-2988 | THIRD READING | PAGE | 263 |
| HB-3019 | THIRD READING | PAGE | 32 |
| HB-3020 | THIRD READING | PAGE | 41 |
| HB-3024 | THIRD READING | PAGE | 46 |
| HB-3027 | THIRD READING | PAGE | 263 |
| HB-3038 | THIRD READING | PAGE | 263 |
| HB-3050 | THIRD READING | PAGE | 263 |
| HB-3051 | THIRD READING | PAGE | 263 |
| HB-3063 | THIRD READING | PAGE | 263 |
| HB-3075 | THIRD READING | PAGE | 263 |
| HB-3085 | SECOND READING | PAGE | 273 |
| HB-3085 | MOTION | PAGE | 270 |
| HB-3089 | THIRD READING | PAGE | 48 |
| HB-3090 | RECALLED | PAGE | 191 |
| HB-3099 | THIRD READING | PAGE | 263 |
| HB-3107 | THIRD READING | PAGE | 263 |
| HB-3117 | THIRD READING | PAGE | 263 |

DAILY TRANSCRIPTION OF DEBATE INDEX

JUNE 21, 1990

| | | | |
|---------|----------------|------|-----|
| HB-3131 | THIRD READING | PAGE | 48 |
| HB-3134 | THIRD READING | PAGE | 263 |
| HB-3136 | RECALLED | PAGE | 193 |
| HB-3144 | THIRD READING | PAGE | 263 |
| HB-3149 | THIRD READING | PAGE | 50 |
| HB-3150 | THIRD READING | PAGE | 263 |
| HB-3151 | THIRD READING | PAGE | 264 |
| HB-3154 | THIRD READING | PAGE | 264 |
| HB-3155 | THIRD READING | PAGE | 264 |
| HB-3161 | RECALLED | PAGE | 194 |
| HB-3164 | THIRD READING | PAGE | 51 |
| HB-3167 | THIRD READING | PAGE | 52 |
| HB-3168 | THIRD READING | PAGE | 57 |
| HB-3181 | THIRD READING | PAGE | 264 |
| HB-3195 | THIRD READING | PAGE | 264 |
| HB-3197 | RECALLED | PAGE | 195 |
| HB-3202 | THIRD READING | PAGE | 58 |
| HB-3207 | THIRD READING | PAGE | 264 |
| HB-3213 | THIRD READING | PAGE | 264 |
| HB-3214 | THIRD READING | PAGE | 264 |
| HB-3220 | THIRD READING | PAGE | 63 |
| HB-3242 | SECOND READING | PAGE | 275 |
| HB-3242 | MOTION | PAGE | 274 |
| HB-3246 | MOTION | PAGE | 283 |
| HB-3249 | THIRD READING | PAGE | 264 |
| HB-3257 | THIRD READING | PAGE | 264 |
| HB-3261 | THIRD READING | PAGE | 264 |
| HB-3273 | THIRD READING | PAGE | 64 |
| HB-3284 | THIRD READING | PAGE | 264 |
| HB-3290 | THIRD READING | PAGE | 65 |
| HB-3293 | THIRD READING | PAGE | 264 |
| HB-3294 | THIRD READING | PAGE | 264 |
| HB-3297 | THIRD READING | PAGE | 264 |
| HB-3302 | THIRD READING | PAGE | 264 |
| HB-3310 | THIRD READING | PAGE | 71 |
| HB-3312 | THIRD READING | PAGE | 265 |
| HB-3316 | THIRD READING | PAGE | 265 |
| HB-3318 | THIRD READING | PAGE | 72 |
| HB-3324 | THIRD READING | PAGE | 265 |
| HB-3325 | RECALLED | PAGE | 198 |
| HB-3325 | OUT OF RECORD | PAGE | 199 |
| HB-3326 | RECALLED | PAGE | 199 |
| HB-3330 | THIRD READING | PAGE | 78 |
| HB-3333 | THIRD READING | PAGE | 265 |
| HB-3334 | THIRD READING | PAGE | 265 |
| HB-3337 | RECALLED | PAGE | 200 |
| HB-3350 | THIRD READING | PAGE | 265 |
| HB-3356 | THIRD READING | PAGE | 265 |
| HB-3363 | THIRD READING | PAGE | 265 |
| HB-3371 | THIRD READING | PAGE | 269 |
| HB-3374 | THIRD READING | PAGE | 265 |
| HB-3386 | RECALLED | PAGE | 211 |
| HB-3386 | RECALLED | PAGE | 250 |
| HB-3386 | OUT OF RECORD | PAGE | 214 |
| HB-3390 | MOTION | PAGE | 279 |
| HB-3397 | THIRD READING | PAGE | 79 |
| HB-3406 | THIRD READING | PAGE | 81 |
| HB-3412 | RECALLED | PAGE | 215 |
| HB-3426 | THIRD READING | PAGE | 89 |
| HB-3449 | THIRD READING | PAGE | 265 |
| HB-3454 | THIRD READING | PAGE | 95 |
| HB-3479 | THIRD READING | PAGE | 265 |
| HB-3481 | THIRD READING | PAGE | 265 |
| HB-3494 | RECALLED | PAGE | 215 |

