

84TH GENERAL ASSEMBLY

REGULAR SESSION

MAY 22, 1986

PRESIDING OFFICER: (SENATOR DEMUZIO)

The hour of nine o'clock having arrived, the Senate will come to order. Our...members will be at their desks. Our guests in the gallery will please rise. Our prayer this morning will be by the Reverend Jack Glen, First United Presbyterian Church of Mendota. Reverend.

REVEREND JACK GLEN:

(Prayer given by Reverend Glen)

PRESIDING OFFICER: (SENATOR DEMUZIO)

Reading of the Journal. Senator Hudson.

SENATOR HUDSON:

Mr. President, I move that reading and approving...reading and approval of the Journals of Tuesday, May 13th; Wednesday, May 14th; Thursday, May 15th; Tuesday, May 20th and Wednesday, May 21st, in the year 1986, be postponed pending arrival of the printed Journals.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, you've heard the motion as posed by Senator Hudson. Those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. The motion carries. It's so ordered. All right, with leave of the Body, we'll roll over to House bills 1st reading which...all right, Message from the House.

SECRETARY:

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

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

House Bills 562, 1043, 1699, 2313, 2549, 2578, 2580, 2582, 2599, 2625, 2709, 2878, 2879, 2974, 2975, 2976, 2978, 2979, 2980, 2981, 2982, 2983, 2984, 2985, 2986, 2987, 2988, 2990, 2991, 2992, 2994, 2995, 2996, 2997, 2998, 2999, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3035, 3036, 3050, 3090, 3091, 3092, 3115, 3255, 3257, 3343 and 3528.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Resolutions.

SECRETARY:

The following resolutions are all congratulatory.

Senate Resolution 923, Senator Macdonald.

924, Senator Jeremiah Joyce.

925, Senator Davidson and all Senators.

926, Senator Dunn.

927 is Senator Carroll and it is a death resolution.

928, Senator Davidson and all Senators.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Consent Calendar. Resolutions.

SECRETARY:

Senate Resolution 929 offered by Senators Lechowicz, Philip, Carroll, Schaffer, Jeremiah Joyce and others.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Executive. All right, with leave of the Body, we will go to page 19...19 on your Calendar. House bills 1st reading. House bills 1st reading, Mr. Secretary.

SECRETARY:

House Bill 1473, Senator D'Arco is the Senate sponsor.

(Secretary reads title of bill)

House Bill 2073, Senator Poshard.

(Secretary reads title of bill)

House Bill 2687, Senator Welch.

(Secretary reads title of bill)

House Bill 2927, Senator Lechowicz.

(Secretary reads title of bill)

House Bill 3044, Senator...D'Arco.

(Secretary reads title of bill)

House Bill 3371, Senator Karpiel.

(Secretary reads title of bill)

House Bill 2552, Senator Demuzio.

(Secretary reads title of bill)

1st reading of the bills.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Messages from the House.

SECRETARY:

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

Mr. President - I am directed to inform the Senate the House of Representatives adopted the following joint resolutions, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Joint Resolution 199 and 200, and they're both congratulatory.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Consent Calendar. Resolutions.

SECRETARY:

Senate Resolution 930 and 931, by Senators...930, by Senator Zito and 931, by Senators Zito, Philip and Fawell, both congratulatory.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Consent Calendar. With leave of the Body, we'll go to the Order of Senate Bills 3rd Reading, page 2 and later in the morning, we'll return to the Order of Recalls. Page 2, Senate bills 3rd reading, we left off yesterday...we'll begin on Senate Bill 1562. Senate bills 3rd reading, bottom of page 2...is 1562, Mr. Secretary.

SECRETARY:

Senate Bill 1562.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. For the past few years we've been appropriating dollars for job training but those job training dollars for the most part have been used as market-

SB 1565
3rd Reading

ing tools to attract new industry into the State of Illinois. What we're trying to do with Senate Bill 1562 is to appropriate four million dollars to augment existing programs to fund...grants to established businesses in the State of Illinois, such as Caterpillar Tractor, who are upgrading through technology their jobs. This money is designed to train the present employee in the factory for the future job. There is no opposition that I know of to DCCA. I've been in communication with them, and if, in fact, they addressed this in their appropriation bill which is on its way over here, I will more than likely not proceed with this bill in the future; but at this point, I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Discussion? If not, the question is, shall Senate Bill 1562 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 question, the Ayes are 50, the Nays are none, none voting Present. Senate Bill 1562 having received the required constitutional majority is declared passed. 1565, Senator Lemke. On the Order of Senate Bills 3rd Reading, bottom of page 2, is Senate Bill 1565, Mr. Secretary.

SECRETARY:

Senate Bill 1565.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Lemke.

SENATOR LEMKE:

What this bill does is imposes an extended term sentence upon an offender who...who molests a minor. I think it's a good bill. I ask for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? If not, the question is, shall Senate Bill 1565 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 question, the Ayes are 50, the Nays are none, none voting Present. Senate Bill 1565 having received the required constitutional majority is declared passed. 1576, Senator Kustra. Senator Kustra on the Floor? 1581, Senator Fawell. Senate bills 3rd reading, top of page 3, is Senate Bill 1581, Mr. Secretary.

SECRETARY:

Senate Bill 1581.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

Thank you, very much. This is exactly what the...what the Calendar says. It is the repeal of the auto emissions testing bill that we passed. I'd like to give you briefly some...some facts. The cost to the State this year...the appropriation that was put in by the EPA is twenty million dollars. Only fifteen percent of the cars are failing the test and the question is, is it worth fifteen million dollars for what we are doing when most of those cars will then turn around and get a waiver. The pollution...is set at .125 parts per million, that's supposed to be the magic figure as far as ozone is concerned. Last year Cook County was only out of compliance by literally four hours by .143 which is a .018 parts per million out of...out of compliance. Lake County was only out of compliance literally by three hours. The EPA in...in Washington insists that we count...for every hour that we are out of compliance, they insist that we count it

as a day, but the figures that I have received and the days that I have received from our EPA, which is the figures the U.S. EPA uses, literally called for four days out of compliance, not seven days...four hours out of compliance. Over the last ten years the air quality in Illinois has...has improved dramatically. Our own EPA fought to keep us out of this for the last ten years. The...the...number of the studies that have been used for this figures have been discredited. I think we all know what the bill is all about. I would appreciate a favorable vote. I will be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right.

SENATOR FAWELL:

Thank you.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Ladies and gentlemen, this morning we will begin using the clock because of the extraordinary number of bills that we have on the Calendar and at the suggestion of Senator Weaver. Discussion? Senator Davidson.

SENATOR DAVIDSON:

Mr. President, first, I'd like permission for my name to be withdrawn as a cosponsor to this bill, because it was put on really without my knowledge when everyone was put on and I'd like for my name to be removed.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right, Senator Davidson requests leave to have his name withdrawn as a cosponsor of Senate Bill 1581. Is leave granted? Leave is granted. It's so ordered. Senator Davidson.

SENATOR DAVIDSON:

Mr. President, I rise in opposition to this bill. Granted, part of the statements made are true as far as compliance. Granted, we passed this bill, and I know it very

well, had been the one who wound up with his bill...being amended into it and spent many long hours with Senator Savickas and...and Roger Keats and et cetera in negotiations over this bill. Now it sounds great saying that only...only those counties that would be out of compliance would lose motor fuel tax...Federal motor fuel tax, but, ladies and gentlemen, you better listen to what I'm going to say to you 'cause the thing they forget to tell you is that the amount comes off of the top first...off the top first from what the Federal Government would send back. That correspondently reduces the amount in every county...the gross amount that every county which is in compliance would have available. So, don't be misled by saying the only parts of the State being affected are those counties which would be out of compliance if this bill would become law. I urge you all to vote in opposition.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you. I think Senator Davidson probably made the argument I was going to make, but I still would like to ask the sponsor one question, if I may.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will...she will yield. Senator Sangmeister.

SENATOR SANGMEISTER:

In committee, Senator Fawell, there was a dollar figure totally put on this that may be lost to the State of Illinois regardless of how and where it's going to be lost. As I recall in committee, there was some testimony from DOT, I think, that it was around six hundred million. Do you have any...any more current figures or was that figure correct in your opinion?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

No, it wasn't. The...the loss is a hundred and ten to a hundred and thirty million in the FY '84 road program minus the twenty-one that it would cost to...to put this program in...in effect; however, if we can...the...the figure that we are using to be in compliance is the U.S. EPA figure which is in the rules and the regs, and what I am trying to work on, very frankly, is to get the U.S. Administration and the U.S. EPA to look at these figures and make some common sense out of them. To be out of compliance just four hours by .018 parts per million and spend twenty-one million dollars does not make any common sense. And it just seems to me that if we pass this bill, at least out of the Senate, we'll get someone to listen. The White House is starting to listen now.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Hall.

SENATOR HALL:

Thank you, Mr. Chairman and Ladies and Gentlemen of the Senate. I rise in support of this bill and I'm proud my name is on it. You know, it's unbelievable that we will sit here and try to force something on people as long as our community is not being affected. Can you imagine in this State...if we going to have emission control, let's have it all over the entire State. Here you have one area of a section up in the Chicago and...and Cook County area and then for three hundred miles there's no pollution, and then it comes down to St. Clair and Madison County. Now the most unreasonable thing about this is that some people on one side of the street their cars will...pollute; on the other side of the street, they do not pollute. This does not take in consideration that the thousands and thousands of people that come into an area where I live for work, their cars don't pollute, they stay there all during the day. As long as the...car is garaged in

some other place, they don't pollute. Another thing is very, very unfair...Mr. President, can we have a little order, please?

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, ladies and gentlemen, this will go a lot faster today if we could have some order. Senator Hall.

SENATOR HALL:

What is happening...can you imagine that if an area pollutes for one hour, it's considered a whole day? Now it's just wrong. I've never seen in all...almost twenty years of my time in this Legislature that some people will sit here and want to force emission testing control on other areas because it doesn't affect their area. It's just wrong. And I'll tell you something else, the EPA admits that even if we did this as a question of whether or not we will be in compliance is very, very strange that every time you're putting something on some people, then comes in how much money is the State going to lose? The concern should be on everybody sitting on this Floor, is it fair, is it right, should we have two standards in this State? It's wrong. And I'll tell you this, right now, in an area where I am, because some people have written and said that they will not come to different stations where they're set up is that they're now going to have mobile units running around in those areas to test the emission control from the tailpipe of some cars. The people in that area who...who doesn't have to go under this are appalled to think that this Legislature here would set up a double standard in this State. It's really wrong and I'll tell you this, that you're going to find one of the greatest violations, that people are going to refuse to do this. Now don't come and come up with throwing about how much money the State is going to lose and what the Federal...well, who in the devil is the Federal Government? We're all the Federal Government. This State of Illinois is not getting back from

Washington what they should get back from the money that they send. I...I've never...it's unbelievable that you could pass a law in this State to say that one segment of the population...now we have an interstate going through there. These big trucks and all pass through that area, they don't pollute because they're not in a designated area; yet, they're in there, there out of there...I just can't understand how anyone would sit on this Floor and say that this is...they've got to admit it's a bad law, they got to admit it's discriminatory and...trucks going to St. Louis and trucks going everywhere else do not pollute. Buses because they're garaged elsewhere do not pollute. It's just wrong and I'm telling you this, if we don't change this law, we are going to have one of the greatest catastrophes, we're going to be...people fighting in the streets because they object to this kind of stuff, and then you come around and going to say the Secretary of State can...can refuse to give them this license...people who do not live in Madison and St. Clair County go through here, live in that area and many of them in there if they're in a different zip code. It's just so wrong and I appeal to you that now is the time. If we...we sit around here and we talk about this. Now don't go and tell me about it's going to cost us some money...here you got a firm that came in here who's got a contract and then they jumped up here when the bill was up saying it's not going to cost us anything, the States going to pick it up, they're going to test your cars free, but what about the poor person who comes there and they send them someplace else to spend two or three hundred dollars for some correction?...and I'll tell you this, that unless we change this law...and I'm proud to have my name on this, and I'll tell you that what's going to happen is that people are refusing right now to go to that and many of them in different areas. It's so wrong.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

I don't see how we can understand to have a bill like this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? We have at least eight additional speakers on this bill. Senator Macdonald.

SENATOR MACDONALD:

Well, because the last speaker really more or less said what I wanted to say, I wanted to also get up to support this particular bill. I think that the...administration of this particular issue and...and the testing is absolutely ridiculous when you think that we are doing it by zip codes, that that is one of the...the prime factors in determining where the testing shall be done in this State. It's unfair and unwarranted and I think the Federal Government ought to know and hear; after all, it is the people who are going to be paying for this testing, it will not be the State, the State is the people.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President. I ask leave of the Body to be added as a cosponsor to Senate Bill 1581. I think this program that we passed out of here is the craziest thing that I've ever seen since I've been in the General Assembly. I mean, it just...if someone ever came to this...came to us with this program and sat in your office and said, we're going to put a...a program in such as this, you'd say, you got to be crazy. I mean, this thing makes absolutely no sense whatsoever. We watered the thing down and...and maybe initially there might have been some merit to it. What we passed out of here is just absolutely crazy.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President. I'll try to keep my remarks very brief. I stand in strong support of Senate Bill 1581 and would ask leave of the Body to be added as a hyphenated cosponsor on the bill, if I may. I think that Senator Fawell has to be commended for her research and study of this particular measure. I think that what she has proposed here has been well reasoned. Her objections are, I think, cautious, well thought out and justified. I'm under the impression that...would the...the...the variance that...she mentions, the Federal variance here is so slight that by the time these testing stations are put into place and cars are lined up by the thousands and sitting there, some with idling motors, we're going to add more to the pollution and the atmosphere in that area up there than we could conceivably have without them. If this bill does nothing else but this...and I will close, if this bill does nothing else but send a message to the Federal Government that we are getting tired of having the heavy hand of Federal bureaucratic regulation placed upon us for insufficient reasons, at least they will get that message, that message will be brought to them. What will happen to this bill in the House, nobody knows. But I think it's an effort that we can...we are well justified in embarking upon and I would urge each and every one of you to give it some thought and give it an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I realize that it's not particularly popular to make this point but there is a pollution issue involved here. Admittedly, this piece of...the original piece of legislation got watered down and skewed up by the time it passed the General Assembly; that was no fault of

those who started the process. It had to do with some interests that...came to bear on it as it made its way through, but the basic proposition was sound; and quite apart from the enormous amount of money that apparently would be lost, it seems to me that we ought to remember that there still is a huge majority in this country who believes that we really ought to clean up our air, our water and everything else that we've been polluting all these years. This is a very small piece of it admittedly, but it does have a matter of principle involved. Parenthetically, I would add that I'm...we may be the only ones in the Body who have already received our notice to show up with an automobile for the emission testing. We did it. It took, I think, all of three minutes. It was not painful. There was no waiting line, I guess because nobody else is complying and it really is not that big a problem, at least at this stage. It is a matter of importance that we not forget about the fact that we are trying to clean up our air and keep it clean. That is what we are leaving to future generations, if, indeed, we do. This is a small piece of that puzzle.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Kelly.

SENATOR KELLY:

Thank...thank you, Mr. President. I have a question of Senator DeAngelis.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Well...

SENATOR KELLY:

In relation to this subject.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Well...

SENATOR KELLY:

All right, maybe I'll...maybe I'll...

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Kelly.

SENATOR KELLY:

...maybe I'll ask the question of the sponsor and I think Senator DeAngelis might be the only one that can answer it.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right, Senator Kelly.

SENATOR KELLY:

I'd like to find out in...in the south suburban area, Chicago Heights has a testing site for emissions and I would like to know in relationship to Senator DeAngelis' office where is that testing site located?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Fawell yields to Senator DeAngelis. Senator DeAngelis.

SENATOR DeANGELIS:

Right below my office. No. It's at...I believe it's 193 Halsted Street.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Kelly.

SENATOR KELLY:

Well, I...I just would like you to tell me in relationships to blocks. I mean, most of these streets, Senator, in the southside of Chicago and the south suburban area has a number like where I am, 17050 Lincoln and things like that, but in...relation to that address a...a number of people in the south suburban area are not familiar with Chicago Heights and that particular address. Now it's on Halsted, which is a very prominent street, but it's...it's...I...I'm just concerned that...in fact, the Tribune had an article about three or four days ago indicating that on the northside that there was a site that was very difficult to find. My concern is that this is a bad start right off the bat to have a location that is difficult for people from other communities other than Chicago Heights to be able to find, and if you're not

going to make it convenient, then it's going to be a program that people are going to be opposed to. That's my only question, Senator, so I thank you. I would...I'm not finished. Thank you. I just want to say that a concern I have had from the beginning of this program is for those individuals with low incomes who are driving around, an older vehicle and maybe can't afford to have another vehicle, and particularly in the suburban area where you can't even get around to shopping centers, where you can't do anything without a car, I think it's very detrimental; and I am going to support this proposal, and I would also ask leave to be added as a hyphenated cosponsor of this legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Kelly has sought leave to be added as a hyphenated cosponsor. Is leave granted? Leave is granted. Further discussion? Senator Geo-Karis. Ladies and gentlemen, I don't wish to cut anybody off, but you're getting pretty close. Senator Geo-Karis.

SENATOR GEO-KARIS:

...Mr. President...Mr. President and Ladies and Gentlemen of the Senate, I'm going to read you a quick paragraph from one of my constituents, Robert Brooks from Waukegan, who has studied this completely. He says, "Dear Senator Geo-Karis. Chrysler recently recalled three hundred and forty-four thousand cars for emission problems caused by poor gasoline, over which the public has no control, and yet, your EPA people insist on blaming the public for this in the emissions test...testing program. This is simple insanity. What is it going to take to get this matter handled by you and your associates? The State EPA must assure that proper gasoline is sold to the public before the public is blamed for something it can do nothing about." And I can quote from the "Ward's Engine Update Magazine," May 1st, 1986 edition which has stated that the fuel...situation is so bad that that's why

Chrysler had to recall the cars. I think that's where the answer lies, not in this...not in opposing this bill. This bill is a good bill because even the EPA spokesman at the committee meeting said that...he states that even if...Illinois proceeds with the prior program, there is no guarantee the State will be in compliance with the U.S. EPA standards and I think we should send a message to Washington that this whole bill...that we're trying to repeal should never have passed to...to begin with, because it was just based on absolutely stupid regulations and zip codes and what have you. Like Senator Hall says, across the street, you're bound with it; on the other side of the street, you're not. And I speak in favor of the bill and I ask...everyone to support it.

PRESIDENT:

Further discussion? Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. Just briefly, I...I happen to live in...in the Madison County area similar to the situation of Senator Hall. Now, you know, it...it surprises me that there's tens and tens of thousands of trucks and tens and tens of thousands of cars going through Madison County to their homes in the exempt areas and the trucks going through from St. Louis, Missouri hauling their...their wares, and why we were cited and the other areas of the people surrounding Madison County who work in St. Louis are exempt from...from the testing. We didn't cause this...and...and I really believe that...that the fairness of this is not real. I can't understand why our counties with such heavy traffic is being selected as one of the counties for this emission testing. I support Senator Fawell in this bill because it's not a realistic bill and I also support Senator Fawell for personal reasons.

PRESIDENT:

Further discussion? Senator Friedland.

SENATOR FRIEDLAND:

...thank you, Mr. President and Ladies and Gentlemen of the Senate. This is that notorious...nothing more than a...a ridiculous and notorious auto enema bill. We ought to vote Aye on this and flush it over to the House.

PRESIDENT:

Further discussion? Senator Welch.

SENATOR WELCH:

Thank you. I'd just like to point out that yesterday the Governor of this State said that business follows transportation, and if we end up losing the six hundred million dollars for roads that is projected by passing this bill, obviously, according to the Governor's logic, we are going to hurt business in the State of Illinois. Seems to me we did a lot of voting yesterday to try to help business in the State and this seems to reverse it. The only way I see that we can keep the President from cutting off road funds to Illinois if we pass this is probably by hiring Michael Deaver to represent us in Washington.

PRESIDENT:

Further discussion? Further discussion? Senator Fawell may close.

SENATOR FAWELL:

Thank you...thank you, very much. I just would like to mention a couple of other things; number one, any of you who have got constituents with Fords that were built in...in the early 1980's, you had better warn them that if they are idling more than five minutes in the line, the catalytic converters will not work, because the gasoline goes around the catalytic converters to prevent a burnout and it will be necessary for them to restart their cars once they start getting tested. If they don't do it, they will not pass the test. Those of you who have constituents with General Motors

cars, let me warn you that if you...if they do happen to turn their car off and start their car up, they will not pass because they have the opposite problem. I think that this whole program is...is...does not make any sense. I think we ought to send a...a strong message to Washington. I think we ought to tell Washington that this does not make any sense, they ought to look at our figures and come up with some kind of program that does make some kind of sense. They ought to let us out of this. We have been progressively going down every single year because the old cars that have been causing the problems are automatically getting off the road, and I certainly ask us...and solicit an Aye vote for this bill. Thank you.

PRESIDENT:

Question is, shall Senate Bill 1581 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 44 Ayes, 11 Nays, 1 voting Present. Senate Bill 1581 having received the required constitutional majority is declared passed. Senator Barkhausen on 1589. On the Order of Senate Bills 3rd Reading, Senate Bill 1589, Mr. Secretary.

SECRETARY:

Senate Bill 1589.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, Senate Bill 1589 would make a slight change in the way that the prosecution of obscenity cases now proceeds. Under existing law, under the Obscenity Statute in the Criminal Code as it presently exists, a prose-

cutor...in addition to showing that certain materials fall within the definition of obscenity has to prove that the average person applying contemporary, adult community standards finds that these materials meet that definition, but the community standards now are...are...must be...community is defined as being the entire State, and what we are trying to do here is to change State to county so that the...a juror in trying to apply his or her own community standards can...can apply his or her own experience rather than...having to reach beyond the breadth of his or her own experience and look to the entire State to determine what...what obscenity might be. I emphasize that this in no way changes the definition of obscenity as now in our current Statute. Last year, you may recall, we updated the definition of obscenity to comply with the Miller versus California U.S. Supreme Court standard and this in no way changes that, it just makes a slight procedural change in the way that obscenity cases would now be prosecuted. We adopted a couple of amendments to the bill to satisfy concerns of the Library Association and the Illinois Press Association. Those groups have now withdrawn their opposition. I'd be happy to answer any question; otherwise, would urge your favorable roll call.