STATE OF ILLINOIS
85TH GENERAL ASSEMBLY
SENATE
DAILY TRANSCRIPTION OF DEBATE INDEX

JUNE 21, 1990

| | | | |
|---------|----------------|------|-----|
| HB-3506 | THIRD READING | PAGE | 96 |
| HB-3509 | THIRD READING | PAGE | 265 |
| HB-3510 | THIRD READING | PAGE | 265 |
| HB-3513 | RECALLED | PAGE | 219 |
| HB-3518 | THIRD READING | PAGE | 265 |
| HB-3521 | THIRD READING | PAGE | 265 |
| HB-3524 | THIRD READING | PAGE | 266 |
| HB-3527 | THIRD READING | PAGE | 97 |
| HB-3528 | RECALLED | PAGE | 219 |
| HB-3529 | RECALLED | PAGE | 223 |
| HB-3536 | THIRD READING | PAGE | 99 |
| HB-3565 | RECALLED | PAGE | 225 |
| HB-3572 | THIRD READING | PAGE | 266 |
| HB-3573 | THIRD READING | PAGE | 266 |
| HB-3590 | RECALLED | PAGE | 225 |
| HB-3591 | THIRD READING | PAGE | 266 |
| HB-3597 | THIRD READING | PAGE | 266 |
| HB-3603 | THIRD READING | PAGE | 266 |
| HB-3610 | SECOND READING | PAGE | 178 |
| HB-3613 | RECALLED | PAGE | 227 |
| HB-3614 | THIRD READING | PAGE | 99 |
| HB-3630 | RECALLED | PAGE | 228 |
| HB-3632 | RECALLED | PAGE | 229 |
| HB-3639 | THIRD READING | PAGE | 266 |
| HB-3649 | RECALLED | PAGE | 229 |
| HB-3651 | THIRD READING | PAGE | 266 |
| HB-3655 | THIRD READING | PAGE | 100 |
| HB-3656 | RECALLED | PAGE | 230 |
| HB-3658 | RECALLED | PAGE | 231 |
| HB-3671 | THIRD READING | PAGE | 266 |
| HB-3675 | RECALLED | PAGE | 231 |
| HB-3675 | THIRD READING | PAGE | 104 |
| HB-3679 | THIRD READING | PAGE | 266 |
| HB-3682 | THIRD READING | PAGE | 266 |
| HB-3694 | THIRD READING | PAGE | 111 |
| HB-3707 | THIRD READING | PAGE | 266 |
| HB-3716 | THIRD READING | PAGE | 266 |
| HB-3717 | THIRD READING | PAGE | 266 |
| HB-3718 | THIRD READING | PAGE | 114 |
| HB-3721 | THIRD READING | PAGE | 266 |
| HB-3722 | RECALLED | PAGE | 232 |
| HB-3725 | SECOND READING | PAGE | 180 |
| HB-3731 | THIRD READING | PAGE | 266 |
| HB-3732 | THIRD READING | PAGE | 267 |
| HB-3733 | THIRD READING | PAGE | 267 |
| HB-3736 | THIRD READING | PAGE | 267 |
| HB-3738 | THIRD READING | PAGE | 267 |
| HB-3739 | THIRD READING | PAGE | 267 |
| HB-3740 | THIRD READING | PAGE | 124 |
| HB-3743 | THIRD READING | PAGE | 267 |
| HB-3748 | THIRD READING | PAGE | 267 |
| HB-3766 | THIRD READING | PAGE | 267 |
| HB-3777 | RECALLED | PAGE | 242 |
| HB-3795 | THIRD READING | PAGE | 267 |
| HB-3815 | THIRD READING | PAGE | 125 |
| HB-3823 | THIRD READING | PAGE | 267 |
| HB-3824 | THIRD READING | PAGE | 267 |
| HB-3825 | THIRD READING | PAGE | 267 |
| HB-3829 | THIRD READING | PAGE | 267 |
| HB-3830 | THIRD READING | PAGE | 267 |
| HB-3834 | RECALLED | PAGE | 246 |
| HB-3842 | THIRD READING | PAGE | 267 |
| HB-3849 | THIRD READING | PAGE | 267 |
| HB-3852 | THIRD READING | PAGE | 139 |