PRESIDENT:

Discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I do have to rise in opposition to this. If you liked the last bill, you ought to be voting No on this bill. If you think it's unusual to try and test a car by zip code, go try and test obscenity by county. County to county to county there would be a change of standard. It's probably one of the most ludicrous things we could do to stop obscenity. The Appellate Court in Illinois has indicated already that the uniformity must be a Statewide standard. I think

none of us would want a national standard, but the national courts have identified Statewide standards are the way to go. Can you imagine the First Amendment cases that would be brought county by county by county as we try to determine as you crossed a road whether or not a piece of material was obscene. To think that you'd have to test a car on one side of the street or the other, you'd have the same test for every piece of literature ever thought to be obscene depending on which side of the county line road you were on. The number of cases would mushroom, the number of decisions would be ridiculous and more importantly, the law would be struck down. The court has said that we must apply in order to have any type of First Amendment that could, in fact, deal with the issue of obscenity and getting rid of obscenity. We must have a Statewide community standard. We do have a Statewide Criminal Code and I think that as long as the states have been given the rights to have Criminal Codes, they must be Statewide in jurisdiction. So, I would suggest to you, were a bill like this to ever be signed into law, we would be back here next year doing what we just did, as Senator Fawell so well pointed out, saying that you cannot have ludicrous lines that are impossible to enforce; and I would suggest we defeat it now instead of having to come back with egg in our face later and change the law again.

PRESIDENT:

Further discussion? Any further discussion? Senator Barkhausen, you wish to close?

SENATOR BARKHAUSEN:

Well, in response to Senator Carroll and in closing, the good Senator on this issue anyway is...is dead wrong. Neither the U.S. Supreme Court or the Illinois Supreme Court have ever said that an obscenity standard must be proved on a Statewide basis. In fact, in U.S. versus Hamling, 418US87, the court said that a...a juror is entitled to draw on his

knowledge of the views of the average person in the community from which he comes for making the required determination. The Miller...meaning Miller versus California, the Miller holding that a state could proscribe obscenity in terms of a Statewide standard did not mean...did not mean that any such precise geographic area is required as a matter of constitutional law. So, as a matter of fact, U.S. Supreme Court decisions allow states to determine whether the community standard is to be a Statewide standard or a more local standard, and we are exercising here the discretion that the U.S. Supreme Court gives us in trying to pass this particular measure. Neither, I would point out, has the...as you mentioned an Illinois Appellate Court decision, well, in fact, the Illinois Supreme Court has said that the only reason that a Statewide standard has been held to apply is because that is what the Statute...the Statute presently requires, not any common law decision on the part of the Supreme...Illinois Supreme Court or any other court but only because our Statute now requires that; but, of course, it is up to us, the Legislature, to determine what the Statutes require, and because it is so difficult to prosecute obscenity cases where a jury has to reach beyond the experience of his or her own community and his or her own county, we are now making it just slightly easier without changing the definition of obscenity in any way for juries to base their determinations on the breadth of their own experience in their own counties. The proposal is strongly supported by groups concerned about these matters, by the Illinois State's Attorneys' Association, and I, again, urge a favorable roll call.

PRESIDENT:

All right, the question is, shall Senate Bill 1589 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 question, there are 45 Ayes, 9 Nays, none voting Present. Senate Bill 1589 having received the required constitutional majority is declared passed. All right, if I can have the attention of the Body, now that we are all here and anxious to proceed, the next bill is subject to the recall. We'll go to...with leave of the Body, go to the Order of the Recall List. Everybody's been passed...Senator Lemke, for what purpose do you arise?

SENATOR LEMKE:

Just if...if I had been present, I would have voted Yes on 1589. I was called out and apparently nobody voted my switch.

PRESIDENT:

The record will so reflect. If you'll turn to the recall list, there are twenty-four members who have amendments that they wish to be offered. To afford our people in Enrolling and Engrossing an opportunity not to work all night, we'll get to that order right now. Senator Newhouse, are you ready on your amendment to 1602? All right, on the Order of Senate Bills 3rd Reading, Senate Bill 1602, Mr. Secretary. Senator Carroll, on my behalf, asks leave of the Body to move that bill back to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1602, Mr. Secretary.

SECRETARY:

Amendment No. 3 offered by Senator Newhouse.

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. This...this amendment reallocates general revenue funds to bring back up to the Governor's level some dollars that were taken out. These dollars would have represented some dollars from Senate Bill

626 which passed out of here but were folded into another program. We're putting those dollars back in and I know of no objection to it.

PRESIDENT:

All right, Senator Newhouse has moved the adoption of Amendment No. 3 to Senate Bill 1602. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1629, Senator Lemke. Senator Lemke, on the recall list, 1629. Senator Lemke.

SENATOR LEMKE:

What this amendment was...

PRESIDENT:

All right...wait a minute...

SENATOR LEMKE:

I think we should hold this...

PRESIDENT:

...Senator Lemke, do you wish it called or not called?

SENATOR LEMKE:

Think we better...just...put it back on...

PRESIDENT:

Forget it. Okay. 1698. Senator Demuzio seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1698, Mr. Secretary.

SECRETARY:

Amendment No. 4 offered by Senator Carroll.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is a technical amendment. It's...it's a title change because of the other items we've added to the bill. I would move its adoption.

PRESIDENT:

Senator Carroll has moved the adoption of Amendment No. 4 to Senate Bill 1698. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Top of page 8, Senator Philip on 1741. Senator Philip seeks leave of the Body to return 1741 to the Order of 2nd Reading for purposes of an amendment or amendments. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1741, Mr. Secretary.

SECRETARY:

Amendment No. 4 offered by Senators Darrow and Schuneman...yes, Darrow and Schuneman.

PRESIDENT:

All right,...Senator Darrow on Amendment No. 4.

SENATOR DARROW:

Thank you, Mr. President. What this amendment does is add two hundred thousand dollars for the Henry County Fair Association for permanent improvements including water and sewage construction and repairs and two hundred thousand dollars to the Knox County Fair Association for water and sewer construction and repairs. I'd ask for adoption of the amendment.

PRESIDENT:

All right, Senator Darrow has moved the adoption of Amendment No. 4 to Senate Bill 1741. Is there any discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Unfortunately, I have to rise in opposition to Senator Darrow's amendment, not because the Henry or Knox County Fairs may not be in need of this money; in fact, I believe they are, this is just not the proper forum. The State has said consistently for several years now that it is not in the business of building county fairs with State funds and that they have consistently, therefore, rejected any State funds used for this purpose. I think it's, therefore, a useless act on...our part to attempt to provide by appropriation monies that cannot be spent for that or any other purpose and, therefore, do not think we should adopt the amendment.

PRESIDENT:

Further discussion on Amendment No. 4? Senator Sommer.

SENATOR SOMMER:

Mr. President and members, again, briefly and certainly not aimed at the...the sponsor. It has been a chronic problem in relation to fairground...repairs. There are numerous fairgrounds around the State, many of which need endless repairs, and in the last number of years the General Assembly as a policy has stayed away from that due to the fact that the...the ultimate obligation we would inherit out there is...is probably extremely large and there are, indeed, now local mechanisms for funding these things. So, at this point and time, I suspect we'd be opposed too.

PRESIDENT:

Further discussion? Senator Darrow, you wish to close?

SENATOR DARROW:

Thank you, Mr. President. Well, the Knox County Fair is in Knox County which is in Senator Schuneman's area, so I don't have a whole lot invested in that. The Henry County Fair is in a portion of my district...a slight portion, the rest is in Senator Schuneman's district. So, I assume that

the majority of votes for this amendment will be coming from Senator Schuneman and his colleagues on the other side of the aisle. I would ask for the adoption of this amendment. I think we're breaking into a new area here that would benefit all of downstate Illinois.

PRESIDENT:

Question is, the adoption of Amendment No. 4. 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? Have all voted who wish? Take the record. On that question, the Ayes are 21, the Nays are 27. Amendment No. 4 fails. Further amendments?

SECRETARY:

Amendment No. 5, by Senators Woodyard and Weaver.

PRESIDENT:

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President. This amendment appropriates 1.4 million dollars for a watershed treatment project located approximately half in Senator Weaver's district and approximately half in my district. This amendment is certainly supported by...and the project supported by the State's Soil/Water Conservation District Board, the Vermilion County Soil/Water Conservation District and Bureau of the Budget, and I would...urge its adoption.

PRESIDENT:

All right, Senator Woodyard has moved the adoption of Amendment No. 5 to Senate Bill 1741. All in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

Amendment No. 6, by Senator Fawell.

PRESIDENT:

Senator Fawell on Amendment No. 6.

SENATOR FAWELL:

Thank you, very much. This is just a technical...amendment substituting "library systems facility" and deleting "public library facilities."

PRESIDENT:

Senator Fawell has moved the adoption of Amendment No. 6 to Senate Bill 1741. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

Amendment No. 7, by Senator Carroll.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendment No. 7 is various projects that are within the categories of sewers, highways and school conversions similar to what we had done on Amendment No. 2, adding some additional projects. I would move its adoption.

PRESIDENT:

Senator Carroll has moved the adoption of Amendment No. 7 to Senate Bill 1741. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

Amendment No. 8 offered by Senator Sommer.

PRESIDENT:

Senator Sommer on Amendment No. 8.

SENATOR SOMMER:

Mr. President and members, this adds...as the previous amendments, some additional projects and rather modest amounts considering what it could be.

PRESIDENT:

Senator Sommer has moved the adoption of Amendment No. 8

to Senate Bill 1741. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

Amendment No. 9 offered by Senator Carroll.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This was an additional project worked out with the Federal Government on the issue of water erosion with the corps of engineers, and I would move adoption of Amendment No. 9.

PRESIDENT:

Senator Carroll has moved the adoption of Amendment No. 9 to Senate Bill 1741. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

Amendment No. 10, by Senator Carroll.

PRESIDENT:

Senator Carroll on Amendment No. 10.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is a technical in nature amendment to change the lump sum categories so that at the end of the day we are basically within the dollar amount suggested by the Governor utilizing those lump sum categories and making it for...instead specific projects. I would move its adoption.

PRESIDENT:

Senator Carroll has moved the adoption of Amendment No. 10 to Senate Bill 1741. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

Amendment No. 11, by Senator O'Daniel.

PRESIDENT:

Senator O'Daniel on Amendment No. 11.

SENATOR O'DANIEL:

Mr. President and members of the Senate, this amendment appropriates seven million six hundred thousand dollars from the Build Illinois Bond Fund to the Department of Transportation to construct an extension of FA 160 from Clay City southward to the City of Fairfield.

PRESIDENT:

Senator O'Daniel has moved the adoption of Amendment No. 11 to Senate Bill 1741. Any discussion? Senator Carroll.

SENATOR CARROLL:

Unfortunately, Mr. President, once again, I must rise in opposition. This would be the...both the inappropriate place to place a road project and, again, it's a county road in which there's no State involvement, there's no category within Build Illinois that would, therefore, be allowable to fund it. I understand the problem and that's why when we attempted to put this in at half the amount last year was vetoed just because we cannot use State funds for county...for county roads unless the county wants to cede jurisdiction to the State. So, again, while it would be nice if we could get it done, there is no category and...we would again just be wasting time trying to put it in. I would have to oppose it for that reason.

PRESIDENT:

Further discussion? Senator Sommer.

SENATOR SOMMER:

Mr. President and members, we would take the same position in opposition to this at this time.

PRESIDENT:

Senator O'Daniel, you wish to close on Amendment No. 11?

SENATOR O'DANIEL:

Yes, Mr. President, this...this amendment completes the...the extension of FA 160 from Mattoon to Fairfield. The road was...from Mattoon down to Clay City was built several years ago and...and this extension would service as a...a very productive agriculture area and also an area where there's a lot of oil production and also would service several small communities. I think it's very badly needed and I appreciate your support.

PRESIDENT:

Question is the adoption of Amendment No. 11 to Senate Bill 1741. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 10 Ayes, 34 Nays, none voting Present. The amendment fails. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Mr. Secretary, hold on just for a moment...that bill may have to remain on 2nd reading. Senator Carroll, for what purpose do you arise?

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Apparently, Amendment No. 5 is technically incorrect as compared to what it was explained to do. Having voted on the prevailing side, I would move to reconsider the vote by which Amendment No. 5 was adopted.

PRESIDENT:

All right, Senator Carroll has moved to reconsider the vote by which Amendment No. 5 to Senate Bill 1741 was adopted. All in favor of the motion to reconsider indicate by saying Aye. All opposed. The Ayes have it. The vote is now reconsidered. Before the Body now is Amendment No. 5.

SENATOR CARROLL:

I would move to Table.

PRESIDENT:

All right, Senator Carroll moves to Table Amendment No. 5 to Senate Bill 1741. Any discussion? If not, all in favor of the motion to Table indicate by saying Aye. All opposed. The Ayes have it. Amendment No. 5 is Tabled. Are there further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Top of page 6, on the Order of Senate Bills 3rd Reading is Senate Bill 1743. Senator Philip seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 1743, Mr. Secretary.

SECRETARY:

Amendment No. 4 offered by Senator Schaffer.

PRESIDENT:

Senator Sommer on Amendment No. 4. Take it out of the record, Mr. Secretary. On the Order of...Senate Bills 3rd Reading, middle of page 6, Senate Bill 1748. Senator Sommer seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? On the Order of Senate Bills 2nd Reading, Senate Bill 1748, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Lechowicz.

PRESIDENT:

Senator Lechowicz on Amendment No. 2.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendment No. 2 adds eighty-five thousand six hun-

dred dollars for the payment of expenses associated with the Vito Marzullo intern program. When the fine alderman retired in the city council, the Governor made a very sterling address to the membership of the city council extolling the virtues of Vito Marzullo's tenure within the City of Chicago and the State of Illinois as both...as a State Representative and...as an alderman, and as...in his closing remarks he made mention of the fact that in order to show a sincere sense of gratitude, he would have a Vito Marzullo intern program. This provides the funding to what the Governor has stated, and I move for its adoption.

PRESIDENT:

All right, Senator Lechowicz has moved the adoption of Amendment No. 2 to Senate Bill 1748. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Bottom of page 6, on the Order of Senate Bills 3rd is Senate Bill 1753. Senator Karpiel seeks leave of the Body to return that bill to the Order of 2nd Reading for the purpose of Tabling an amendment. Senator Karpiel...leave granted? On the Order of Senate Bills 2nd, Senate Bill 1753, Senator Karpiel.

SENATOR KARPIEL:

Well, thank you, Mr. President. No one has spoken to me about this but I'm assuming I'm supposed to Table Amendment No. 4.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Mr. President, thank you. Having voted on the prevailing side, I would make that motion that the vote by which Amend-

ment No. 4 was adopted be reconsidered for purposes of Tabling. This was put into EPA as a...a general revenue fund's appropriation. We have now put it into where it appropriately belongs, into a capital account. The project is accommodated but not with general revenue as it would have done in...in this bill. We have taken care of it in a previous amendment to another bill; so, having voted on the prevailing side, I would move to reconsider the vote by which Amendment No. 4 was adopted.

PRESIDENT:

All right, Senator Carroll having voted on the prevailing side moves to reconsider the vote by which Amendment No. 4 to Senate Bill 1753 was adopted. All in favor of the motion to reconsider indicate by saying Aye. All opposed. The Ayes have it. The vote is reconsidered. Senator Carroll now moves the adoption of amendment...I mean, to Table Amendment No. 4. All in favor of the motion to Table indicate by saying Aye. All opposed. The Ayes have. Amendment No. 4 is Tabled. Are there further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Middle of page 7, on the Order of Senate Bills 3rd Reading is Senate Bill 1763. Senator Sommer seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of amendments. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1763, Mr. Secretary.

SECRETARY:

Amendment No. 8 offered by Senator Vadalabene.

PRESIDENT:

Senator Vadalabene on Amendment No...Senator Carroll.

SENATOR CARROLL:

Thank you. As cosponsor with Senator Vadalabene, somehow

mysteriously the priorities list skipped over the fourth priority project going well beyond that in priorities, and Amendment No. 8 is two hundred and ninety-four thousand for an art and design facility planning at SIU-Edwardsville. I would move adoption of Amendment No. 8.

PRESIDENT:

Senator Carroll has moved the adoption of Amendment No. 8 to Senate Bill 1763. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

Amendment No. 9 offered by Senators Maitland and Davidson.

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. The same explanation as Senator Carroll just mentioned for the previous amendment. The...the priority list was skipped over on ISU's Fell Hall remodeling and also on Sangamon State's health/science building. I would move for the adoption.

PRESIDENT:

All right, Senator Maitland has moved the adoption of Amendment No. 9 to Senate Bill 1763. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

Amendment No. 10 offered by Senator Davidson.

PRESIDENT:

Senator Davidson on Amendment No. 10.

SENATOR DAVIDSON:

This is the restoration of the monies to...for the fair-grounds to...final completion of the electrical and water and sewer work. I move the adoption of the amendment.

PRESIDENT:

Senator...Senator Davidson has moved the adoption of Amendment No. 10 to Senate Bill 1763. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Are there further amendments?

SECRETARY:

Amendment No. 11, by Senator Davidson.

PRESIDENT:

Senator Davidson on Amendment No. 11.

SENATOR DAVIDSON:

Question of the Secretary. Is that 1.3 mil for the Dana Thomas House? I wish to withdraw that amendment, Mr. President.

PRESIDENT:

Withdraw the amendment, Mr. Secretary. Further amendments?

SECRETARY:

Amendment No. 11, by Senator Keats.

PRESIDENT:

Senator Keats on...Senator Keats wishes to withdraw that amendment, Mr. Secretary. Further amendments?

SECRETARY:

Amendment...Amendment No. 11, by Senator Carroll.

PRESIDENT:

Senator Carroll on Amendment No. 11.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendment No. 11 deals with the old revenue building and is to change the source of funds to Capital Development Bond Funds. I would move its adoption.

PRESIDENT:

Senator Carroll has moved the adoption of Amendment No. 11 to Senate Bill 1763. Any discussion? If not, all in

favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

Amendment No. 12, by Senator Rock.

PRESIDENT:

That's Senator Jones' amendment, I believe. Senator...Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendment No. 11 would be for the Chicago State University and CDB funds to build a much needed dorm. I would move its adoption.

PRESIDENT:

Senator Carroll has moved the adoption of Amendment No. 12 to Senate Bill 1763. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Are there further amendments?

SECRETARY:

Amendment No. 13, by Senator Lechowicz.

PRESIDENT:

Senator Lechowicz on Amendment No. 13.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendment 13 deletes thirty-one million dollars in bond funds to rehabilitate 160 North LaSalle. The project is deleted because plans for the renovation do not appear to be specific. No cost benefit analysis has been distributed that would support the need for this project. I move for its adoption.

PRESIDENT:

Senator Lechowicz has moved the adoption of Amendment No. 13 to Senate Bill 1763. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

Amendment No. 14, by Senator Lechowicz.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. This deletes a hundred and twenty-five thousand in bond funds to plan a new Chicago-Read Armory. There are presently fifty-two armories under its jurisdiction...of the State presently. It is doubtful that another armory is needed, and I move for the adoption of the deletion of a hundred and twenty-five thousand.

PRESIDENT:

All right, Senator Lechowicz has moved the adoption of Amendment No. 14 to Senate Bill 1763. Discussion? Senator Keats.

SENATOR KEATS:

I want to ask a quick question. Which armory is this again? I don't have a copy of that. I'm just questioning because we've been trying to build National Guard Armories. Please fill me in.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. Chicago-Read. It'd be a new facility located on the northwest side. We only have the Northwest Armory now, Broadway and another one in a very close proximity. There is fifty-two armories presently in this State.

PRESIDENT:

Senator Keats.

SENATOR KEATS:

I was going to say, I'm aware, but of those...I think the fifty-one or fifty-two, over thirty of them were built somewhere between 1492 and 1510, in very poor condition and, of

*B 1834
Recalled*

course, the Broadway Armory we spent a lot of work redoing. We're trying to get some of these armories into the regions where members of the guard live and there is a large number of guard members who live in that area, and it also makes it easier to recruit new members from that area. We're...now these we're deleting, where do they come from? Seems to me these are matching funds that the Feds will match us about four to one.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

I wish it was the case, Senator Keats, but, unfortunately, it is a hundred and twenty-five thousand out of bond funds. No matching funds from the Federal Government for this purpose at all. And let me just point out to you, as a former member of the Illinois National Guard, as a former company commander who did spend a lot of time at the Northwest Armory, I...if you take a utilization factor of all the armories in this State, they should probably utilize in a more efficient manner; and for this reason, I move for the adoption of the amendment.

PRESIDENT:

All right, Senator Lechowicz has moved the adoption of Amendment No. 14 to Senate Bill 1763. Any further discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Senator Maitland on 1834. Middle of page 9, Senator Maitland seeks leave of the Body to take Senate Bill 1834 back to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1834, Mr.

Secretary.

END OF REEL

SB 2117
Recalled

REEL #2

SECRETARY:

Amendment No. 3 offered by Senator Maitland.

PRESIDENT:

Senator Maitland on Amendment No. 3.

SENATOR MAITLAND:

Mr. President, I believe I'll have to Table an amendment first. Okay...all right. I believe...I believe this...this...this amendment will track, I think there's no problem. Mr. President, yesterday we amended the...the Open Meetings Act with some language that was accepted by almost everyone and I explained the...the amendment...the agreed to amendment properly; but when I had taken the amendment to LRB, I gave them the wrong information and, therefore, one point was left off and...and point number four was left off of the amendment and it's a very critical part of the amendment and I, therefore, would move for the adoption of Amendment No. 3.

PRESIDENT:

All right. Senator Maitland has moved the adoption of Amendment No. 3 to Senate Bill 1834. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Top of page 11, Senator Macdonald. Senator Macdonald. Senator Macdonald for the third time, no. Top of page 15, Senator Demuzio on 2117. Senator Demuzio seeks leave of the Body to return 2117 back to the Order of 2nd Reading for purposes of an amendment. Is leave granted? On

the Order of Senate Bills 2nd Reading, Senate Bill 2117, Mr. Secretary.

SECRETARY:

Amendment No. 3 offered by Senator Demuzio.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Mr. President, we...we have adopted two amendments. Senator Schaffer's amendment was Amendment No. 2, I believe, Mr. Secretary? Pardon, No. 1?

SECRETARY:

We have...I have two amendments on the bill, I don't...

PRESIDENT:

That's what he's asking. Which...which was sponsored by Senator Schaffer? We don't...we don't know that.

SENATOR DEMUZIO:

All right. Well, actually, what we want to do is we want to move to Table both amendments and we have a different amendment that...then at that point tracks with...with everything. So having been on the...

PRESIDENT:

All right...Senator Demuzio having voted on the prevailing side wishes to reconsider the vote by which Amendment No. 1 to Senate Bill 2117 was adopted. All in favor of the motion to reconsider indicate by saying Aye. All opposed. The Ayes have it. The vote is reconsidered. Senator Demuzio now moves to Table Amendment No. 1 to Senate Bill 2117. All in favor of the motion to Table indicate by saying Aye. All opposed. The Ayes have it. Amendment No. 1 is Tabled. Amendment No. 2, Senator...I mean, Senator Demuzio has moved to reconsider the vote by which Amendment No. 2 to Senate Bill 2117 was adopted. All in favor of the motion to reconsider indicate by saying Aye. All opposed. The Ayes have it. The vote is reconsidered. Senator Demuzio now moves to

Table Senate...Amendment No. 2 to Senate Bill 2217. All in favor of the motion to Table indicate by saying Aye. All opposed. The Ayes have it. Amendment No. 2 is Tabled. Further amendments, Mr. Secretary?

SECRETARY:

Amendment...Amendment No. 3 offered by Senator Demuzio.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Senate...Senate Amendment No. 3 simply now...is a amendment that tracks, which is identical to Senate Amendment No. 2, changing the...the date by which the fire marshal could collect from July 1st of '86 to July 1st of '37. I would move its adoption.

PRESIDENT:

All right. Senator Demuzio has moved the adoption of Amendment No. 3 to Senate Bill 2117. Discussion? Senator Schaffer.

SENATOR SCHAFFER:

Well, I just wanted to point out to the members that the one amendment that was just removed from the bill is the one that I placed on it yesterday that had to do with incineration of garbage. There apparently is a great deal of bad information floating around on this, particularly that it somehow affects Illinois coal which is laughable and ludicrous; but I don't propose to jeopardize Senator Demuzio's bill, and perhaps we can get these issues cleared up and address this at another time. But I just wanted to let everybody know that that amendment is no longer on Senator Demuzio's bill and, hopefully, we can get the bad information straightened out and move ahead later.

PRESIDENT:

All right. Senator Demuzio has moved the adoption of Amendment No. 3 to Senate Bill 2117. Any discussion? If

not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?
SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 2191, Senator Welch. On the Order of Senate Bills 3rd Reading, middle of page 16, is Senate Bill 2191. Senator Welch seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd, Senate Bill 2191, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Welch.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

Yes, I'd...I'd like to ask the Clerk the LRB number. Is that...

SECRETARY:

LR...LRB 8408926SLJWAM02.

SENATOR WELCH:

All right. This amendment has been worked out with the Department of Public Aid and the Illinois State Support Center to clarify that the Department of Public Aid shall use data concerning the medical services the recipient has received rather than goods and services they are currently receiving, and allows recipients to change providers once they have been restricted. Now the recipient shall receive a written notice setting forth the reasons for the restriction of their card. This has been worked out with all of the parties involved in this package of bills. I'd vote for its adoption.

PRESIDENT:

Senator Welch has moved the adoption of Amendment No. 1

to Senate Bill 2191. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

Amendment No. 2, by Senator Welch.

PRESIDENT:

Senator Welch on Amendment No. 2.

SENATOR WELCH:

Thank you, Mr. President. This amendment we attempted to work out an arrangement but negotiations have fallen through and due to a cork in the legislation, I'd ask that Amendment No. 2 be laid on the Table.

PRESIDENT:

I'm sorry, Senator Welch, I was distracted here. What...what was your motion?

SENATOR WELCH:

It was a motion to lay the amendment on the Table.

PRESIDENT:

Why don't you just withdraw it?

SENATOR WELCH:

All right, then, I'll withdraw it.

PRESIDENT:

...motion...that...has been withdrawn. Any further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 2294. Senator Karpel in the hall? Oh, Senator Karpel is not here to call the bill back. We'll get back to it. Senator Collins on 1529. Middle of page 2, on the Order of Senate Bills 3rd Reading, Senate Bill 1529. Senator Collins seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate

Bills 2nd Reading, Senate Bill 1529, Mr. Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Collins.

PRESIDENT:

Senator Collins on Amendment No. 1.

SENATOR COLLINS:

Yes, thank you, Mr. President and members of the Senate. Amendment No. 1 is to...in response to some of the concerns about the monies for the infant lab schools being taken out of existing monies allocated for child care from the Federal Title Twenty Social Security Act. And what we've done here is just to eliminate all reference to that Act and...and...and just...simply says that the board would establish guidelines and procedures for reimbursement for child care payments and a sliding feed scales for a recipients of public aid, and I would ask for the adoption of Amendment No. 2.

PRESIDENT:

Senator Collins has moved the adoption of Amendment No. 1, Mr. Secretary?

SECRETARY:

Yes.

PRESIDENT:

To Senate Bill 1529. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Are there further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1743. Is Senator Schaffer in the hall? Yes. Senator Philip seeks...on the Order of Senate Bills 3rd Reading, Senate Bill 1743. Senator Philip seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted.

On the Order of Senate Bills 2nd Reading, Senate Bill 1743,
Mr. Secretary.

SECRETARY:

Amendment No. 4 offered by Senator Schaffer.

PRESIDENT:

Senator Schaffer on Amendment No. 4.

SENATOR SCHAFFER:

Mr. President, this amendment simply removes twenty million dollars that was appropriated from a Build Illinois Grant to the City of Chicago for their Urban Development Action Grant Program. Frankly, they haven't demonstrated a comprehensive plan to spend these dollars, and until we see such a plan, I think it would be imprudent to appropriate them.

PRESIDENT:

All right. Senator Schaffer has moved the adoption of Amendment No. 4 to Senate Bill 1743. Any discussion? Senator Collins.

SENATOR COLLINS:

I'm sorry, you said that you were taking away some money from the City of Chicago?

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

Just twenty million. I don't have any problem but this is for a program that we have not seen any plans for, and I think it's only reasonable for us to ask them to get the plans to us and tell us what they're going to do with the money. That's all we're requesting; not against it once they get some sort of a reasonable plan.

PRESIDENT:

Senator Collins.

SENATOR COLLINS:

Yes, will you...will...I...I didn't hear what you said

this money was for, for what plan? I'm sorry, I don't have the amendment. Could you just tell me?

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

It simply deletes the money...the twenty million dollar line item for the Urban Development Action Grant Program, it's part of the Build Illinois Program. We haven't seen any comprehensive plans, we haven't...we don't know what they're going to do with the money and I think it's just a...you know, I don't know whether we're filling in the lake or building a statue or another addition to McCormick Place. I don't know what they're doing with the money. May be all well and good but until they tell us what they're going to do with it, at least in...in a general planning format, I think it's imprudent to appropriate the money.

PRESIDENT:

Further discussion? Senator D'Arco.

SENATOR D'ARCO:

You know, Jack, I...I just think it's silly to get into a hassle about it now. I'm sure that we can work it out and a plan will...will be submitted to you shortly. So, you know, I...I don't see the problem right now. I think it will be taken care of if you just relax a little bit for a couple of days and maybe next week we can work it all out.

PRESIDENT:

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

SENATOR SCHAFFER:

I...I'm absolutely lay back on the issue, I'm just saying, let's...show us a plan and how it's going to be spent and I don't have any problems with it. It's an appropriate thing and an appropriate amount of money in terms of the big picture. I just...I wouldn't ask you for twenty million

SB 1834
Amend #2

dollars from my area without giving you a plan and I don't think you want to do that to us. It's that simple.

PRESIDENT:

The question is the adoption of Amendment No. 4 to Senate Bill 1743. Those in favor will vote Aye. Those opposed will vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 34 Ayes, 12 Nays. Amendment No. 4 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. All right. On the Order of Senate Bills 3rd Reading, Mr. Secretary and members, middle of page 9, is Senate Bill 1834. Senator Maitland has informed the Chair that it is necessary to Table one of the amendments that was adopted. Senate Bill 1834 on the Order of 3rd Reading, Senator Maitland seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of Tabling an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1834. Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President, I apologize for the confusion. It is necessary for me to Table Senate Amendment No. 2 to Senate Bill 1834...therefore, I would move to Table Amendment No. 2.

PRESIDENT:

All right. Senator Maitland having voted on the prevailing side has move...has moved to reconsider the vote by which Amendment No. 2 to Senate Bill 1834 was adopted. All in favor of the motion to reconsider indicate by saying Aye. All opposed. The Ayes have it. The motion carries. The

SB 2294
Recalled

vote is reconsidered. Senator Maitland now moves to Table Amendment No. 2 to Senate Bill 1834. All in favor of the motion to Table indicate by saying Aye. All opposed. The Ayes have it. The motion carries. Amendment No. 2 is Tabled. Further amendments, Mr...

SECRETARY:

No further...no further amendments.

PRESIDENT:

3rd reading. Now those of us who are on the recall will not have these bills called until later, I hope everybody understands, to give the clerical folks a chance to put it in order. Senator Karpziel on 2294. On the Order of Senate Bills 3rd Reading, Senate Bill 2294. Senator Karpziel seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 2294, Mr. Secretary.

SECRETARY:

Amendment No. 3 offered by Senators Karpziel and Marovitz.

PRESIDENT:

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. First, I would like to have leave to Table Amendment No. 2.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Having voted on the prevailing side, Senator Karpziel moves to reconsider the vote by which Amendment No. 2 is...Senator Marovitz.

SENATOR MAROVITZ:

Unfortunately, Senator Karpziel did not vote on the prevailing side. However, it was my amendment and having voted on the prevailing side, I would move to Table the vote by which Amendment No. 2 to Senate Bill 2294 was adopted.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Karpziel indicates her sorrow in making your motion, Senator Marovitz. Senator Marovitz having vote on the prevailing side moves to reconsider the vote by which Amendment No. 2 to Senate Bill 2294 was adopted. All those in favor indicate by saying Aye. Those opposed. The Ayes have it. The motion carries. Now Senator Marovitz moves to Table Amendment No. 2 to Senate Bill 2294. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 2 is Tabled. Further amendments?

SECRETARY:

Amendment No. 3 offered by Senators Karpziel and Marovitz.
PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Karpziel.

SENATOR KARPIEL:

All right, thank you, Mr. President. Amendment No. 3 is the agreed amendment that we mentioned yesterday, all parties have signed off on it. It provides for an expedited procedure for enforcement of court ordered visitation in cases of visitation abuse, and I ask for your approval.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, Senator Karpziel moves the adoption of Amendment No. 3 to Senate Bill 2294. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 3 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. We have gone through the list on our recalls. We will now go to the Order of Senate Bills 3rd Reading on page 3 and...and start with...Senator Lemke, for what purpose do you arise?

SENATOR LEMKE:

I think there's a bill 916 for a recall. It was on the list but I think it was added to the list.

PRESIDING OFFICER: (SENATOR SAVICKAS)

It's not on our list, Senator. Senator Rock.

SENATOR ROCK:

Well, my suggestion is, I think there are a couple of other members at least have indicated to the Chair that there may be further amendments. Why don't we...we'll get a second list and we'll do it later this afternoon...it's always better to have something in front of one.

PRESIDING OFFICER: (SENATOR SAVICKAS)

On the Order of Senate Bills 3rd Reading, on page 3, Senate Bill 1603, Senator Weaver. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1603.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President and members of the Senate. This is an appropriation of eight hundred and sixteen thousand a hundred and fifty dollars, and I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill...1603 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 48, the Nays are none, none voting Present. Senate Bill 1603 having received the constitutional majority is declared passed. Senate Bill 1604, Senator Weaver. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1604.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr...

PRESIDING OFFICER: (SENATOR SAVICKAS)

...for what purpose Senator Smith arise?

SENATOR SMITH:

I wanted to be counted with 1603 as a vote Yes. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Let the record so indicate. Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President and members of the Senate. This is an appropriation of eighty-two million two hundred and seventy thousand seven hundred dollars to the Universities' Retirement System. I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1604 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 1604 having received the constitutional majority is declared passed. Senate Bill 1605, Senator Carroll. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1605.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the ordinary and contingent expenses for the operations of the Board of Governors in an amount of a hundred and eighty-three...million nine hundred thousand, less than the Governor's request and I would move for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1605 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, none voting Present. Senate Bill 1605 having received the constitutional majority is declared passed. Senate Bill 1606, Senator Vadalabene. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1606.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Thank you, Mr. President and members of the Senate. As amended, Senate Bill 1606 contains two hundred and three million from all funds for Southern Illinois University fiscal operations and grants, 5.2 million less than the Board the Higher Education's recommendation and 1.4 million less than the Governor's budget. Appreciate a favorable vote and I'm still being conservative.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1606 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 56,

*JB 1607
3rd reading
SB 1608
3rd reading*

the Nays are none, none voting Present. Senate Bill 1606 having received the constitutional majority is declared passed. Senate Bill 1607, Senator Etheredge. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1607.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill appropriates two hundred and ninety-four million nine hundred and eighty-six thousand seven hundred dollars to the State Scholarship Commission.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1607 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. Senate Bill 1607 having received the constitutional majority is declared passed. Senate Bill 1608, Senator Etheredge. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1608.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the bill which sets the maximum grant award level for the State Scholarship Commission.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1608 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. Senate Bill 1608 having received the constitutional majority is declared passed. Senate Bill 1609, Senator Weaver. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1609.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President and members of the Senate. This is an appropriation to the University of Illinois for five hundred and fifty-five million and six hundred and sixty-five thousand dollars. Appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1609 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 1609 having received the constitutional majority is declared passed. Senate Bill 1610, Senator Davidson. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1610.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, this is a hundred and ninety-six million two hundred and eight thousand eight hundred dollars for the Board of Regents' annual budget. Move the adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill...1610 pass. Those in favor vote Aye. Those opposed vote No. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 1610 having received the constitutional majority is declared passed. Senate Bill 1611, Senator Poshard. Read the bill, Mr. Secretary. For what purpose Senator Demuzio arise?

SENATOR DEMUZIO:

...while there's a lull in the action, a point of personal privilege. Standing behind me is the President of the State FFA, Charles Shoan, and perhaps, with your permission, while we're fixing the machine he can say a few words, if...

PRESIDING OFFICER: (SENATOR SAVICKAS)

He's got about a minute.

MR. CHARLES SHOAN:

(Remarks by Mr. Charles Shoan)

PRESIDING OFFICER: (SENATOR SAVICKAS)

Congratulations. Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. I ask leave of the Body to be added as a chief cosponsor on Senate Bill 2294 and Senate Bill 2042. I've discussed it with the sponsors and they have no objection.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Hearing no objection, leave is granted. On the Order of Senate Bills 3rd Reading, Senate

AB 1612
3rd Reading

Bill 1611, Senator Poshard. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1611.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Poshard.

SENATOR POSHARD:

Thank you, Mr. President and members of the Senate. As amended, Senate Bill 1611 contains 200.7 million for the community college boards and the State community colleges Fiscal Year '87 operations and grants. Recommend its approval.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1611 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1611 having received the constitutional majority is declared passed. Senate Bill 1612, Senator Etheredge. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1612.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Etheredge.

SENATOR ETHEREDGE:

Yes, Mr. President, Ladies and Gentlemen of the Senate, this is the bill which...establishes the credit hour grant award rates for the community colleges for next year. I would move for its approval.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall

SB 1624
3rd Reading

Senate Bill 1612 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. Senate Bill 1612 having received the constitutional majority is declared passed. Senate Bill 1615, Senator Maitland. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1615.

(Secretary reads title of bill)

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland

SENATOR MAITLAND:

Thank you, Mr. President. Senate Bill 1615 deletes some...obsolete provisions in the section and, very honestly, it is a...it is a formula shell bill. Senator Berman and I each have one of these and I would appreciate your support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Is there discussion? If...if not, the question is, shall Senate Bill 1615 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, none voting...or 3 voting Present. Senate Bill 1615 having received the constitutional majority is declared passed. Senate Bill 1624, Senator Demuzio. Senator Demuzio.

SECRETARY:

Senate Bill 1624.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President, Ladies and Gentlemen of

the Senate. 1624, frankly, is a shell bill. It is the continuing process of the Audit Commission to bring about a single State Purchasing Act. This bill would like...we'd like to move it along over to the House, an identical House bill is on 2nd reading in the House. It's my understanding that there is another hearing to be held at least next Tuesday, I think, in Springfield; and if possible, if we can come to some agreement, we may end up with a bill in June but I think for the most likely we'll probably have extended hearings and probably not have any formative action until November. So at the moment it is, in fact, a shell bill and I would ask for the affirmative support just to keep the process rolling.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I concur with Senator Demuzio. The fact is that we are a long way from getting a uniform Purchasing Code. We have been working on it for about two years and in all probability nothing will be done until next fall, but we need to have these bills in place when that happens.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 1624 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 48, the Nays are 1, 3 voting Present. Senate Bill 1624 having received the constitutional majority is declared passed. Senate Bill 1626, Senator Rock. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1626.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. As amended, Senate Bill 1626 appropriates for the ordinary and contingent expenses of the operation of the General Assembly nineteen million four hundred and eighty-two thousand dollars for FY '87, an increase of six percent over the FY '86 expenditure. I would move for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1626 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are none, none voting Present. Senate Bill 1626 having received the constitutional majority is declared passed. Senate Bill 1627, Senator Rock. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill...1627.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1627 appropriates five million three hundred thousand dollars for the...district office expenditures of both the House and the Senate members. The Senate, as you recall, receives thirty-seven thousand dollars annually and the House receives twenty-seven thousand dollars. I would move for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1627 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 1627 having received the constitutional majority is declared passed. Senate Bill 1628, Senator Rock. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1628.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1628 as amended appropriates ten million four hundred thousand dollars for the FY '87 budget for the legislative support agencies, those twelve agencies that do the work for the...of the General Assembly, including Economic and Fiscal, Legislative Reference. I know of no objection, I would seek a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1628 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. Senate Bill 1628 having received the constitutional majority is declared passed. Senate Bill 1629 was on recall. Senate Bill 1629...no...Senator Lemke. Senator Lemke.

SENATOR LEMKE:

We're trying to work out an amendment on this. Can we pass this and we'll get back to it...leave to get back to it

SB 1634
3rd Reading

later.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senate Bill 1634, Senator Lemke. Read the bill, Mr. Secretary. Senate Bill 1634, Senator Lemke. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1634.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

What this bill does is amends the Criminal Code, creates the offense of home repair fraud and aggravated home repair fraud which is fraud against the elderly and prescribes penalties upon conviction. I think we've all talked about this many times and the news media has concentrated on...including the Tribune, in investigating this matter. I think it's a good bill. We have worked out...out some of the problems with it and have made it into a better bill and I think it's great to protect our senior citizens and make a crime of aggravated home fraud, but I also think it's a good bill to get after the Willy Nerds and the...all these other people that rip off the elderly and rip off homeowners. I ask for its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Senator Lemke, this bill is not the registration or licensing bill, this simply establishes certain categories of fraud for home repairs, is that basically what it does?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

This bill deals only with the criminal part of home repair fraud, not with registration, that's 1629.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this bill applies to single-family residences and it's...it does...it is a good bill to prevent some of this recurring fraud. So I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lechowicz.

SENATOR LECHOWICZ:

Very briefly, Mr. President and Ladies and Gentlemen of the Senate, this is the bill that was strongly...supported by both Chicago newspapers. The sponsor took the time and effort to make sure that the sad occasion that transpired in Chicago would not have happened throughout this State. This really deserves your full support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? If not, the question is, shall Senate Bill 1634 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1634 having received the constitutional majority is declared passed. Senate Bill 1639, Senator Rock. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1639.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1639 as amended is the appropriation for the ordinary and contingent expenses for FY '87 of the Office of the State Treasurer. The total is five hundred and seven million dollars. The operations budget, obviously, is only three million since the Treasurer is charged with the payment of debt service. I know of no objection. It has been subject to the one percent cut and I would move for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1639 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1639 having received the constitutional majority is declared passed. Senate Bill 1659, Senator Berman. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1659.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1659 makes certain technical changes. It's actually a vehicle bill to address any changes later on that we may want to do with the School Aid Formula similar to the measure that we recently just passed for Senator Maitland. I ask for your affirmative vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall

Senate Bill 1659 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1659 having received the constitutional majority is declared passed. Senate Bill 1661, Senator Watson. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1661.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. This legislation amends the Illinois Insurance Code and it requires that all fire insurance policies for home...homeowners outside of a tax supported entity have a two hundred and fifty dollar minimum charge for fire service calls. In other words, this is in an area that has a subscription fire department service in which people subscribe or pay annually a service fee for it, these people will have a two hundred and fifty dollar service charge required on their insurance policy. The insurance industry is supportive of this. It's legislation that has resulted from a problem that developed in...in my home county that a fire...a local fire department under a subscription type policy responded to a call...or did not respond to a call and, unfortunately,...received a considerable amount of bad publicity as a result of it. But what this will do is simply say if you have fire insurance, then you've got a...two hundred and fifty dollar minimum service charge for fire service. I know of no opposition, I'll be glad to answer any questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Hall.

SENATOR HALL

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR HALL:

Is this...is this Statewide, Senator Watson?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Watson.

SENATOR WATSON:

Well, it's Statewide implications but it's in only those areas in which a subscription type fire department is involved. It's not a fire...it does not affect those areas protected by fire protection districts or a tax supported municipality.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hall.

SENATOR HALL:

...when you say subscription, are you talking about volunteers? Are they volunteers...see, we have...communities out our way have volunteer...like Midway and those places, they're volunteer. Would they be considered subscriptions?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Watson.