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

JUNE 21, 1990

| | | | |
|----------|--------------------|------|-----|
| HB-3853 | THIRD READING | PAGE | 140 |
| HB-3856 | THIRD READING | PAGE | 268 |
| HB-3859 | THIRD READING | PAGE | 141 |
| HB-3868 | THIRD READING | PAGE | 268 |
| HB-3870 | THIRD READING | PAGE | 268 |
| HB-3875 | THIRD READING | PAGE | 142 |
| HB-3879 | THIRD READING | PAGE | 268 |
| HB-3891 | THIRD READING | PAGE | 143 |
| HB-3894 | RECALLED | PAGE | 247 |
| HB-3897 | THIRD READING | PAGE | 145 |
| HB-3902 | THIRD READING | PAGE | 145 |
| HB-3949 | THIRD READING | PAGE | 146 |
| HB-3962 | THIRD READING | PAGE | 147 |
| HB-3983 | THIRD READING | PAGE | 268 |
| HB-3987 | THIRD READING | PAGE | 268 |
| HB-3998 | THIRD READING | PAGE | 268 |
| HB-4009 | THIRD READING | PAGE | 268 |
| HB-4025 | THIRD READING | PAGE | 268 |
| HB-4035 | THIRD READING | PAGE | 268 |
| HB-4038 | THIRD READING | PAGE | 268 |
| HB-4046 | MOTION | PAGE | 275 |
| HB-4061 | THIRD READING | PAGE | 148 |
| HB-4081 | THIRD READING | PAGE | 268 |
| HB-4082 | RECALLED | PAGE | 248 |
| HB-4085 | THIRD READING | PAGE | 268 |
| HB-4114 | MOTION | PAGE | 280 |
| HB-4124 | RECALLED | PAGE | 249 |
| HB-4124 | OUT OF RECORD | PAGE | 250 |
| HB-4140 | THIRD READING | PAGE | 160 |
| HB-4149 | SECOND READING | PAGE | 180 |
| HB-4159 | THIRD READING | PAGE | 268 |
| HB-4169 | THIRD READING | PAGE | 172 |
| HB-4190 | SECOND READING | PAGE | 182 |
| HB-4192 | THIRD READING | PAGE | 268 |
| HB-4204 | THIRD READING | PAGE | 269 |
| HB-4208 | THIRD READING | PAGE | 173 |
| HB-4221 | THIRD READING | PAGE | 269 |
| SR-1266 | RESOLUTION OFFERED | PAGE | 3 |
| HJR-0116 | MOTION | PAGE | 276 |
| HJR-0117 | MOTION | PAGE | 276 |
| SJR-0116 | MOTION | PAGE | 282 |
| SJR-0202 | MOTION | PAGE | 277 |

SUBJECT MATTER

| | | |
|---------------------------------------|------|-----|
| SENATE TO ORDER - PRESIDENT ROCK | PAGE | 1 |
| PRAYER - REVEREND JAMES JOHNSON | PAGE | 1 |
| JOURNAL - APPROVED | PAGE | 1 |
| JOURNALS - POSTPONED | PAGE | 1 |
| MESSAGES FROM THE HOUSE | PAGE | 2 |
| SENATOR DEMUZIO - PRESIDING OFFICER | PAGE | 47 |
| SENATOR LUFT - PRESIDING OFFICER | PAGE | 79 |
| SENATOR LECHOWICZ - PRESIDING OFFICER | PAGE | 92 |
| PRESIDENT ROCK - PRESIDING | PAGE | 157 |
| SENATOR DEMUZIO - PRESIDING OFFICER | PAGE | 183 |
| PRESIDENT ROCK - PRESIDING | PAGE | 223 |
| ADJOURNMENT | PAGE | 283 |