SENATOR WATSON:

Not necessarily, a fire protection district can still be a volunteer district. So it wouldn't necessarily be a subscription department.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall Senate Bill 1661 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1661

SB 1700
2nd Reading

having received the constitutional majority is declared passed. Senate Bill 1666, Senator Maitland. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1666.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President. Senate Bill 1666 does just exactly what it says in the summary, and in addition, it does restore the Auditor General's authority to perform the annual compliance audit. And, finally, as a result of much discussion during committee with respect to the way we determine the dropout students in the State, Amendment No. 2 does describe a new program that the State board shall follow for determining dropout students in Illinois.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1666 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1666 having received the constitutional majority is declared passed. Senate Bill 1698 was recalled this morning, so we will skip that. Senate Bill 1700, Senator Rock. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1700.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill...1700 is the Tax Increment Allocation Redevelopment Act. It...it is...as everyone knows, I am sure, an expansion of the tax increment financing provision that is currently the law to provide a State component, namely, the increment...incremental State sales taxes. It also provides for the use for industrial purposes of any local utility tax. There are currently twenty-eight TIF districts in existence, we have established 1984 as the base year for calculating the incremental growth. We have posited that each of the existing districts will have the opportunity to be afforded a four percent incremental growth. The Department of Revenue and the Department of Commerce and Community Affairs have worked hand in hand with our staff and with the members of the committee to put this bill together. It's been amended three times. Senators Barkhausen and Mahar, I believe, have put an amendment on. I know of no objection and I would solicit a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. I rise in support of Senate Bill 1700. Up in suburban Cook County, as a result of the growth and development of large regional shopping centers, many of our suburban communities have really been hard hit and our downtown businesses in those suburban communities have found it very difficult to compete. Many of those communities including the community which I represent, DesPlaines, are trying to rebuild those downtown areas and one vehicle they are using is tax increment financing. This particular piece of legislation would go a long way to helping those communities rebuild and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. If I might add one word of support for Senate Bill 1700. It does what a lot of the legislation that we pass here does not do or, perhaps, more accurately, it does not do what a lot of the legislation that we pass in fact does. It does not really take away from the tax base. It doesn't do a great deal of shifting a burden of taxation from one group to another. What it does do is reallocate who will have the benefit of the tax whether it be the property tax which has always been the base of tax increment financing or now the sales tax and in limited cases the utility tax, so that it accomplishes what we all hope a lot of our development programs and incentive programs will accomplish without at the same time putting in a extra heavy burden on other parts of the tax paying public. I think it is one of the more inventive, creative and, hopefully, useful tools that has been devised; and while this is always a...a little bit risky to expand a program like this, I think these are...important and highly defensible add-ons to the TIF concept, and we trust will make it even more useful than it has been in the past.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in support of Senate Bill 1700. We find in...in Rockford as a medium size city in Illinois that this is one way that we can help ourselves rebuild. So often the programs that the State passes are for smaller cities or for Chicago, and we in turn in Rockford must turn time and time again to the Federal Government for special programs that are gradually being cut back. It's a very impersonal system when

we must go to Congress and...and to Washington for some of these grants. This is one way that we can help ourselves and it's the way that the State can say, we care about you and we are going to help you to help yourself. I advocate strong support of this particular piece of legislation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock may close.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I invite all members to be cosponsors. This is an innovative program that...one that is particularly acute right now, because with the current proposals pending in Congress to limit the use of...of bonds for redevelopment, obviously, some program like this is necessary. The TIF allows public works programs to really literally pay for themselves. I think it's an excellent program and one that I am proud to have been associated with, and I would solicit your favorable support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall...Senate Bill 1700 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 1700 having received the constitutional majority is declared passed. Senate Bill 1709, Senator Netsch. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1709.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. The bill as originally intro-

duced did only one thing which was to raise from twenty dollars to fifty dollars the monthly eligibility limit for filing utility tax returns on an annual rather than a quarterly basis. This is something that we do from time to time and, in effect, reflects inflation over a period of years, I don't think there's any controversy about that at all. The second part of the bill, and I hope Senator Keats is on the Floor, I see he has just returned, is Senator Keats' amendment which deals with the income tax treatment under Illinois law of the...any income earned by political committees and I will be happy to defer to him for further explanation of that. The third part of the bill equalizes the interest rate to be paid by the taxpayer and the State on sales tax returns; that is, when the taxpayer is determined to owe additional money, the taxpayer currently is charged two percent a month or twenty-four percent a year, when the State is found to have more money than it was entitled to in sales tax returns, it pays only one percent. That struck a number of us including a number of people in the business community as eminently unfair and, as a matter of fact, I think the Department of Revenue agrees this would equalize both groups at one and a half percent. That issue is still under some negotiation, I think, and there may be some change in it as time goes by; but I think, in the meantime, we should keep it in here to provide a means of further negotiation. If Senator Keats would like to explain his part of the bill, I defer.

PRESIDING OFFICER: (SENATOR SAVICKAS)

I guess he doesn't wish to explain anything. The question is, shall Senate Bill 1709 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 49, the Nays are 3, none voting Present. Senate Bill 1709 having received the constitutional majority is

declared passed. Senate Bill 1716, Senator Schuneman. Senate Bill 1728, Senator Etheredge. You'll have to bear with us a little, we are having problems with the printer. The new printer is on its way. 1728, Senator Etheredge.

SECRETARY:

Senate Bill 1728.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the math and science academy clean-up bill. It corrects some of the omissions that were made in the...the things that we omitted in the legislation when it passed out of here a year ago. It identifies the...the pension system in which the academy employees will pay. It lists among the powers of the board explicitly the power to lease and purchase property and also establishes a consultative and reporting requirement between the board of the academy and the State Board of Education. I am aware of no opposition. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1728 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 1728 having received the constitutional majority is declared passed. Senator, it still hasn't helped the machine any. Senate Bill 1733, Senator Jones. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1733.

*SB 1734
3rd Reading*

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jones.

SENATOR JONES:

Thank you, Mr. President. I ask leave to have...1733 rereferred to the Senate Insurance Committee.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Hearing no objection, the motion carries. Senate Bill...1733 will be rereferred back to the Insurance Committee. Senate Bill 1734, Senator Carroll. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1734.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is 1.1 million dollars for the claims out of the Gendel case. It's a reappropriation. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1734 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are none, none...and 1 voting Present. Senate Bill 1734 having received the constitutional majority is declared passed. Senate Bill 1735, Senator Macdonald. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1735.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. This merely changes the Racing Board members' term of office to end July 1st of...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Zito.

SENATOR ZITO:

Sponsor yield for a question, please?

PRESIDING OFFICER: (SENATOR SAVICKAS)

She indicates she will.

SENATOR ZITO:

Senator Macdonald, just a...quick question, why?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Macdonald.

SENATOR MACDONALD:

I...is my mike...it wasn't...I wasn't through with my discussion yet. The reason is that the law was changing...it hasn't...been reflected yet to update the law. So it's just putting the law...the requirement into conformity of the law which was left out. It's actually a vehicle bill, we have had no response from the summit meeting for racing and...and we are going to send over this bill over to the House so that they can have as many alternatives as they please when...when the issue comes forward.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Might this, in fact, later come back in the form of something for Arlington Park?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Macdonald.

SENATOR MACDONALD:

Yes, it will probably come back...with...if...if they use it, there are other bills also that I imagine are going over to the House and they'll probably...initiate in the House. So it's a possibility that it could come back as the racing bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? If not, the question is, shall Senate Bill 1735 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 question, the Ayes are 55, the Nays are none, none voting Present...I voting Present. Senate Bill 1735 having received the required constitutional majority is declared passed. Senator Vadalabene, for what purpose do you arise?

SENATOR VADALABENE:

Thank you, Mr. President. In coming back to my seat from the telephone, I voted No...which sometimes is a miracle. However, I wanted to vote Aye and I want the record to show on 1709 that I wanted to vote Aye.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

The record will so indicate that your halo is still intact...Senate bills 3rd reading, Senate Bill 1736, Mr. Secretary.

SECRETARY:

Senate Bill 1736.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Sommer.

SENATOR SOMMER:

Mr. President and members, this is reduced fifty-four thousand eight hundred dollars pursuant to the guidelines

*SB 1738
3rd Reading*

established by the committee.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1736 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 question, the Ayes are 56, the Nays are 1, none voting Present. Senate Bill 1736 having received the required constitutional majority is declared passed. Senate Bill 1737, Mr. Secretary.

SECRETARY:

Senate Bill 1737.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Mr...thank you, Mr. President. This bill appropriates one hundred and thirty-one million four hundred and seventy-nine thousand four hundred dollars to the Department on Aging. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? If not, the question is, shall Senate Bill 1737 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 question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1737 having received the required constitutional majority is declared passed. Senate Bill 1738. On the Order of Senate Bills 3rd Reading is Senate Bill 1738, Mr. Secretary.

SECRETARY:

Senate Bill 1738.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, this bill appropriates six hundred and forty-six million four hundred sixty-six thousand four hundred dollars for the Department of Mental Health. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1738 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? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1738 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 1739, Mr. Secretary.

SECRETARY:

Senate Bill 1739.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. This is the budget for the Abandoned Mine Lands Reclamation Council. It's seventeen million three hundred and fifty-seven thousand nine hundred dollars, took a sixty-seven thousand two hundred dollar drop from the introduced level but we'll be satisfied with this. Appreciate your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Have all voted...discussion? If not, those...those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all...have all voted who wish? Have

all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1739 having received the required constitutional majority is declared passed. Page 6, Senate Bill 1740. On the Order of Senate Bills 3rd Reading is Senate Bill 1740, Mr. Secretary.

SECRETARY:

Senate Bill 1740.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Well, thank you, Mr. President. I believe the Secretary said this is the Illinois State Library appropriation, it's actually the lottery.

SECRETARY:

The lottery, I'm sorry, yes.

SENATOR WATSON:

That's...that's fine, it's the lottery. This is...current level of funding is three hundred and ninety-four million thirty-one thousand six hundred. Committee Amendment No. 1 reduced the...the budget from the...introduced level by seven million five hundred and twenty-two thousand five hundred. We...naturally weren't very happy or satisfied with that but we feel that this...we may see this budget again before it's all over. So I'd be glad...and appreciate your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? If not, the question is, shall Senate Bill 1740 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 question, the Ayes are 57, the Nays

are none, 1 voting Present. Senate Bill 1740 having received the required constitutional majority is declared passed. 1741 was on the recall list, we'll get back to it a little later. 1742, Senator Weaver. On the Order of Senate Bills 3rd Reading is Senate Bill 1742, Mr. Secretary.

SECRETARY:

Senate...excuse me...Senate Bill 1742.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Weaver. Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. This is the adjustment to the General Obligation Bond Act and I think it's an increase of six dollars. I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Discussion? If not, the question is, shall Senate Bill 1742 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 question, the Ayes are 56, the Nays are none, 1 voting Present. Senate Bill 1742 having received the required constitutional majority is declared passed. 1743 was on the recall list, we'll get back to it. 1744. On the Order of Senate Bills 3rd Reading is Senate Bill 1744, Mr. Secretary.

SECRETARY:

Senate Bill 1744.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Sommer.

SENATOR SOMMER:

Mr. President and members, this bill is unchanged from

the introduction level. It remains at sixty percent of payout.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1744 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 question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 1744 having received the required constitutional majority is declared passed. 1745, Senator...all right. On the Order of Senate Bills 3rd Reading is Senate Bill 1745, Mr. Secretary.

SECRETARY:

Senate Bill 1745.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1745 is the Judicial Inquiry Board. It was introduced at three hundred and forty-eight thousand, it's been reduced some nine thousand five hundred, the current level is now three hundred and thirty-eight thousand six hundred. Be happy to answer any questions and ask your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1745 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...take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 1745 having received the required constitutional majority is

declared passed. All right. The printer...the printer did not function properly on that Senate Bill...all right...all right, it will not be necessary for us to take another vote. All right. On the Order of Senate Bills 3rd Reading is Senate Bill 1746, Mr. Secretary.

SECRETARY:

Senate Bill 1746.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1746 is the budget for the Office of the Governor, six million seven hundred and nineteen thousand. Be happy to answer any questions and ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1746 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 question, the Ayes are 56, the Nays are none, 1 voting Present. Senate Bill 1746 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 1747, Mr. Secretary.

SECRETARY:

Senate Bill 1747.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the ordinary and contingent expenses for the Department of Agriculture. The level is at fifty-one million two hundred and seventy-four thousand three hundred dollars.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right. Discussion? Senator Carroll.

SENATOR CARROLL:

Yes, thank you, Mr. President and Ladies and Gentlemen of the Senate. I hate to slow down the process a minute but there is concern because of the Ag. Premium Fund and, Senator Donahue, if you know, what is the amounts now in the Ag. Premium Fund and are we using GRF instead of Ag. Premium when we should be using Ag. Premium?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Donahue.

SENATOR DONAHUE:

Can we take this out so I can get the question?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Donahue.

SENATOR DONAHUE:

...there's twenty million nine hundred and twenty-four thousand four hundred dollars for Ag. Premium Funds.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Carroll.

SENATOR CARROLL:

Then you're suggesting there's sufficient amounts to fund all that Ag. Premium is being asked to fund and there won't have to be a general revenue transfer later?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Donahue.

SENATOR DONAHUE:

That request has been provided for in the budget.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Carroll. Senator Donahue.

SENATOR DONAHUE:

The Governor has proposed that in his budget request.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Are you saying then that he has proposed using general revenue funds to...feed into the Ag. Premium Fund because the Ag. Premium Fund is short?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue.

SENATOR DONAHUE:

They tell me that the tables in the back of the budget book reflect those figures.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

I...I hate to do it but I...that doesn't answer the question. I mean, are...is there funds in the Ag. Premium Fund or are we going to be asked to shore that up with general revenue funds and then...we know that the budget book was inoperative when printed, they even admit that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue.

SENATOR DONAHUE:

There are not sufficient funds in the Ag. Premium Fund at this time and we will...we have...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Just how much, so we can, you know, for the record understand what we're going to have to do with general revenue? Any ballpark? Go ahead,...try.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue.

SENATOR DONAHUE:

The back of the budget book reflect ten million dollars that will have to be put in by general revenue.

PRESIDING OFFICER: (SENATOR DEMUZIIO)

Senator Carroll.

SENATOR CARROLL:

...thank you. Ten million dollars is the figure that general revenue is going to have to supplant the Ag. Premium Fund. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIIO)

All right. Further discussion? Senator Joyce.

SENATOR JEROME JOYCE:

Yes, thank you. I've...I've just got some problems with this budget, not particularly to the sponsor but it just seems to me when we look at...at what we're doing here, the Entertainment Fund for the fair...for the State Fair in Springfield and then for the new State Fair in DuQuoin, we...we...we're appropriating more than a million dollars for that, and we're appropriating five hundred and fifty-five thousand dollars for our foreign offices for ag. exports. Now something is wrong there, folks, when we're in so much trouble in this State in agriculture and we're appropriating twice as much money for entertainment at the State...the two State Fairs now as we do to export our products to try and promote exporting our products overseas. We're also taking twenty-one jobs out of the animal health laboratories in...in animal area; I guess that's where they're coming out of and that doesn't seem right either. Also, along the same line as the...as the entertainment expense and the farm stress, we've spent six hundred and three thousand dollars last year. This year it's coming in at eight hundred and thirty-eight thousand dollars, that's up thirty-four percent. I think we'd be better off helping out farmers and there wouldn't be so much stress; perhaps, we ought to be spending as much money over-

seas trying to promote our products as we are trying to help the farmers who are in stress because they can't sell their products. A hundred and fifteen thousand dollar of that...dollars of that go to radio and T.V. spots so we can convince the world that we're doing all this stuff to help our farmers. You know, it's...it's all show and no go here, folks. We've been talking with the farm credit people in St. Louis and they say we're in more trouble than we were during the Great Depression, and all the while this is going on, our Department of Agriculture, I don't know that they've talked to anybody in the farm...with the farm credit banks. The people at the farm credit banks that I've talked to have said they haven't talked to them. Now...this is...this is just wrong. Our Department of Agriculture needs to...to wake up and pull its head out of the sand and find out what's going on around here and get involved in it a little bit. So, Senator, when you're sponsoring the budget, I would hope that you would relay that message to them. Thank you.

END OF REEL

REEL #3

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Seeing as I...seeing...would the sponsor yield for a question? Seeing as I...

PRESIDING OFFICER: (SENATOR DEMUZIO)

...sponsor indicates that she will yield to your question. Senator Fawell.

SENATOR FAWELL:

Thank you. I'm not from a rural community and I...and our county fair doesn't get any...any funds from the Ag. Fund, but my children have gone to some of these affairs and they always have to pay for the entertainment. Do the...do the people pay for the entertainment eventually or do you get the money back that way or...or how does that work?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue.

SENATOR DONAHUE:

The entertainment funds are only at the State Fair, not for your local county fairs.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...Senator Fawell, are you finished? Senator Fawell.

SENATOR FAWELL:

No, I meant...I meant, you're putting some money out for entertainment, do you get that back then through the ticket sale?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue.

SENATOR DONAHUE:

Yes. I mean, you have to put the money to get the entertainment in, but then they're charged admission and...and fees to see that entertainment and that money comes back.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell, have...have you concluded? All right. Further discussion? Senator Donahue may close.

SENATOR DONAHUE:

Well, I...I'm sure that we could have discussions similar to this on a lot of our budgets, and I realize that the farm community and the agriculture industry in this State needs help and we're trying in many ways to do that. To put it all on the backs of the agriculture budget, I don't believe is the way to go. Senator Joyce mentioned something about taking twenty-one jobs out the animal health. In discussions in committee, I understand that those twenty-one jobs are not the actual inspectors but they are within that actual department, some clerical and whatever. The one million dollars for the entertainment is, as I said in response to...Senator Fawell, is for up-front money and that they are paid admission to see that entertainment and that money does come back. The decision for the DuQuoin Fair was not Department of Ag., that was put under them from a legislative decision. So, they have the responsibilities of those fairs like they do with the State Fair. I think that this is a...a...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Wait a minute...Senator...Senator Lechowicz, did you wish to...yes, she was closing. All right. Senator Donahue.

SENATOR DONAHUE:

Thank you. So, I would just move for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 1747 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? Take the record. On that question, the Ayes are 58,

the Nays are none, none voting Present. Senate Bill 1747 having received the required constitutional majority is declared passed. 1748 was on the recall from this morning. 1749, Senator Etheredge. Senator Etheredge, 1749. On the Order of Senate Bills 3rd Reading is Senate Bill 1749, Mr. Secretary.

SECRETARY:

Senate Bill 1749.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President. This bill appropriates two hundred and sixty-eight million nine hundred and thirty-three thousand five hundred dollars for the OCE of the Department of Children and Family Services. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1749 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 question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 1749 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 1750, Senator Schaffer. Mr. Secretary, read the bill, 1750.

SECRETARY:

Senate Bill 1750.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

This bill appropriates one hundred and ninety-six million six hundred and eighty-nine thousand dollars for the Department of Employment Security. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1750 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 question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 1750 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 1751, Mr. Secretary.

SECRETARY:

Senate Bill 1751.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dunn.

SENATOR DUNN:

Thank you, Mr. President. Senate Bill 1751 appropriates four hundred and twenty-nine million two hundred and eighty-five thousand for the '87 O and C expenses of the Department of Corrections. I'd be happy to answer any questions if I can. I move its adoption...or passage.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1751 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 question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 1751 having received

the required constitutional majority is declared passed.
Senate bills 3rd reading is Senate Bill 1752, Mr. Secretary.
SECRETARY:

Senate Bill 1752.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President and members of the Senate. 1752 appropriates a hundred and thirty-two million eight hundred and sixty-four thousand eight hundred dollars to the Department of Energy and Natural Resources. Appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1752 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 question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1752 having received the required constitutional majority is declared passed. All right, Senate Bill 1753 was on the recall list this morning. We will get back to it. Page 7, Senate Bill...1754, Senator Sommer. Top of page 7, Senate bills 3rd reading is Senate Bill 1754, Mr. Secretary.

SECRETARY:

Senate Bill 1754.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sommer.

SENATOR SOMMER:

Mr. President and members, this has been reduced by three

hundred and eighty thousand dollars from the level of introduction pursuant to various guidelines.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Discussion? If not, the question is, shall Senate Bill 1754 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 question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1754 having received the required constitutional majority is declared passed. Senate Bill 1755. On the Order of Senate Bills 3rd Reading is Senate Bill 1755.

SECRETARY:

Senate Bill 1755.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. Senate Bill 1755 is the funding for the ordinary and contingent expenses of the Department of Labor. It is two hundred and seventy thousand dollars eight hundred dollars less than...introduced, and the total amount is...where is it...three million eight hundred ninety-four thousand two hundred dollars, and I ask for your support.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Discussion? If not, the question is, shall Senate Bill 1755 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1755 having received the required constitutional majority is declared passed. Senate

bills 3rd reading is Senate Bill 1756, Mr. Secretary.

SECRETARY:

Senate Bill 1756.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. Senate Bill 1756 appropriates twelve million fifty-eight thousand seven hundred dollars for the budget of the Department of Nuclear Safety.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1756 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 1, none voting Present. Senate Bill 1756 having received the required constitutional majority is declared passed. Senate bills 3rd reading is Senate Bill 1757, Mr. Secretary.

SECRETARY:

Senate Bill 1757.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President. 1757 is the OCE for 1987 for the Department of Revenue as amended in the amount of one billion four hundred and eight million eighty-four thousand six hundred dollars. Glad to answer any questions or move for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill

*SB 1759
3rd Reading*

1757 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 question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1757 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading, Senate Bill 1758, Mr. Secretary.

SECRETARY:

Senate Bill 1758.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver.

SENATOR HEAVER:

Thank you, Mr. President. This is an appropriation of a hundred and fifty million five hundred and seventy-five thousand nine hundred dollars to the Department of State Police.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1758 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 question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1758 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 1759, Mr. Secretary.

SECRETARY:

Senate Bill 1759.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue.

SENATOR DONAHUE:

Thank you...thank you, Mr. President and Ladies and Gentlemen of the Senate. The...Senate Bill 1759 is the ordinary and contingent expenses for the...Department of Veterans Affairs. It was introduced at thirty-one million two hundred and fifty-three thousand two hundred dollars. It has been increased to thirty-three million three hundred and seventy-four thousand three hundred dollars. I would hope for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1759 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 question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 1759 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 1760, Mr. Secretary.

SECRETARY:

Senate Bill 1760.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. This is an appropriation of seven million five hundred and seven thousand six hundred dollars to the Commissioner of Banks. I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1760 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 question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1760 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 1761, Mr. Secretary.

SECRETARY:

Senate Bill 1761.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. Senate Bill 1761 appropriates two million six hundred and seventy-nine thousand seven hundred dollars to the Office of the Bureau of the Budget.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1761 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 question, the Ayes are 56, the Nays are none, 2 voting Present. Senate Bill 1761 having received the required constitutional majority is declared passed. Senate Bill 1762. On the Order of Senate Bills 3rd Reading is Senate Bill 1762, Mr. Secretary.

SECRETARY:

Senate Bill 1762.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sommer.

SENATOR SOMMER:

Mr. President and members, this the operation's portion

of the Capital Development Board, and pursuant to the guidelines, it's reduced ninety-one thousand dollars.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Discussion? If not, the question is, shall Senate Bill 1762 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are 1, none voting Present. Senate Bill 1762 having received the required constitutional majority is declared passed. 63 was on the recall list. Get back to it. 1764, Senator Dudycz. Senator Dudycz. All right, on the Order of Senate Bills 3rd Reading is Senate Bill 1764, Mr. Secretary. Senator Dunn, for what purpose do you arise?

SENATOR DUNN:

I hit the wrong switch on 1764. Had I voted right, I'd have voted Yes instead of No. Let the record show.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Well, I think you meant 1762.

SENATOR DUNN:

63. Whatever it was just passed. I voted wrong once.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Well,...it's hard for the Chair to determine, but I think you're talking in terms of 1762. Is that correct?

SECRETARY:

Yes...

SENATOR DUNN:

Capital Development Board. I don't want to lose anything for the DuQuoin State Fair.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Well, the record will indicate your remarks.

SECRETARY:

Senate Bill 1764.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCZ:

...yes, Mr. President. Senate Bill 1764 as amended provides twelve million four hundred and thirty-seven thousand dollars for funding for the ordinary and contingent expenses of the Illinois Criminal Justice Information Authority, a reduction of eighty-eight thousand nine hundred.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1764 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 question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1764 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 1765, Mr. Secretary.

SECRETARY:

Senate Bill 1765.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Leitch.

SENATOR LEITCH:

Mr. President and members, this bill appropriates seven million ten thousand four hundred dollars to the Court of Claims, and I would appreciate its approval.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1765 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 question, the Ayes are 54, the Nays are 1, 3 voting Present. Senate Bill 1765 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 1766, Senator Karpziel. 1766, Mr. Secretary.

SECRETARY:

Senate Bill 1766.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. Senate Bill 1766 appropriates seven hundred eighty-four thousand seven hundred dollars from the Environmental Protection Trust Fund to the EPA Trust Fund Commission for FY '87. The..reappropriates two hundred and fifty thousand for a grant to the City of Chicago as the State's share of cost for water line extension improvements in Maryland Manor, appropriates money for the study of ground water in northern Illinois for a grant to support the development of hazardous waste treatment and a hundred thousand dollars to support waste recycling projects, and I ask for your support.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Discussion? If not, the question, is shall Senate Bill 1766 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 question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 1766 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 1767, Mr. Secretary.

SECRETARY:

Senate Bill 1767.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCYZ:

Thank you, Mr. President. Senate Bill 1767 makes an appropriation of thirty-six million eight hundred and forty-eight thousand four hundred dollars to the Metropolitan Fair and Exposition Authority for its corporate purposes and for debt service, and I ask for an affirmative vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1767 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 question, the Ayes are 47, the Nays are 5, 4 voting Present. Senate Bill 1767 having received the required constitutional majority is declared passed. Page 8, on the Order of Senate Bills 3rd Reading is Senate Bill 1769, Mr. Secretary.

SECRETARY:

Senate Bill 1769.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President and members of the Senate. Senate Bill 1769 appropriates seven million six hundred and sixty-seven thousand seven hundred dollars to the Illinois Arts Council.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill

1769 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 question, the Ayes are 55, the Nays are 1, 1 voting Present. Senate Bill 1769 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading, Senate Bill 1779, Mr. Secretary.

SECRETARY:

Senate Bill 1770.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Leitch.

SENATOR LEITCH:

Yes, Mr. President and Ladies and Gentlemen of the Senate. This bill appropriates one million two hundred thirty-seven thousand five hundred dollars for the operation of the Pollution Control Board, and I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1770 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 question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1770 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 1771, Mr. Secretary.

SECRETARY:

Senate Bill 1771.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, this bill appropriates two million nine hundred and sixteen dollars and...nine hundred sixteen two hundred dollars for Prairie State 2000. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1771 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the...Ayes are 58, the Nays are none, none voting Present. Senate Bill 1771 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 1772, Mr. Secretary.

SECRETARY:

Senate Bill 1772.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

Thank you, very much, Mr. President. The...this is the ordinary and contingent expenses for the Prison Review Board of eight hundred and fifty-five thousand two hundred dollars, a reduction of twenty-nine thousand eight hundred dollars, and I would ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1772 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 question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 1772 having received the required constitutional majority is declared passed. Senate bills 3rd reading is Senate Bill 1773, Mr. Secretary.
SECRETARY:

Senate Bill 1773.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President. Senate Bill 1773 is the OCE of 1987 for the Property Tax Appeals Board in the...as amended in the amount of seven hundred and eighty-eight thousand one hundred dollars. Be glad to answer any questions or move for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1773 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 question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 1773 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 1774, Mr. Secretary.

SECRETARY:

Senate Bill 1774.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. Senate Bill 1774 provides the

funding for the ordinary and contingent expenses of the Commissioner of the Savings and Loan. The level that it's at currently is one million two hundred and thirty-three thousand three hundred dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1774 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, 1 voting Present. Senate Bill 1774 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 1775, Mr. Secretary.

SECRETARY:

Senate Bill 1775.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sommer.

SENATOR SOMMER:

Mr. President and members, this is OCE for the State Employees' Retirement System. It is unamended.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1775 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 question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 1775 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading, Senate Bill 1776, Mr. Secretary.

SECRETARY:

Senate Bill 1776.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Sommer.

SENATOR SOMMER:

Mr. President and members, this is the appropriation for the General Assembly retirement at sixty percent of payout. Is is unamended.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Discussion? Discussion? Senator Welch.

SENATOR WELCH:

Yes, I'd just like to say that in view of recent articles about felons who were former members of the General Assembly, I think that we should send a message to the retirement system about the way the payout is going and that certain individuals should not be entitled to pensions. I think that this is something that hasn't been addressed by this Body and is something that should be, and I think this is a good opportunity to vote No.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Hall.

SENATOR HALL:

Well, I'm appalled to hear a fellow member that he'd like to mess with our retirement. Maybe that you people who don't want to have retirements ought to not run for office. At a time like this you get up and say that you want us to vote No against our pension and our retirement? You got to be out of your mind.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? If not, the question is, shall Senate Bill 1776 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 question, the Ayes are 56, the Nays

are 1, none voting Present. Senate Bill 1776 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 1777, Mr. Secretary.

SECRETARY:

Senate Bill 1777.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Sommer.

SENATOR SOMMER:

Mr. President and members, this is the amount of the State contribution to...to achieve a sixty percent payout level for the retirement of the judges. It's approximately ten million dollars unamended.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1777 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 question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 1777 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 1778, Mr. Secretary.

SECRETARY:

Senate Bill 1778.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. Senate Bill 1778 makes appropriations to the Local Governmental Law Enforcement Officers

SB 1798
3rd Reading

Training Board of seven million two hundred and seventy-one thousand three hundred dollars, a reduction of twenty-seven thousand six hundred for its Fiscal 1987 ordinary and contingent expenses and I ask for an affirmative vote.

PRESIDENT:

Any discussion? If not, the question is, shall Senate Bill 1778 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 question, there are 58 Ayes, no Nays, none voting Present. Senate Bill 1778 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading appears Senate...Senate Bill 1779. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1779.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. Senate Bill 1779 appropriates three million one hundred and seventy-seven thousand and eight hundred dollars to the Public School Teachers' Pension and Retirement Fund of Chicago. I ask for affirmative vote.

PRESIDENT:

Question...any discussion? If not, the question is, shall Senate Bill 1779 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? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 1779 having received the required constitutional majority is declared passed. Senator Watson, 1798...on the Order of Senate Bills 3rd Reading, the

bottom of page 8, is Senate Bill 1798. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1798.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

Okay. Thank you, Mr. President. This particular piece of legislation is a result of ongoing meetings with various groups throughout the State, the Secretary of State, Cook County State's Attorney, the Auto/Truck Recyclers of Illinois, the New Car and Truck Dealers Association and the Licensed Auto Recyclers and Rebuilders of Illinois. This is an agreed piece of legislation by all those particular parties involved. A situation resulted from some legislation that we passed a couple of years ago which pretty much crippled the recycling and rebuilding and salvage industry in Illinois. What we are trying to do with this piece of legislation, which is really quite lengthy, but we're trying to help satisfy some of the burdens that this industry has in regard to paper work and other...other particular items. One particular thing that needs to be read into the record is the...in regard to the term "identification number." This...this particular piece of legislation includes a definition of identification number, and we'd like for the record to show that the sponsors and the proponents intend that the definition means "a specific grouping of numbers and letters in a series which are placed on a vehicle or an essential part by the manufacturer or a governmental authority for the purpose of identification of that specific essential part or vehicle." It does not mean symbolic names, trademarks or logos placed on a vehicle or part which prima-

rily add to the aesthetic appearance of the vehicle or part. As I mentioned, this is a piece of legislation in which Senator Degnan is the hyphenated cosponsor. It's been agreed to by the various groups involved and they're trying to clear up some of the problems of their industry. I'll be glad to answer any questions.

PRESIDENT:

Is there any discussion? Senator Weaver.

SENATOR WEAVER:

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

PRESIDENT:

Sponsor indicates he'll yield, Senator Weaver.

SENATOR WEAVER:

Senator Watson, since we passed the legislation a few years ago, the State has probably lost in the neighborhood of some twenty, twenty-five million dollars. Is this going to correct that problem?

PRESIDENT:

Senator Watson.

SENATOR WATSON:

In what way have we lost twenty to twenty-five million dollars?

PRESIDENT:

Senator Weaver.

SENATOR WEAVER:

Well, most of the rebuilders have not gotten the opportunity to rebuild in Illinois. All these cars have been going to Illinois...or to Missouri, Indiana, Wisconsin. Is this going to help bring back that rebuilding and resale...reselling of vehicles that have been in wrecks...is it going to help that situation?

PRESIDENT:

Senator Watson.

SENATOR WATSON:

SB 1804
3rd Reading

Yes, sir, that's the intent of the legislation. That's one of the problems we had was once this legislation was enacted a couple of years ago, we...we crippled the industry to the...to the point that many people simply got out of the business, and as a result, that type of work was going to neighboring states and we did lose a considerable amount of money as a result of it. So, yes, sir, that's...that's the intent and, hopefully, it will provide some relief.

PRESIDENT:

Further discussion? Any further discussion? If not, the question is, shall Senate Bill 1798 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 question, there are 58 Ayes, no Nays, none voting Present. Senate Bill 1598 having received the required constitutional majority is declared passed. All right. On the Order of Senate Bills 3rd Reading, Senate Bill 1804. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1804.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1804 does, in effect, two things. Number one, it deletes the January 1, '86 deadline for reimbursement for corrective action taken by school districts to abate asbestos, and it specifies that the...that if there is reimbursement under this provision that they cannot get duplicate funding under any CDB grant. The essence of the bill is to allow school districts that have an asbestos problem that have resources of their own to expedite their

inspection and allow them to move ahead and still qualify for reimbursement down the line under the Asbestos Abatement Act. Be glad to respond to any questions.

PRESIDENT:

Any discussion? Senator Watson.

SENATOR WATSON:

Thank you. This is my annual question that I ask of you in regard to this issue. If a school district has already provided that relief, already done the work and completed, and they are going to be included in this provision. Thank you...respond to that. That's a question...

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Yes.

PRESIDENT:

Further discussion? If not, the question is, shall Senate Bill 1804 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 question, there are 58 Ayes, no Nays, none voting Present. Senate Bill 1804...having received the required constitutional majority is declared passed.

SECRETARY:

Senate Bill 1808.

PRESIDENT:

All right, bottom of page 8, on the Order of Senate Bills 3rd Reading is Senate Bill 1808. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1808.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, Mr. President and members of the Senate. This is the State's attorneys' appellate prosecutors' appropriation. As amended, it appropriates three million two fifty six two hundred which is a reduction of two hundred and fourteen thousand six hundred or a 6.2 percent reduction from the level that it was introduced and move the adoption.

PRESIDENT:

Any discussion? Any discussion? If not, the question is, shall Senate Bill 1808 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 question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 1808 having received the required constitutional majority is declared passed. Top of page 9, on the Order of Senate Bills 3rd Reading, Senate Bill 1809. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1809.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1809 simply affords the same protection to teachers in the vocational education joint programs that are currently enjoyed by their counterparts in...in the collective bargaining process. I don't know of any opposition and I'd ask for your favorable support.

PRESIDENT:

Any discussion? If not, the question is, shall Senate Bill 1809 pass. Those in favor will vote Aye. Those opposed

*SB 1814
3rd Reading*

will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. House...Senate Bill 1809 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading, Senate Bill 1814. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1814.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Poshard.

SENATOR POSHARD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Many of our counties now throughout the State are struggling with their ability to meet State mandates in regard to upgrading or...renovating their jail facilities. In many cases, some of these counties have to build their own new jail facilities. This bill would set up a medium to deal with this problem. The bill creates the County Jail Revolving Loan Fund within the State Treasury to be administered by the Department of Corrections from which local governments could borrow money at little or no interest in order to renovate or build these jail facilities. The second thing that the bill would accomplish would give over to the Department of Corrections all adult offenders sentenced to six months or longer, and the third thing it would do would permit nonviolent offenders sentenced to confinement in a county jail to receive one day of good behavior allowance for each day of service of sentence in the county jail. Would move for the passage of the bill.

PRESIDENT:

All right, any discussion? Senator Watson.

SENATOR WATSON:

Thank you. I'd like to ask the sponsor a question, if I might.

PRESIDENT:

Indicates he'll yield, Senator Watson.

SENATOR WATSON:

Senator, we have no problems with your revolving loan fund even though it's not necessarily in the budget and it's a problem that we're probably going to have to deal with later. We have no problem with your good behavior provisions, but as we've discussed, we have a...a real problem in the implications that this is going to have with the Department of Corrections and the increase in prison population that's going to result of this legislation. Can you tell me how many prisoners now in county facilities will be forced on the Department of Correction as a result of your legislation?

PRESIDENT:

Senator Poshard.

SENATOR POSHARD:

Yes, thank you, Senator Watson. According to our estimates, there would be approximately five hundred misdemeanants that are currently incarcerated in county jails that will be given over to the Department of Corrections.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

I don't see on here where this...when this bill takes effect. When will that happen?

PRESIDENT:

Senator Poshard.

SENATOR POSHARD:

Senator Watson, it would be January 1, 1987.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

Well, can we build a new prison by January 1st, 1987 to house the five hundred inmates that you're going to be forcing on the Department of Corrections? I mean, is that feasibly possible to do that by...in that short of period of time?

PRESIDENT:

Senator Poshard.

SENATOR POSHARD:

Senator Watson, up until two years ago...you know, those...anyone sentenced to thirty days or longer was sentenced to the Department of Corrections, and what we did essentially is put the overcrowding of prisoners on the...on the backs of the counties now and off of the back of the State. We have...three new prospective prisons, I think, right now in the offing for the State. I don't know how soon they can be built, but I guess I would consider the counties to have the greater part of the overcrowding right now as opposed to the State.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

Well, I'd...I'd have to agree with that to the point that there is certainly a problem the counties are having, but as you know and as you are a member of the Governor's State Detention Standard Task Force that's going to be looking in to county jail problems and recommendations of what we can do, I think that we would be in the best interest of waiting until that particular group comes forth with their recommendations before we start...forcing these particular misdemeanants on the Department of Corrections, and there's no doubt about the fact that we have created a problem for the counties, and how we've created that problem is simply here in the...on the Floor of the General Assembly voting for more

and more law enforcement matters in which we're incarcerating more and more people for whatever offense it might be. We have to share in that burden and that responsibility. It's certainly not the problem and the fault of the Department of Corrections that much of this has happened, but I do think that we are going to create a tremendous burden for the Department of Corrections. I think that...although I can support a...a vast majority of your legislation, this one particular issue in here is a real red herring and I think we ought to vote it down. I think a No vote is appropriate. Thank you.

PRESIDENT:

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President. I'm...I'm really surprised, Senator Watson, it seems to me that it was just a couple of years ago that you and I and others were opposed to the counties housing these same individuals; and now you are suggesting that simply because the counties now house these misdemeanants or whatever they are in this bill, that now they're going to be somehow or other be transferred to the Department of Corrections. So, I guess, you know, you've sort of changed your position over the last two years. I haven't changed mine. I still think that it's a State responsibility and certainly should not be the responsibility of the county.

PRESIDENT:

Further discussion? Any further discussion? Senator Poshard, you...may close.

SENATOR POSHARD:

Thank you, Mr. President. Senator Watson, I do appreciate the Governor's task force and, as you indicated, you and I both serve on that presently, because this is a problem that has to be dealt with and I'm glad the Governor is...is paying attention to that. We have had a group meet-

ing throughout the State now for nearly a year...the County Study Finance Committee and in just about every meeting this problem was brought up as...as a very real problem to our counties. I don't know...I...I guess I have some reservations about a transition to the State level because I don't want overcrowded prisons either, but this is breaking the back of the...of the counties, and as you said, the other two provisions of this bill are solid, the revolving loan fund and the good-time behavior. So, I would ask for a very positive vote on this.

PRESIDENT:

Question is, shall Senate Bill 1814 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 question, there are 45 Ayes, 11 Nays, 1 voting Present. Senate Bill 1814 having received the required constitutional majority is declared passed. If I can have your attention, we will be replacing the printer for the electronic score board. To afford the electrician and the Secretary and the Assistant Secretary the opportunity to do that, we'll move, with leave of the Body, to the Order of Recalls. There are...Senators Lemke, Geo-Karis, Woodyard and Dudycz have filed amendments. If they would be ready. Senator Dudycz in the hall? I just saw him. Okay. All right, the Secretary has informed the Chair that we think the machine is...has been replaced and we hope it's in proper working order. Senator Etheredge, if you'd...top of page 9, on the Order of Senate Bills 3rd Reading is Senate Bill 1815. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1815.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. This is the bill that we used to refer as the "designer drug bill." It is...we have changed the phrase now to the...the "controlled substance analog bill" because is the terminology now being used by the...by the Feds in Washington D.C. But what the bill does is to close the...loophole which currently exists in our controlled substances section of the Statutes and it makes those people who manufacturer, sell, possess these controlled substances...or these substances subject to the same penalties as the controlled substances that they're essentially equivalent to. I would be very happy to respond to any questions; if there are none, I would ask for a favorable roll call.

PRESIDENT:

Is there any discussion? If not, the question is, shall Senate Bill 1815 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 question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 1815 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading, Senator Netsch, Senate Bill 1816. Mr. Secretary, read the bill, please.

SECRETARY:

Senate Bill 1816.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. This bill, like the preceding one, is sponsored both by myself and Senator Etheredge and

joined by Senator Davidson and is the work product of the Committee on Legislation and Regulations of the Dangerous...of the Illinois Advisory Committee on Alcoholism and Substance Abuse. This particular one was initially suggested to us by one of the members of our committee, Judge Wolfson of Cook County. It provides a limited, and I repeat, a limited immunity for those who were involved in the intervention process. Some of you may be familiar with the fact that a number of hospitals, private associations, schools and others have developed programs to try to help people who are, indeed, addicted to alcoholism or drugs before they get into very serious difficulty. It is a...a highly successful process. It does involve laypeople and there have been some threats of...of lawsuits to be filed because it's obviously an extremely delicate matter. This is a...as I...mentioned before, a very limited immunity for those who are involved in the intervention process, and we do require that they be trained so that someone can't just walk in from the street and claim that they are an intervenor and entitled to the same immunity. It has been carefully reviewed by the our committee. We would be happy to answer questions; if not, I would solicit your support.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 1816 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 question, there are 58 Ayes, no Nays, none voting Present. Senate Bill 1816 having received the required constitutional majority is declared passed. Senator Carroll, on the Order of Senate Bills 3rd Reading is Senate Bill 1822. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1822.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is the awards bill that winds through the process. It will be amended in the House to reflect any latest approved awards. It is now at one million nine hundred and forty-one thousand two hundred. I would ask for a favorable roll call.

PRESIDENT:

Any discussion? If not, the question is, shall Senate Bill 1822 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 question, there are 52 Ayes, no Nays, none voting Present. Senate Bill 1822 having received the required constitutional majority is declared passed. Senator Hall, on Senate bills 3rd reading, Senate Bill 1825. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1825.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1825 appropriates twenty thousand dollars to the Department of Mental Health and Development Disabilities to study equipment needs at the community base agencies. I would ask your most favorable support of this

bill.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 1825 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 wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. Senate Bill 1825 having received the required constitutional majority is declared passed. We had a little trouble with LIS receiving faulty information. All right, Senator Hall, if you would please...you were the recipient of 58 affirmative votes with that splendid explanation. If you'd...question is, shall Senate Bill 1825 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 question, the Ayes are 57, the Nays are 1, none voting Present. Senate Bill 1825 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading, Senate Bill 1826. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1826.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is purportedly for a study of appropriation lapses by the Board of Higher Educations...a midsize car, and I would ask for a favorable roll call.

PRESIDENT:

Any discussion? Is there any discussion? If not, the

SB 1838
3rd Reading

question is, shall Senate Bill 1826 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 question, there are 58 Ayes, no Nays, none voting Present. Senate Bill 1826 having received the required constitutional majority is declared passed. Senator Holmberg. Senator Maitland, you were on the recalls. Senator Barkhausen. On the Order of Senate Bills 3rd Reading, middle of page 9, is Senate Bill 1838, Mr. Secretary.

SECRETARY:

Senate Bill 1838.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, Senate Bill 1838 deals both with the Business Corporation Act in one small respect and also revises the Uniform Limited Partnership Act in accordance with recommendations made by a Secretary of State's advisory committee. I know of no opposition to this bill, although it is quite technical and I'd be happy to answer any questions. I would, otherwise, urge your favorable roll call.

PRESIDENT:

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 1838 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 question, there are 58 Ayes, no Nays, none voting Present. Senate Bill 1838 having received the required constitutional majority is declared passed. Senator Sommer, 1841. On the Order of Senate Bills 3rd Reading, Senate Bill 1841. Read the bill,

Mr. Secretary, please.

SECRETARY:

...Senate Bill...

PRESIDENT:

41...1-8-4-1. Sure. Senator Marovitz, you ready on...I'm...Senator Sommer, I'm sorry, we...physically, it seems to be misplaced. We'll get it in a hurry here. With leave of the Body, we'll get right back to that one. On the Order of Senate Bills 3rd Reading, Senate Bill 1846. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1846.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much. I know. 1846 is the bill that originally appropriated 4.8 million to...to the authority...the Metropolitan Fair and Exposition Authority for its corporate purposes. The appropriation is now also included in Senate Bill 1767, so we amended this bill down to one dollar. Obviously, this bill will come back and we will see it in another form and I would ask for a favorable roll.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 1846 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 question, there are 51 Ayes, 2 Nays, none voting Present. Senate Bill 1846 having received the required constitutional majority is declared passed. Senator Sommer, we have found your large bill. It was in a...a drawer of its own. On the Order of

Senate Bills 3rd Reading, Senate Bill 1841. Read the bill,
Mr. Secretary.

SECRETARY:

Senate Bill 1841.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Sommer.

SENATOR SOMMER:

Mr. President and members, this is the Capital Development Board construction reappropriation. These are all the projects that we approved in pervious General Assemblies that are not yet done.

PRESIDENT:

Any discussion? If not, the question is, shall Senate Bill 1841 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 question, there are 51 Ayes, 3 Nays, 1 voting Present. Senate Bill 1841 having received the required constitutional majority is declared passed. Senator Berman, on 1848. On the Order of Senate Bills 3rd Reading, the bottom of page 9, is Senate Bill 1848. Read the bill,
Mr. Secretary.

SECRETARY:

Senate Bill 1848.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This the Response Action Contractor Indemnification Act. The purpose of this is to provide a means whereby the

State will be able to utilize the resources of what is called response action contractors in cleaning up hazardous materials including asbestoes and other hazardous waste. What this does is to require the determination by the director of the Department of Insurance that liability insurance is just not available to these contractors. In that event, it...it provides that five percent of any contract entered into by the State with these contractors are set aside into an indemnity fund and that the State stands in the shoes of an insurer for the action taken by these response action contractors. Be glad to respond to any questions. Appreciate an Aye vote.

PRESIDENT:

Any discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Some questions of the sponsor.

PRESIDENT:

Sponsor indicates he'll yield, Senator Schuneman.

SENATOR SCHUNEMAN:

Senator Berman, I...I raised some of these issues the other day and I...I still am wondering about them. The first question in my mind is how far we...how far the term "State agency" goes? I...on the second page of the bill it refers to "State agency" meaning the Environmental Protection Agency or any other department or agency of the State of Illinois. Does the scope of that include local school asbestos cleanup?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

No, it does not.

PRESIDENT:

Senator Schuneman.

SENATOR SCHUNEMAN:

Could you explain a little more fully than the types

of...of projects that would be covered under this?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Yes, if...if the...if the EPA, for example, has...the State EPA has to contract for the cleaning up of a hazardous waste site, they...they're covered by the bill. If...I would say Emergency Disaster Agency has to rush in and get something done utilizing these kinds of contractors that specialize in hazardous situations, that's covered. It's the...the legislative intent of this definition, and we did amend the bill to address this, we're talking about the State of Illinois as the contracting body only.

PRESIDENT:

Senator Schuneman.

SENATOR SCHUNEMAN:

Okay, so...I guess my next question would be, does the State of Illinois at the current time place an insurance requirement upon those contractors to furnish a certificate of insurance, and if so, what is the amount of the insurance required to be furnished?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

I believe that what the contracting agencies presently do is that they...they require as part of their bid process liability coverage to be...available to the contractor. I'm not sure that that's a statutory requirement, that's a bidding requirement that exists. The problem is and the reason the bill has come to us is that there is a nonavailability of liability insurance to these contractors, especially in the area of asbestos and other hazardous material.

PRESIDENT:

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Senator and members, please understand, I'm not trying thwart what you're doing here. I...I realize that this is a problem that has to be dealt with. I think that hazardous material handling and the pollution liability coverage is simply not available. It's not only an Illinois problem, it's a national problem and it's probably going to get worse rather than get better. The problem is the open...the open-endedness of trying to insure pollution hazards. I think that you will find, Senator, if you check with these agencies, that they require now of the contractors that the contractor furnish a certificate of insurance for a stipulated amount of liability insurance, and my real problem with your bill is that your bill does not put any kind of limit on the amount of liability that the State is assuming. If an insurance company were the insurer, they would limit the amount of insurance that they would provide. That's the system I think we're using now, and it seems to me that what you're doing by virtue of this bill is simply giving a contractor an unlimited amount of liability insurance. I think that's wrong. I think there ought to...if you'll excuse the term, I think there ought to be some caps in this bill.

PRESIDENT:

Further discussion? Any further discussion? Senator Berman, do you wish to close?

SENATOR BERMAN:

Thank you. I recognize Senator Schuneman's concern. I think that we are faced, however, with the realistic problem and we've tried to build in some of these safeguards in the bill. Number one, if there's liability insurance available as determined by the director of the Department of Insurance, this bill will have no effect whatsoever. We're talking about the need to utilize these people in hazardous situa-

tions...situations that are hazardous to the welfare of the citizens of the State of Illinois. If it...if they cannot get liability coverage, the job has to be done, this is a method by which...these contractors will be available to be used by the State. I solicit your Aye vote.

PRESIDENT:

Question is, shall Senate Bill 1848 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 question, there are 54 Ayes, 1 Nay, 3 voting Present. Senate Bill 1848 having received the required constitutional majority is declared passed. Senator Davidson, for what purpose do you arise?

SENATOR DAVIDSON:

Point of personal privilege, sir.

SENATOR DAVIDSON:

Mr. President and members of the Senate, I would like to present to the Senate a class...a class...fourth grade from the Blessed Sacrament Grade School here in Springfield who have Sister Louise and Mrs. Harris with them; but more important, they really came down here to see how one of their classmate's mother's boss behaves on the Floor. One of the mothers happens to work for Senator Rupp, so I want Senator Rupp to be on his best behavior.

PRESIDENT:

Will our guests please rise and be recognized. Welcome to the Senate. Top of page 10, on the Order of Senate Bills 3rd Reading is Senate Bill 1861. Read the bill, Mr. Secretary.

REEL #4

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1861.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

What this bill does is amends and precludes either the school district or an unsatisfied teacher from calling a consulting teacher to testify with regards to an opinion of performance or the rating of the teacher under remediation in any dismissal hearing. Last year the General Assembly in...in the school reform package created an...an evaluation process for all teachers. Teachers must now be evaluated by qualified administrators at least once every two years. Under the current law, if a teacher is rated unsatisfactory, he or she is placed in...in a one-year...remediation...program. As part of the new evaluation law, we created the role of consulting teacher to work with the principal and the unsatisfied teacher during the year of remediation. In the school reform law we stated the consulting teacher shall provide advice to teachers rated unsatisfactory and shall participate in...in developing the remediation program for that teacher. What this bill does will encourage teachers in Illinois rated superior and excellent to volunteer as consulting teachers and not be fearful that what they're told by the teacher in trouble...they have to give an opinion on and it...cause the job of...of evaluating teachers should be the administrator and their principal and not...not the consulting teacher. That's what this bill does.

SB 1873
3rd Reading

PRESIDENT:

Any discussion? There any discussion? If not, the question is, shall Senate Bill 1861 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 question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 1861 having received the required constitutional majority is declared passed. Senator Mahar. On the Order of Senate Bills 3rd Reading is Senate Bill 1871. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1871.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President, members. Senate Bill 1871 allows specified property that was damaged or destroyed by fire...it was formerly a race track to qualify as a blighted condition under tax increment financing. It received...unanimous...support in the Committee on Revenue. It's supported by the Civic Federation and I know of no opposition.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 1871 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 question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 1871 having received the required constitutional majority is declared passed. 1873, Senator Joyce. On the Order of

Senate Bills 3rd Reading, Senate Bill 1873. Read the bill,
Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1873.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well, thank you, Mr. President and members of the Senate. We have had some discussion with respect to Senate Bill 1873 on 2nd reading. Basically, I am trying to deal with the problem of taxicab service in the City of Chicago. As a premise, I start with the idea that Yellow and Checker with their monopoly on this situation are resistant to any meaningful change. There is some criticism with respect to the bill that it precludes the city from being involved in the licensing and the revenue aspect of this, that it will preclude the city from being involved in the safety regulation of...of taxicabs, that is simply not the case. There is a concern that I have talked about with Senator Smith and that is that the little operator in the City of Chicago will be hurt if this legislation is passed into law. I have indicated to her that I, too, share that concern. I have had an occasion to talk with some of these people. I have represented to her that in the event this bill passes out of this Chamber and goes to the House that we would work together and find an amendment that would be agreeable to deal with that situation. And in the event that we could not reach such an agreement, we would not proceed with the legislation. We are talking about the operation of taxicabs in the City of Chicago by people who cannot speak the language, by people who do not know where they are going, by people who are operating taxicabs that are not safe and fit for the roads of the

city. Be happy to answer any questions.

PRESIDENT:

Any discussion? Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President and members of the Senate. I share the concerns of our sponsor in reference to this issue, and I understand the need for some changes to be made to protect the safety and welfare of the citizens who rides cabs, not only from the City of Chicago because many of the cabdrivers or cab owners don't necessarily live or it's not regulated through the City of Chicago, but I do think that in addition to the concerns of the little cabdriver, there's even a greater concern and that is the denial of the right of the City of Chicago to regulate its own cabdrivers. And I think that that is something that the city is working progressively toward doing. It is not a very easy solution to the problem. It is a problem that have existed over the past forty years and there's a need for broad citizens' input before any real measure reforms...effective reform can take place...in this area. The city has made a commitment that they will, in fact, do so as...as rapidly as speed would allow them to do so. And I would hope that in talking with the sponsor that if this bill, in fact, passes to the House, that he would allow this bill...or leave this bill on 2nd reading until such time that the city...had an opportunity to resolve the problem itself, because they've shown a commitment and a willingness to do so. And for that reason, I would ask for a No vote on this bill.

PRESIDENT:

Further discussion? Senator Rigney.

SENATOR RIGNEY:

Question of the sponsor.

PRESIDENT:

Sponsor indicates he'll yield, Senator Rigney.

SENATOR RIGNEY:

Has this thing been amended in any way to take out the provision that the Commerce Commission would be responsible for this activity?

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

The amendment provides that the Commerce Commission shall set minimum qualifications for a person before he will be certified as being eligible to operate a cab.

PRESIDENT:

Senator Rigney.

SENATOR RIGNEY:

Well, as I recall the bill from committee, the Commerce Commission is the one that really was going to be responsible here for this activity. It passed from the city to the Commerce Commission. I really don't know that we want to place the Illinois Commerce Commission in the business of regulating taxicabs in any city...regardless of whether Chicago or really anywhere in the State of Illinois. There are some functions, I think, that correctly belong at the local level, and I think maybe I share your frustration although I don't have to ride taxicabs, obviously, in the City of Chicago on a daily basis; but to suddenly say that we're going to reverse this procedure and we're going to shift this away from Chicago and shift it to the State level, I...I certainly question as to whether or not we want to put our Illinois Commerce Commission in that kind of a position. Furthermore, I think there would be a cost to the State to...to do something of this kind. Our staff analysis has indicated it might be anywhere from a quarter to a half a million dollars to get involved in this process. I think even though perhaps it's not functioning well in Chicago, I don't think we want to shift it here to Springfield.

PRESIDENT:

Further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Thank...thank you, Mr. President. I would have gladly voted for this bill five years ago, ten years ago, Senator. I think it's rather untimely at this stage. I think that the...the present administration has some notions about the problem and I think the present administration is about to make some moves. I think we ought to give it a chance to do that. If the State gets into the business of regulating taxicabs in the City of Chicago, the State might as well get in...in the...position of regulating...taxicabs all over the State of Illinois. If that were the bill, I might even consider voting for it. But under the present circumstances, I think this is untimely. Why don't we just hold it a bit?

PRESIDENT:

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President, Ladies and Gentlemen of the Senate, I stand in support of Senator Joyce's bill because it seems quite apparent...and especially those of us who use taxicabs in the city and can see at first hand that the problem exists, and not only does it exist, it would seem that the City of Chicago really can't handle this problem. So I think we're doing them a favor by...with Senator Joyce's bill to maybe help them out on this. I think it's a very good idea.

PRESIDENT:

All right. With leave of the Body, Mr. Thomas Selly from the Chicago Tribune has requested permission to photograph the proceedings. Is leave granted? Leave is granted. Further discussion? Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in opposition to this bill. It's very, very

strange that all of a sudden now we come up to where we want to change from the city and give it to the Commerce Commission. We're not too happy with the Commerce Commission now, that's why there's been a bill floating around here to make them elected. The Commerce Commission...and to put more additional things on them when we see that all of us have had some problems with the Commerce Commission, I don't understand why you would come at this time to try to put the State in more business of trying to take care of regulating taxicabs. It's a wrong move and I don't care what you say, that if you're going to do something like that, the next thing you'll want to do, you'll want to have it operating over the entire State. I think this bill...if you can...With it, I think it ought to be defeated.

PRESIDENT:

Further discussion? Senator Weaver.

SENATOR WEAVER:

Question of the sponsor...Mr. President.

PRESIDENT:

Sponsor indicates he'll yield, Senator Weaver.

SENATOR WEAVER:

Senator Joyce, is it not true that those who are regulated by the Commerce Commission pay for the operation of the Commerce Commission? And I would presume that if the Commerce Commission were going to regulate taxicabs, the taxicab owners would be assessed a fee for that regulation?

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

That is correct.

PRESIDENT:

Further discussion? Senator Jones. Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. I have a question for the

sponsor.

PRESIDENT:

Sponsor indicates he'll yield, Senator Dudycz.

SENATOR DUDYCZ:

Senator Joyce, our staff analysis here says that the City of Chicago issues four thousand six hundred taxicab medallions which are necessary to operate a cab in the city. Now twenty-one hundred are given to the...are being controlled by the Yellow Cab Company, twenty-one ninety-three are being controlled by the Checker Cab Company and one hundred are given to the Flash Cab Company. That leaves two hundred and seven medallions for independents, is that correct?

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Yeah...well, I don't know if that's exactly correct, but those are the people...those...that remaining number that is not controlled by Checker and Yellow, those are the operators that we are concerned about when I talked about my conversations with Senator Smith.

PRESIDENT:

Senator Dudycz.

SENATOR DUDYCZ:

But is that true that the Yellow...Cab Company controls twenty-one ninety-three and Checker or...twenty-one hundred and...Checker Cab Company controls twenty-one hundred and ninety-three of those medallions?

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Approximately four thousand are controlled by Checker and Yellow.

PRESIDENT:

Senator Dudycz.

SENATOR DUDYCZ:

Well, in that case, I stand in strong support of this bill and urge an Aye vote.

PRESIDENT:

Further discussion? Senator Jones.

SENATOR JONES:

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

PRESIDENT:

Sponsor indicates he'll yield, Senator Jones.

SENATOR JONES:

Senator Joyce, in transferring this power to the Commerce Commission, will you...will this legislation prohibit the City of Chicago from levying a tax on the operators of cabs?

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

The city could still license...and...in the sense of licensing, they can assess a fee that is...closely related to the cost of licensing.

PRESIDENT:

Senator Jones.

SENATOR JONES:

But, I mean, does the city have the power to levy a tax per se?

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

I...I...I don't believe...I don't believe the...I don't believe this legislation precludes the city from levying a tax.

PRESIDENT:

Senator Jones.

SENATOR JONES:

Well, could you tell the Body how much revenue would this

cost the City of Chicago? I know at many of the major hotels in the city that is not only used by residents of the City of Chicago but from people from throughout the State and throughout the...the country, and I know they have certain parking privileges for taxicabs and et cetera wherein the city does levy a tax. So, could you tell us how much revenue the city will lose if this legislation pass?

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

This legislation does not contemplate any diminishment in the present revenues that the city is receiving...from taxicab operators.

PRESIDENT:

Senator Jones.

SENATOR JONES:

Well, in...in response and to the members of the Body, looking at staff analysis, and I assume that is correct, that this measure transfers the power to operate, to license and tax and regulate taxicabs in...in...in...in the City of Chicago. So if all that power is shifted away from the local units of government to the State and you don't know...you can't tell us how much revenue it's going to cost the city, because the city will still, I presume, want to have those cabs available at the various hotels and convention centers in the City of Chicago and they have a special...no parking and...and taxicab zones for cabs which they levy a tax to the...the cab operators for, so...this is a preemption of home rule, Mr. President, I wonder how many votes it'll take to be...be required to pass this legislation?

PRESIDENT:

The Chair is prepared to make that ruling. As a matter of fact, it is preemptive and it...will require an extraordinary majority, it will require thirty-six affirmative

votes. Further discussion? Senator Watson.

SENATOR WATSON:

Thank you, Mr. President, I'd like to ask the sponsor a question, if I might.

PRESIDENT:

Sponsor indicates he'll yield, Senator Watson.

SENATOR WATSON:

Our analysis refers to...and I think you did in...in your opening remarks, about cabdrivers that have no geographic knowledge and have limited amount of speaking English...speaking vocabulary. How will your bill affect that in regard to getting more cabdrivers that have a...more knowledge of what's going on in the area?

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

There would be some...I...I would assume that the...that the Commerce Commission would set up some type of a screening operation, and that probably could be done through an application indicating the person's familiarity with the...with the city either by background or by acquired knowledge.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

Well, I think that's an excellent idea. Last week I was in Chicago and I had a nice tour of O'Hare Airport as we went around and around and around and the meter kept ticking and ticking and ticking as this guy was trying to find Butler Aviation Center, and they had no idea where it was and...and limited knowledge of the language, and I think if this has got any impact on that, that's an excellent idea, and I think this is...deserves support.

PRESIDENT:

Any further discussion? Further discussion? Senator

Smith.

SENATOR SMITH:

Thank you, Mr. President and members of the Senate. I tried to resist from talking because I've got a bad cold, but this is something that is touching into the area where I live and where I represent. The speakers from the other side have quoted their favor about the persons who are driving cabs and who are not eloquent in the English language and sometimes they do not know their geographic location, and this is a hindrance...because I've been a...a product of that too myself. But there is a stipulation to me that's a little bit deeper than that for I represent people who have cabs on the south side of the City of Chicago. They do not maintain the membership like the Yellow Cab of twenty-seven thousand...twenty...twenty-seven hundred and the Checker Cab about fifteen hundred which totals about almost three thousand cabs or more. But they are people whose livelihood is predicated upon the two or three cabs that they own or association that has a hundred cabs but each of the drivers own the cab themselves and use their medallion and this is their livelihood. And I'm fighting for those people, those people have a right to an existence, they have a right to make a living as well as these large cab companies who have a monopoly. The insurance on these people would be tyrant, and...and they would take a cap off and anybody could open up and have a cab. This would result in prostitution, in gambling and a lot of undercover things; and so I'm asking that you do not pass this bill, that you think in terms of the whole rather than in just...in the...the very few. And so I'm asking you, please, do not pass this bill, 1873, leave this to the City of Chicago, let them pass out the medallions, let the people pay to the City of Chicago rather than to our State. You're talking about you don't have this in the State and the State can't do this and the State can't

do that. Let the State take care of the State and let the cities take care of their own selves. And I think you to please vote against this bill.

PRESIDENT:

Any further discussion? Is there further discussion? Senator Joyce, you wish to close?

SENATOR JEREMIAH JOYCE:

Very briefly,....Senator Smith, as I...as we've talked, I share your concern, I have represented to you that...this bill if it makes it on its way through the House, we will find an amendment to deal with that problem. I have come before the Senate and I have said that I am amenable to any amendment which will make this legislation better. We are trying to get at a problem that is perverse and a problem that has gone on for ten years; and yes, Senator Newhouse, five years ago or four years ago or seven years ago or whatever, you know, it was not dealt with, it should have been. We can deal with it today and I ask for your support.

PRESIDENT:

The question is, shall Senate Bill 1873 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? Have all voted who wish? Take the record. On that question, the Ayes are 38, the Nays are 14, 2 voting Present. Senate Bill 1873 having received the required constitutional majority is declared passed. 1875, Senator Rupp. Senator Karpriel, for what purpose do you seek recognition?

SENATOR KARPIEL:

Thank you, Mr. President, on a point of personal privilege.

PRESIDENT:

Yes, state your point. Senator Karpriel.

SENATOR KARPIEL:

I would like to introduce the Winfield Middle School from Winfield, Illinois. They're in the gallery up there, they're constituents of mine, and they're accompanied by Joe McHaley and various other chaperones. Please give them a good Senate welcome.

PRESIDENT:

Will our guests please rise and be recognized. Welcome to Springfield. On the Order of Senate Bills 3rd Reading is Senate...Senator Netsch, for what purpose do you arise?

SENATOR NETSCH:

I think it is absolutely appropriate that we welcome back to the Senate Chambers one of our former colleagues, Senator Bill...Wild Bill Morris, former Senate member, former Mayor of Waukegan and now a LaSalle Street you know what. We're delighted to have him back.

PRESIDENT:

Welcome back, Mr. Mayor...Senator. On the Order of Senate Bills 3rd Reading, the middle of page 10, is Senate Bill 1875. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1875.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President...In no way is this bill an effort to curb or in any way restrict the excellent record and development that has come about in these crimestopper programs. It's an effort to aid and help foster. And what we're doing is permitting judges in their...judgment as part of a defendant's sentence to require reimbursement to a certified local crimestopper's program for any reward that was paid out in connection with the defendant's crime. There

will have to be a certification, there is...was an amendment to...to do that in order to set up the necessary administrative...arrangement. And that, actually, as I indicated,...crimestoppers has been helpful, we do want to encourage it, we feel this bill will do it.

PRESIDENT:

Discussion? Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, I hate to rise and speak against a...adjacent Senator's bill, but this, on the face of what he says, sounds great. But all the crimestopper activity, the president, the board of directors and members, the chief of police, those in my area which composes a very active crimestopper, we...from this program on a volunteer basis, the individuals within this Sangamon and Menard County have donated the money which has funded this which has made available. We have solved numerous serious crimes including two murders and one individual who had been an escaped felon for over twelve years that was identified and arrested through this crimestopper program. And they all...all are opposed to trying to put State Government...or put the judge to levy something for...to make someone pay back at all. They want to leave it as it has been, and as we have said in the past, we don't want State Government any more involved or large...necessary. This is a program that is working very, very well on a voluntary basis, and I urge all of you to vote against it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, Senator Rupp may close.

SENATOR RUPP:

Thank you, Mr...thank...thank you, Mr. President. As much as I hate to oppose a...a member of this Body and adjacent to, we have had some input. The Department of State

Police gave us the amendment. We're not in any way, as I said, attempting to hurt, we're attempting to help. One of the problems that they've talked to me about is the funding of it. This is an attempt to help with that, there's nothing compulsory, we have asked for no changes in their operation. It's just an attempt to help, and I think that the Senator in his remarks has been a little bit...failed to probably get the right approach to this problem. I ask for a...a Yes vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 1875 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 46, the Nays are 4, two voting Present. Senate Bill 1875 having received the...required constitutional majority is declared passed. Senate Bill 1910, Senator Weaver. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1910.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President and members of the Senate. This is a shell bill on horse racing, I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1910 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, none voting Present. Senate Bill 1910

having received the constitutional majority is declared passed. Senate Bill 1912, Senator Netsch. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1912.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. This is, indeed, a bill which would impose a State level tax on all of the tobacco products which are not currently taxed. As most of you know, we already impose a very heavy tax at the State level and, as a matter of fact, at the local level in many areas on cigarettes. We do not tax cigars, chewing tobacco, snuff and other such tobacco products at all. We did attempt to do that in 1969, that particular law was invalidated. For some reason it was not appealed and we have not gone back to try to do it again. My basic reason for introducing the bill is one of fairness. It seems to me that if we are, indeed, going to tax cigarettes as heavily as we do, and I am all for that, by the way, that we should impose something comparable on the other forms of tobacco. This bill achieves that result. It is different in its incidence, it is imposed at the distributor level, that was at the request of the Illinois Department of Revenue because it makes their administration and enforcement much easier. Indeed, the whole enforcement mechanism really was drafted for me at my request by the Department of Revenue. The bill in its present form meets the one valid...or potentially valid constitutional objection that was recorded in the 1969 Circuit Court Opinion, which in every other respect was a dreadful opinion, but we have met that by producing a result that...that does result in uniform

taxation, so that is...no longer a problem. The enforcement mechanism, as I said, was proposed by the Department of Revenue and it satisfies their concerns. There are twenty...I think it's twenty-five other states which impose a tax on other tobacco products including Wisconsin which imposes virtually the...the identical tax that is involved here. I think there is no question that it is a legitimate source of revenue and it certainly evens up the taxing structure of the State. The amendment that was added after the bill was introduced provides to the section that says that the tax money will go into the General Revenue Fund, that after it goes into that fund sixty percent of it will be transferred out to the Domestic Violence Shelter Fund. That was done at the request of those who represent the domestic shelter programs. They have been told over and over again, unjustly so, I suspect, but nevertheless been told, that they need to show a revenue stream, a guaranteed source of revenue. They have had two prior ones invalidated, the divorce fee and the marriage license tax, this is the only thing that they saw available to help provide a source of revenue. I make no suggestion that there is any connection between a tax on tobacco products and domestic violence, if I worked hard enough, I might be able to think one up, but that is not the suggestion at all. It meets only their request that they be able to satisfy the administration and others in the appropriation's process that they provide a source of revenue for their programs. I think most of you know the importance of those programs, almost all of you have shelters in your districts. They are extremely effective and there is a very crying need for more of them. This would help to meet that concern also. I would be happy to answer questions. I would strongly urge...and then let's be sort of blunt about it...I realize nobody wants to vote for a tax increase this time. It seems to me that this is the one that all of you

can in good conscience vote for for two reasons. One is that among most of our constituents I think you will find that they...the constant cry is, why don't you tax tobacco more? That is the source of...that ought to be the source of revenue for the State. This, in part, meets that concern. The other thing is that we do already tax the other major use of tobacco, and it seems to me absolutely fair that we impose something comparable on the noncigarette tobacco, that is what this bill accomplishes also. I genuinely believe it is the one tax that...that all of us can support without any retribution, indeed, in many cases, congratulations from our constituents.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. What I would like is some...maybe a...a more firm statement or something. The folks who have come to me...we don't...we don't have any question about the needs and the desires and the...the things we should do in the domestic violence area, but I...I wonder as to whether or not these folks have not been...told either maybe not written guarantee but the inference is that this is going to give them additional money if this passes. I don't believe that's automatic, but that's the impression that some of them give me. I still think this money is going to have to go through our appropriation process, and...this was compared to me about the arrangement we had on passing the lottery. We told educators that they were going to get the first, what, forty million dollars? Well, that's great, except when we finally got into it, we might have given them that forty million dollars but we looped...lopped off forty million dollars on the other end. The other thing that I've had, folks come to me, some in education, and they also are looking for some help and some additional dollars in edu-

cation through this same tax. And I just wish that there would be some way that we could...oh, if we're going to fund these things, let's fund them and let's not bother to tie it with something else. I think that's a...a false way to get the money. If we put the tax on, put the tax on and then leave open the...the way we're going to put the money.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. I voted for this bill as a member of the Revenue Committee and I intend to support it again on the Floor here, and I'd like to explain my reasons why. First of all, this particular bill was a recommendation of the 1982 Governor's Task Force on Tax Reform. Secondly, I...I think that Senator Netsch has made a good point. I send out my questionnaires to constituents every year and I'm always amazed when I ask that question about what taxes would you encourage me to vote for, and when I get to the cigarette and the liquor tax, it's always somewhere in the neighborhood of sixty-five to seventy-five percent of the folks who want me to vote for increased taxes in that area. In this particular case, I don't think it really even qualifies as a tax increase or I'm not even so sure I would call it a new tax as much as it is an extension on a tax that is already imposed. Every time city...the tobacco manufactures and distributors argue in this General Assembly against some kind of limitation on their business or on their products, they always point out, rightly so, that the tax on cigarettes goes into the General Revenue Fund and then it is used for Medicaid or whatever other health problems occur for our constituents as a result of using these products. Well, the fact is, there is no tax on cigars and pipe tobacco and chewing tobacco and, therefore, there is no contribution from the tobacco industry into that General

Revenue Fund which takes care of those people which later develop the obvious health problems. There's one other issue that I think is important here if I can single out just one of the products that we're attempting to extend this tax to and that's chewing tobacco. That has become, as you all know, a big fad today among our young people. Probably because of some local sports heroes who like to run around with a lump in the side of their jaw, that's become fashionable. Just the other day my kid, who's on a baseball and...and football team, came home from high school to tell me that this particular proposal actually came up in the locker room of his high school. You know, it's interesting, but we know that our taxes that we impose on people here in this State serve not only as revenue raisers, they serve as symbols. They serve as symbols of the values we wish to share and impose on our constituents. I think what we want to do here is to send a message, a message to our young people that we really don't place a very high premium on the use of these products. We already send that message as far as cigarette use is concerned. Why wouldn't we want to extend that message to a real problem area, young people using this stuff which eventually causes serious health problems? And lastly, of course, it is a revenue raiser, at least five to ten million dollars, whatever it is. Aside from what it's going to do for the Domestic Violence Fund, I suggest to you that the way we spend in the last few days of this Session, we're going to need those dollars just to balance the budget, and this is a very good way to do it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, Senator Netsch may...Senator Karpiel.

SENATOR KARPIEL:

Well, thank...thank you, Mr. President. I've been kind of agonizing on this bill because I know that the domestic

violence shelters...do need funding, but, frankly, I don't quite understand the whole genesis of this bill. First of all, we start out with a tax increase bill, or...or a tax extension, as my colleague says, or...tax equity or whatever you want to call it, and then we decided in an amendment to...to fund the domestic violence shelters with sixty percent of the revenue raised from this tax. I, frankly, as a member of the advisory...board of a domestic violence shelter, having been very close to the...this...these shelters and this issue for many years, don't like to see the domestic violence shelters constantly be the poor stepchild. If we can appropriate millions of dollars for an arts council, which of course is...a very good thing to have but certainly I don't think in quite the same way that a domestic shelter is; if we can appropriate money for teenage pregnancy...programs, Parents Too Soon, we have all kinds of programs and services in this State that we appropriate money for without having to constantly try to find some kind of a revenue source and then later find it unconstitutional I think next year we should just put money in the budget for this, maybe shift a few things around and cut out some other monies and we don't need to raise taxes to do it, we should still find money for domestic violence shelters.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Joyce.

SENATOR JEROME JOYCE:

Yes, thank you, Mr. President, I think we ought to call it the Jesse Helms tax. Every time an agriculture budget comes up in...in the United States Senate, he manages to kill it but keeps the tobacco allotments in...in place. So we ought to just tax this and call it...name it...for Jesse Helms.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Sponsor yield for a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

She indicates she will.

SENATOR GEO-KARIS:

Isn't this bill essentially the same as that of a bill that was...enacted in 1969 and it was held unconstitutional in Cook County? In...in the courts of Cook County?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

It started out that way. The changes that were put on by amendment at the...at my request, the Department of Revenue rewrote the...incidence of the tax and the administrative and enforcement provisions, they dramatically changed the only valid constitutional point I could find in the 1969 decision, which was a lack of uniformity in the incidence of the tax. That has been corrected by the amendments that were put on the bill several days ago.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

But still, are you not taxing interstate commerce?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

No, we're not taxing interstate commerce, we are taxing products which move in interstate commerce, but so do cigarettes, so does virtually everything else that's subject to the sales tax in the State of Illinois. So that there is no direct burdensome tax on interstate commerce. It is no different from the tax that is imposed on almost any other product that crosses the State lines, and I would just add to that to confirm it that as I indicated there are twenty-two

other states which have a tax the incidence of which is virtually identical to this one, that is, at the distributor level and not one of them has been invalidated.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, I have a legal opinion here that indicates that the...the tax can be a different amount depending upon whether the person who brings the product into Illinois sells it at...at wholesale or at retail. And if it is sold at retail, the tax is twenty percent of the cost to the person who pays the tax; that is, the importer pays twenty percent of the cost of the product. If the importer wholesales a product to a job or a retailer, the tax is twenty percent of what the job or retailer pays to the wholesaler. Now, if that is true, where are we at?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Senator Geo-Karis, that's what I was just explaining a few moments ago. The bill in '69 and the earliest version of this one did have that potential problem. That has been changed. The tax now falls on the manufacturer's list price. We have eliminated the language and the provisions which at least potentially allowed a different level of taxation depending on the system of distribution. This is all gone now.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I want to respond directly to Senator Karpiel, because one of the major concerns that we ought to have if...if it's not, indeed, shared is that the funds for the

activities of the domestic violence shelters are absolutely essential. Now, we have tried two different taxes or fees, if you will, both of which have been found to be unconstitutional, unfortunately. The fact is, this is the only tax bill in town. This is...as the sponsor indicated, taxing or bridging the gap or closing a loophole or whatever you want to call it; and when she put the amendment on to earmark sixty percent of the proceeds for the domestic violence program, I, for one, signed up, because...I want everybody to be aware that one way or another there's going to be money for that program, and we simply have to agree that it's absolutely essential, and if, indeed, we can't earmark new revenue, we're going to have to eat into the old revenue and rearrange some priorities. So, I would urge the members to carefully take a look and vote Aye.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, Senator Netsch may close.

SENATOR NETSCH:

It is the closing of a loophole, it is a matter of tax fairness, it helps to fund a program that we all are strongly committed to. Let's snuff out domestic violence and vote Yes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 1912 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 22, the Nays are 25, 6 voting Present. Senate Bill 1912 having failed to receive a constitutional majority is declared lost. Senate Bill 1913, Senator Netsch. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1913.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Senate Bill 1913 is the bill that is designed to put into place a mechanism for reviewing the whole list of health care professions and the social work profession, all of which are scheduled to sunset next year. It follows the same pattern as the Joint Committee on Public Utility Regulation with all of the members, both legislative and public appointed by the leadership. It has specific reporting dates and it has an expiration date, that is, a sunset date of its own, so that its sole purpose is to undertake a responsibility which is already in the Statute Books that requires the Legislature to look again at the long list of health care professions and decide whether they should be continued, modified or whatever, and if we do not undertake that responsibility, all of the licensing of those professions expires at the end of 1987. This would provide the mechanism for the review of those; as I say, it's similar to what we have done since we abolished the Sunset Commission several years ago. Be happy to answer questions and would solicit your support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Topinka.

SENATOR TOPINKA:

If I may ask a question of the sponsor. Is...is this covered in law now or is this something new, I honestly don't know.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

...the answer is both yes and no, Senator Topinka, let me explain why. The law currently is on the books that requires all of these professions to sunset at the end of

1987. There also is still on the Statute Books the basic responsibilities of first the Executive Branch and then the Legislative Branch to make recommendations as to whether or not they should be continued, modified or allowed to expire. All of that basic sunset law, if you will, still is on the Statute Books. What we did a couple of years ago when we were in a frenzy of abolishing commissions, we suddenly abolished the Sunset Commission which was our legislative agency for doing that review for us, so that we have the responsibility on the Statutes but we do not have the mechanism. That is why last Session we created a special joint committee on public utility...regulation which was the...really the substitute for sunset.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Topinka.

SENATOR TOPINKA:

So, if that's the case, on every issue that comes up then, one of these will have to be created, to take the place of what the commission used to do as a...as an umbrella?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

We have two choices, either for those that are still on the sunset schedule, and of course all the health care professions are still on the sunset schedule, we would have to do a temporary joint committee, like the one that is proposed here and the one that we did on public utility regulation; or, at some point, if the Legislature decides to look into the question again, it may want to reestablish a permanent committee to carry out that function because it is a statutory responsibility that we have.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Topinka.

SENATOR TOPINKA:

So then the answer to that last question is, for every area of endeavor, for instance, like utilities, now health, and something else down the road, we will have to create one of these to make it work?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Only if it's scheduled for sunset, yeah.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, Senator Netsch...may close. Senator...the question is, shall Senate Bill 1913 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are 4, none voting Present. Senate Bill 1913 having received the constitutional majority is declared passed. Senate Bill 1915, Senator Maitland. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1915.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Janice Stewart of Channel 20 requests permission to tape the proceedings. Is there objection? Hearing no objection, permission is granted. Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. Senate Bill 1915 as amended would allow for the above-ground storage of diesel fuel...in...in this State. Currently, there is a farm exemption and this would extend that exemption to diesel fuel for the...small trucking companies and...and...and businesses of...of that kind. I have further agreed that when this bill reaches the House, if it's successful here, that we will put

a limit on the size of the tank of twenty-five hundred gallons.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1915 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 1915 having received the constitutional majority is declared passed. Senate Bill 1917, Senator Rock. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1917.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1917 is nothing more nor less than a clean-up bill. Currently, if the Speaker and I call a Special Session, there is a procedure established whereby the Secretary of State notifies all the members of the time and...and date of the Special Session. When the Governor, however, calls one, there is currently nothing in the law that suggests how we are to be notified. Now the fact is, in the past, the Governor has been kind enough to send telegrams, make phone calls. All this says is that...the Secretary of State upon notification from the Governor that he is calling a Special Session shall take whatever reasonable steps are necessary. I know of no objection, and I would seek a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? The question is, shall Senate Bill

SB 1921
3rd Reading

1917 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take...the record. On that question, the Ayes are 54, the Nays are none, none voting Present. Senate Bill 1917 having received the constitutional majority is declared passed. Senate Bill 1921, Senator Philip. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1921.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1921 amends the Fox Valley Airport Authority. It basically allows Kane County by referendum to get out of...out of the Fox Valley Airport Authority. If they would decide by voter...to get out, that money would go back to the respective taxing bodies. It has three amendments, the first amendment always allows Kane County to have a representative on the airport authority board even if they do opt out. Second amendment was...strictly...technical, and the third amendment, we'll call the Senator Etheredge amendment for lack of a better description, and at the request of the three mayors on the other side of the river, they would like to...if they do opt out, they would want that money that is returned to the respective taxing bodies to be earmarked for highways, roads and bridges. I have no objections to that. I'd be happy to answer any questions and hope for your favorable consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1921 pass. Those in favor will vote Aye. Those

opposed vote Nay. The voting is open. Have all voted who wish? All voted who wish? Take the record. On that question, the Ayes are 53, the Nays are 2, 1 voting Present. Senate Bill 1921 having received the constitutional majority is declared passed. Senate Bill 1925, Senator Zito. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1925.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and members. Senate Bill 1925 as amended now strengthens local siting approval laws as reflected in Senate Bill 172 of 1981 in Chapter 111 1/2 of the Illinois State Statutes regarding hazardous waste sites. Senate Bill 1925 had three, I think, substantial changes. The first would prohibit the establishment of any new hazardous waste treatment facility within one thousand feet of property for residential use. The second, it voids local governmental approval plans for...regional pollution control facility that are substantially changed after approval. And three, it allows a third-party appeal for a permit granted to develop or operate solid waste facility for municipal or special waste. We have worked on Senate Bill 1925, as...well you know, when we talked about it on 2nd reading. It started out extremely tough on hazardous waste sites and landfills and toxic waste sites to...be able to go around local siting. And so we thought that as long as Chapter 111 1/2 was there that we'd add several other provisions, and I would appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Schaffer.

SENATOR SCHAFFER:

Well, I rise in support of this bill. I think that Senator Zito is to be commended for some pretty good negotiations. We've been able to...amend the bill, I think, to make it a much more reasonable document. And my impression is that we've pretty well eliminated the opposition with the possible exception of some of the waste management people who don't want anything under any circumstances at any time, and I guess that's understandable from their point of view. The simple fact of the matter is that the landfills in the State, most of them, the old ones were poorly designed, poorly located, and are being phased out fairly quickly. And that most of us are going to see landfill applications in our area almost regardless of where we live. And we need to see that those landfills are properly located, that there is local...input, local concerns can be expressed and that the people have a right to be protected against the imposition of a landfill which is...forever in their areas unless it's in an appropriate fashion and an appropriate location. I think this is a good bill, I think it's a good compromise and it merits the support of all of us.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR COLLINS:

Yes, Senator, for the record, when this bill first started out it...it had about twenty or thirty different areas of which you were...had made some substantial changes. And I'd like to know...you said that most of the people had...had agreed to the provisions in this bill. But I...I have a lot of amendments here, and...and due to all of the

confusion, but for the record, it was my understanding in talking with you that this bill dealt primarily with hazardous waste. For you to just...articulate briefly just those points that's covered in this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Zito.

SENATOR ZITO:

Well, thank you, Mr. President. I think I articulated those points when I opened. The three substantial changes it makes, and I'll go through it again. Number one, it would prohibit the establishment of any new hazardous waste treatment facility within one thousand feet of property zoned for residential use, that adds to Chapter 111 1/2. It also voids local governmental approval of plans for regional pollution control facility that are substantially changed after approval. We've changed the word from "significantly" to "substantially," that's the change we've made there. And number three, it allows...allows for a third-party appeal of a permit granted to develop or operate a solid waste facility for municipal or special waste. Currently, only the granting of permits for hazardous waste disposal facilities may be appealed. So, those are the three substantial changes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Does...have you...does the local municipalities, have they taken away their objections to the bill?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Zito.

SENATOR ZITO:

Well, if...if you're speaking in terms of the Illinois Municipal League, they have; but with Amendment No. 3, they worked diligently in negotiations and I think now the Illinois Municipal...Municipal League is not in opposition. I'm

not so sure they ever were.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Well, I...I rise in opposition to the bill simply because there still exists a lot of confusion about what's in it. And I...I think if people don't understand what's in the bill, then they ought to be given the opportunity when we're talking about local units of government...when you talk about disposing of waste, I think all of us have a responsibility and all of us are committed and care about making sure that whatever we do that we protect the...the safety and well-being of the citizens of the State of Illinois. But in addition to that, we have to also be concerned about the cost and what are we going to do with the waste...and who's going to bear that responsibility. And so, for that reason, I feel that local government should have broad input into whatever we going to do...and...and it's my understanding that...at this point that that input has not taken place.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR DONAHUE:

I'd like to just get a little further into the third-party aspect...can...can you define a third party, is it...can it come from anywhere in the State or anywhere...in the appeal...on who can appeal?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Zito.

SENATOR ZITO:

Senator, I'm looking for the exact language. It's my understanding that it can only come from that area and I'll give you the definition of that area in a second.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Zito.

SENATOR ZITO:

Let me read to you the language, it appears on page 38 of the bill. "A third party other than permit applicant or agency may petition the board within thirty-five days for a hearing to contest the issuance of the permit."

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Donahue.

SENATOR DONAHUE:

So, what you're saying, it can be from anywhere?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Zito.

SENATOR ZITO:

Unless the board determines that such petition is...frivolous or that the petitioner is so located as to not be affected by the permitted facility.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...Senator...oh, Senator Donahue.

SENATOR DONAHUE:

So, if...if they decide that this person has no...the landfill has no affect on them or the site has no affect, that it wouldn't be...they're not...they're frivolous, okay, defined as frivolous. Okay? He's shaking his head yes, all right. One other question, is it...prospective in nature as far as the landfills, it doesn't affect any landfills that are already in existence in the State?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Zito.

SENATOR ZITO:

I...I need to make that point verbally, no, it's...it's

hazardous waste facilities...sites, but it would also grandfather everybody else in.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...Donahue, are you through? Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President...you know, I...I...I appreciate the sponsor's concern and the...I'm sure he is doing this in...in good faith. My...problem with this is...if we start doing this and saying, I don't want this thing located in my back yard or my district or my part of the world, that's fine, but stop generating waste there too then. Because what we're doing here is...is we're tricking everybody and the place where most of the waste is generated is never going to have any of it, they're never going to have to deal with it. And what I...what I think is going to happen is that we are eventually going to legislate that only the poorest county in the State with the least amount of...of revenue and knowledge...to deal with this are the ones that are going to have all of it...and that's not right. We should have legislation that is across the board for everybody and we should all have a fair share of our own garbage and our own hazardous waste. This is not doing that, this is saying that Cook and the collar counties won't ever have to have any. And sure, it's hazardous waste this time but you're going to find out how easy this is, so we'll make it garbage next time. And you can pass it 'cause you probably got the votes. If you all gang up on the rest of the State and then we can all gang up on...everybody else and...and the people with the least ability to...to deal with this are going to be stuck with it, and that's just not fair. The Governor has a task force that has come up with some recommendations that I think are...are going to be very good. They're going to have everyone paying for the waste they generate and it's going to be much more equitable than...than this way. I appreciate the sponsor's

concern about his district and...and we all have that concern, but...but let's not get into this game of...of saying, well, you know,...we've got the votes and we can push it off on somebody else, 'cause on the next issue, you know, you won't have the votes and we'll push something else off onto you. So I don't think this is the...the right kind of legislation for us to be...to be dealing with, and I'd appreciate a No vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. A question...of the Chair. Since it appears that much of this is going to start telling local communities just what they are supposed to do, I'd like a ruling from the Chair as to how many votes this is going to take and whether there is any preemption in it?

PRESIDING OFFICER: (SENATOR SAVICKAS)

We'll get that for you in a minute while we have other questions to be answered. Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. As I said yesterday when I had my own amendment to this bill that failed, this bill is going to result in a transfer of...of waste...hazardous waste from one county to downstate. This is creating, apparently, a corridor of opportunity that we don't really need downstate, and I, too, would urge an Aye...a No vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Donahue.

SENATOR DONAHUE:

Well, I apologize for rising a second time, but as I understand this legislation, there is nothing that forces downstate Illinois to accept this waste. Am I right on that, Senator Zito? So we...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...Senator Zito.

SENATOR ZITO:

Absolutely.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Donahue.

SENATOR DONAHUE:

So we, in downstate, still can accept or reject whatever we want to take, and it...it could be presenting a problem for the collar counties rather than resolving a problem for the collar counties.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Zito.

SENATOR ZITO:

Senator, you're absolutely correct. I...I fail to understand what the comments are about this being a Cook County bill. It's apparent that Cook County for the most part is opposed to this. And now we have downstaters too that I think are misinformed that are indicating that it is a Cook County bill to push all the waste downstate, it's not that at all. What it says, Senator Donahue, is what you have said that locals should be given the right whether to accept or reject hazardous waste facilities. Now, if we stand firmly...and...behind Senate Bill 172 of 1981, in Chapter 111 1/2 of the Illinois State Statutes now, that says locals should have a right, locals should have input to accepting a hazardous waste facility or not, regardless of where it is in the State of Illinois, then I think you can support this legislation. But if you're under some other interpretation of what Senate Bill 1925 does, then I...I think you're misinformed and misconstrued.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lechowicz.

SENATOR LECHOWICZ:

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

Senate. I also want to voice my voice of concern in this area. I believe that we fund the Pollution Control Board to address this problem...very serious problem and evaluate and make a recommendation and really to take a vote on situations as serious as this. We've given them certain instructions, recommendations, advice, and now we're saying, we have the expertise, we'll totally disregard the Pollution Control Board and their...review authority. This matter has not been reviewed by the Pollution Control Board, it should be, that's their domain and these are the people that we're looking to to make this type of a decision. I don't believe this prolongs in our responsibility without the recommendation from the Pollution Control Board, and for that reason, I'm going to be voting No.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer.

SENATOR SCHAFFER:

Well, I just wanted to say a couple of things, one to the previous speaker. As we have moved through these Pollution Control Board hearings, we have discovered some problems in the law. We...discovered some areas where the public interest was not addressed by the current law. That is what this bill as amended attempts to do. And to the downstate argument that somehow because we don't have a lot of agricultural zoning and everything is supposedly zoned residential in our area that that somehow forces stuff into the downstate areas, let me suggest to you, my district...well over two thirds of my district is still zoned agriculture. And the last five applications for...garbage dumps, whatever you want to call them, have been in agricultural areas. That particular argument is totally invalid in the collar counties. That is not the...the...believe me, the...the landfill operators may not be brilliant but they aren't totally stupid, they aren't trying to put landfills in residential neighborhoods. They

may be trying to put them too close to residential neighborhoods but they aren't stupid enough to come into an area that's zoned R. They're still out in the area and most of the collar counties there are plenty of spots, whether they're the right spots, but zoning-wise they're still there, and even in Cook County there's still plenty of spots located. So I think that argument is specious. I don't know what that agenda is but it is not based in fact, and I think the bill as amended is a solid responsible response to the problems that all of our constituencies have had or will have in the next few years when the landfill questions pop up in your districts.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sommer.

END OF REEL

REEL #5

SENATOR SOMMER:

Just a question, if you will yield. How does this affect nonhazardous waste operations particularly garbage dumps?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...Senator Zito.

SENATOR ZITO:

Senator, I think only in third-party appeal.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sommer.

SENATOR SOMMER:

All of the provisions that were currently...or previously in there concerning duration of care after it was closed and all that, all of that is gone, correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

For the second time now, we have Senator Collins and Senator Welch. Senator Welch.

SENATOR WELCH:

I'd just like to answer two points brought up by speakers on the other side who spoke twice. The statement that you have zoning in some collar counties that isn't all residential is true. The point to be made about that zoning is this: downstate, most of the counties don't have zoning, the county boards do not intend to enact zoning whether it be to keep out...hazardous waste dumps or not. Your county board would have an easier time of going out and zoning residential with the opportunity of the Zoning Board of Appeals to change that back in the future to agriculture or any other use than what ours since we don't have zoning to begin with...Senator Donahue also brought up the question, how does this...what affect does this have on counties refusing to accept these

dumps? The...the...the effect it has is this, Senate Bill 172 remains intact. What this bill does is put in another barrier that applies only to those counties that have zoning, so that if a person wants to locate a dump, he's going to have to face Senate Bill 172 and local siting requirements wherever he goes. However, each county is going to have to fight that dump on an individual basis. So, as Senator Jerry Joyce said, the...the counties that don't have very much revenue and can't afford to hire an attorney who is a specialist, a county...like Putnam County that has a...a state's attorney who is part-time, he can't mount a large enough objection to a major landfill coming into the county when they try to locate a site. So the extra barrier put in is what makes it more likely that the...hazardous waste sites will be located downstate than in the collar counties.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins. Further discussion? If not, the ruling from the Chair is...Senator Rupp. Senator Rupp. Senator Rupp had sought the ruling from the Chair. For your information, Senator Rupp, this bill does not deny or limit home rule authority. Local siting authority now exists and nothing in the bill curtails it; thus, the Senate Bill 1925 is not preemptive and will require only thirty affirmative votes for passage. Senator Zito may close.

SENATOR ZITO:

Thank you, Mr. President. I'll be as brief as I can but I have shared the concerns of Senator Joyce and Senator Welch. I'm afraid that Senate Bill 1925 though still as...as...as amended still contains a local siting provision under Senate Bill 172, the process that requires any new landfill be consistent with any local plans. We're not changing any of that. We're not saying with Senate Bill 1925 that now poor counties will have more landfills, will have more hazardous waste sites. Those poor counties had a prob-

lem...have a problem now, they had it before 1925 and they may still have it after. What we're saying is that we want to have more control locally on what happens in this State and not have the State EPA or the Pollution Control Board, as Senator Lechowicz has said, but we want to work with those but we want locals to have input to that process. I've introduced this bill and worked with people from Jefferson County, St. Clair County, Will County, McHenry and, obviously, Cook, because in my home town, in the Village of Melrose Park, we had this problem several months ago and we still have it today where a company from West Germany decided that they were going to come into Melrose Park without ever talking to any of the locals. We've got to stop that in Illinois; we've got to stop it, yes, in all one hundred and two counties and we've got to stop it in every municipality that does not want...does not want to accept a hazardous waste facility. I ask for your vote on Senate Bill 1925. It's been a long effort of compromise and we...we would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 1925 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? All voted who wish? Take the record. Senator Zito, for what purpose do you arise?

SENATOR ZITO:

Would ask for postponed consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

On that question, the Ayes are 25, the Nays are 27, 5 voting Present...Senator Zito has requested postponed consideration of Senate Bill 1925. Is there objection? Hearing none, his motion carries. Senate Bill 1929, Senator Mahar. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1929.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. Last year, legislation was passed and signed into law that required that energy efficient hot water heaters be installed and sold in the State of Illinois after June 1st. Unfortunately, some retailers in the State have not had the opportunity to deplete their inventory and what this bill does is allow them to do so if an inventory prior to April 1st.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Is there discussion? If not, the question is, shall Senate Bill 1929 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, none voting Present. Senate Bill 1929 having received the constitutional majority is declared passed. Senate Bill 1930, Senator Macdonald. It's on the recall. Senate Bill 1931, Senator...no...it's...it's off the recall list. Senate Bill 1930, Senator Macdonald. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1930.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. Senate Bill 1930 amends the Intergovernmental Cooperation Act and is intending to provide the organizational and financing mechanisms which will permit

a number of cities and villages in the north and northwest Cook County to form a joint action agency to provide waste...disposal facilities for residents in the area. The bill is patterned largely after this...an Act which was passed which authorized joint action water agency for the same municipality. This legislation will enable the north-west suburban municipal joint action...consortium of north-west suburban governments. The differences between the sections in the water joint action agency and the proposed municipal joint action...water agency are minimal. This bill passed out of committee with a unanimous vote. There were some questions and I would be happy to answer any questions and, if not, I would ask for the passage of this bill. It is imperative that this bill passes because we are...of course, like every other area, we are running out of disposal sites and so we are...and we do need time...lead time to put the capital for...up for the bonding. So I would ask for your approval as you have done in the past for the joint action water agencies for the same area.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1930 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present...or 1 voting Present. Senate Bill 1930 having received the constitutional majority is declared passed. Senate Bill 1931, Senator Sangmeister. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1931.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

S.B. 1934
3rd reading

SENATOR SANGMEISTER:

Thank you, Mr. President and members of the Senate. As you know, we had discussion of this on 2nd reading and the amendment was defeated to put in the judges for Cook County, so it's back into its pristine form. This affects only one county, Will County, where established as a new single circuit last time around by your decision here and now we're asking that we maintain a...a number of sixteen associate judges for Will County and that's all it does. It's...the amendment was defeated.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1931 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. Senate Bill 1931 having received the constitutional majority is declared passed. Senator Newhouse, for what purpose do you arise?

SENATOR NEWHOUSE:

Thank you, Mr. President. I'd just like to recognize my seatmate presently, Mr. Earl Washington, who is the valedictorian of the Earl...(machine malfunction)...the Earl School students are sitting in the gallery just behind me and I'd appreciate it if the Senate would take a moment to recognize them.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Would they rise and be recognized. Senate Bill 1934, Senator Joyce. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1934.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President. Before we begin, Senator Luft and Senator...Vadalabene seek leave to be added as a cosponsor on Senate Bill 1934.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Hearing no objection, leave is granted.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President and members of the Senate. Senate Bill 1934 provides that no school employee shall be required to work on legal school holidays except those situations where the employee's presence is necessary because of an emergency or for continued operation of the school facility. This continued operation language, in order to...to be certain we do not have an ambiguity here and we are dealing with language that is not clear and plain, the continued operation language is meant to deal with those situations where the school is held open for nonschool purposes and maintenance people and people such as this are required to be on the premises. We're trying to get at with this...with Senate Bill 1934 those situations where secretaries, et cetera have been required to come in and work on school holidays. I'll be happy to answer any questions. There's also an amendment on this bill which provides that recruiters may have access to the addresses of seniors for the purpose of sending material to them relative to educational opportunities and for that specific reason only. I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR FAWELL:

Just for legislative intent, this bill is not...is not for teachers, for instance, who are going to have band concerts nor is it for teachers who are to put on plays nor is it for coaches and that type of activity that involves other days besides school days or...or evenings or this type of thing. Could you answer that question for me?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

That is correct, Senator Fawell.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Question of the sponsor. Senator, I'm not certain just...just which school employees are going to be affected by this bill. As I read it, the amendment says that teachers shall not be required to teach on Saturdays nor shall teachers or other school employees be required to work on a legal school holiday. I'm not sure who that means. I assume that it would be secretaries, administration office employees and perhaps cooks and that sort of thing, but I...the question comes into my mind if...if the office, for example, is far behind in their work and they need to...they need to work to catch up, that this bill precludes the possibility that the administration could ask them to stay and do that apparently. Is...is that right?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

If that was not an emergency situation, then all...then...then you are correct, Senator. Teachers presently are covered by this language, holidays and Saturdays,

that is...that presently is the law. We are bring into that all other school employees and we are providing an exemption and that exemption is to...emergency situations or for the continued operation of the facility, and the continued operation embraces those situations that Senator Fawell is concerned about.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Is a continued...would the continued operation and maintenance of school facilities include instances where the school is used for community activities, not really school related but outside community activities where the school facilities are rented or given to some community...unit.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Yes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer.

SENATOR SCHAFFER:

One of...one of my gripes, Senator, is that the people can't use the school buildings that they paid for. School districts sort of have a condescending attitude about making the facilities the taxpayers paid for available to them on occasion. One of the legal holidays that might fall under the purview of your Act is an Election Day. Now, an awful lot of us have schools that are used for polling places. I have a feeling, unless there's something here I don't know about, that we will be told that those schools are no longer available for polling places because we passed a law that prohibits from them requiring the janitors to be around to...be around to open the door and close the door and sweep the halls or whatever janitors do on Election Day. Are we

effectively cutting off the use of school buildings for polling places? That's my first question.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

No.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer.

SENATOR SCHAFFER:

There...there is nothing in this Act that would say if the janitors in a district didn't want to work on an Election Day that was a legal school holiday that the school district would be allowed to not let us have a polling place? This won't jeopardize us in any way, shape or form?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well, I was not privy to all the discussions which took place between the people who put this bill together and those who initially indicated some opposition or some concern on the basis of...of some of the things that we are talking about right now. All of this was meant to come in under the term "continued operations," so that if the Boy Scouts or if the...a neighborhood group is putting on a play in the school, these types of things would not...it...it is not contemplated that these types of activities are within the language of this legislation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer.

SENATOR SCHAFFER:

Would that include the school districts that make the high school gyms available for volleyball leagues or basketball groups of...not students but other people that come in that...you know, the school districts don't like to do that,

'cause you have to unlock the door and lock the door and these people are only taxpayers anyway and it really bugs me. I don't want to be told down the road, Senator, you voted for...you guys passed the law, that's why we can't...we can't let the Cub Scouts use the building and that's why the Jaycees can have it and, you know, we keep passing these school holidays left and right, there are more and more days this is covering. None of these groups are going to be negatively impacted on then...then...who are we impacting on? What good does the bill do? What's it do?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well, the genesis of the bill was...those situations where it was felt that secretaries were being put on...imposed on in the sense of being told, you come on in on...even though the school...it's a school holiday, you come on in here and work anyway. Those are the situations that this legislation is...is trying to get at. So, those...the matters that you are talking about, Senator, the building...the facility being held open to the public and all that, that was the basis upon which ED-RED had some strong opposition to this. This language is supposed to deal with that.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Watson.

SENATOR WATSON:

Thank you. I'd like to ask the sponsor a question.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will yield.

SENATOR WATSON:

Under current law, how are these people compensated that come in...on a holiday?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

The teachers are compensated on an annual basis...so they don't come in on a school holiday. If you are talking about the...the secretaries, they have the annual...they have an salary, they're just not given the holiday in some...in some cases.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Watson.

SENATOR WATSON:

You mean they're not compensated for time and a half or double time for working on a...on a holiday?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

The...the matters...which were...the cases which were brought to our attention in two school districts in the State, there was no compensation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hall.

SENATOR HALL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR HALL:

Senator, in my district, we have some...a number of teachers as well as people who work in custodial service and all and they are not full-time employees, they're automatically off on...they...they do not get paid like the rest when...vacation or during the time that any holiday appears. Now...and I'm wondering that these people who are not there and some of them may be secretaries but they're not full-time, that if they want to work them...would this bill prevent them from being able to work on that day?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

This...this bill says you cannot require them to work on school holidays.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hall.

SENATOR HALL:

Another thing on these record things here, what is the...the school administrators in general? I see here that they're going...there's something in here says about recruiters, that they don't have to go through the career counselors and events and all things like other people. They're allowed to be given the names of these students and they can contact them? Why couldn't...they have to follow the same procedures everybody else?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well, Senator Topinka can speak to that in a minute, but there are other...other people presently getting that information; and as I tried to make clear, it is...that information is to be given and used only for the...the purpose of providing the senior with information on career...or educational opportunities that are available, nothing more than...maybe...Senator Topinka.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Topinka.

SENATOR TOPINKA:

Yes, Senator Joyce, and to address Senator Hall's concern, you know, by amendment we have limited to educational opportunities. I would also point out, and I have done this through legislative research, that thirty states already have some form of this, not to mention that by congressional

intent, and I can cite you the...you know, the public Act, it dutifully notes that state...or secondary schools are asked to be in compliance with the access of armed forces recruiting personnel to secondary educational institutions on the release of data and I'll be happy to show you that. So if it would be congressional intent that this be done and this was done in 1982 and thirty states have it, what we're basically trying to achieve is educational scholarships for kids who otherwise might not be able to get to college, and I would think that in your area and my area and a lot of areas around the State that would be very helpful.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hall.

SENATOR HALL:

Well, I...I have one other question and that's in line with what Senator Schaffer asked you. You are definitely sure that this will not interfere in any way because we use schools in my district...where the voting machines are located and all, that this won't prohibit these people from coming in on those days or whenever elections are set. Sometimes we have them on Saturday, sometimes we have them on Tuesdays and you are absolutely certain now that this wouldn't prohibit anything like that. Is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

That's correct, that would come in under the definition of continued operation. The...Election Day is not a holiday within the meaning of school holidays. There are twelve holidays and Saturdays...Election Day does not fall into that definition, but if it...if it did...if it did or to deal with the elections that you have on Saturday, that would be within continued operations and this would not be applicable.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I have no objection to the bill as originally it was introduced. My concern was with the addition of Senator Topinka's amendments to this bill, and if you recall, that amendment...permits military recruiters to receive the names and addresses of prospective high school graduates who have begin their final year of instruction. Nowhere do we presently have that information available. Basically, the current law provides that a record of any release of information must be made and kept as part of the student's record and subject to the access procedures outlined in the Act. Many school administrators are concerned about the release of such information. Their view is that recruiters like colleges and universities should go through school career counselors and events geared for...career days at school. Colleges and universities do not have access to such records nor do such organizations as the Peace Corps, Vista and et cetera. With Amendment No. 3, she tried to correct that but she really didn't. She said that military recruiters may...only use the names and addresses of prospective high school graduates to supply those graduates information relative to educational opportunities available through this service in the armed forces, but it does not...it does not...guarantee the safeguard of that information being retained there. What the recruiter may do with that information nor any penalties provided if it is misused is not contained in Amendment No. 3. Now maybe you don't think this is an important matter but you talk to any parent that has a student in high school and the students raise questions of them, why in the world are we getting bugged by somebody...when we've applied and made application to the selective service system as required, why are they going to be harassed by anybody else? I, for one,

don't believe that they should be. I don't believe that the safeguards are contained in Amendments 2 and 3, saying that the military recruiters, yes, you can contact them for educational purposes but you can...what...who am I going to say what he's going to do with that information after he does that? He could pass that along to anybody he wishes and there is nothing in this bill to prevent that from happening. I, for one, am going to be voting No for that reason.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President, in...in partial response to Senator Lechowicz.

PRESIDING OFFICER: (SENATOR SAVICKAS)

It wasn't a question.

SENATOR TOPINKA:

I'm sorry, you want to ask me a question? No, he doesn't.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce, you may close.

SENATOR JEREMIAH JOYCE:

Well, I think we have tried as...as...as...as best we could to..to meet the concerns of those people who initially voiced some problems with this legislation. Now, I...I...at...at first blush, the military thing, the idea of the names of the seniors going out and being given out names and addresses was...was of some...was of some concern to me also, but I think the way we have amended this legislation, we're talking about addresses, we are talking about only educational opportunities. I don't see any problem at all with that. I think it's...it's beneficial to a large number of students and, on that basis, I ask for your support on Senate Bill 1934.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 1934 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 32, the Nays are 20, 3 voting Present. Senate Bill 1934 having received the required constitutional majority is declared passed. Senator Lechowicz, for what purpose do you arise? A verification has been requested. Will all the Senators please be in their seats. Senator Lechowicz has requested a verification. Will all the Senators be in their seats and will the Secretary read the affirmative votes.

SECRETARY:

The following voted in the affirmative: Carroll. Chew. Collins. D'Arco. Darrow. Davidson. Degnan. Demuzio. Dunn. Fawell. Holmberg. Jeremiah Joyce. Jerome Joyce. Kelly. Lemke. Luft. Marovitz. Nedza. Netsch. Newhouse. O'Daniel. Poshard. Rigney. Sangmeister. Savickas. Schaffer. Smith. Topinka. Vadalabene. Weaver. Welch. Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lechowicz, do you question any of the affirmative vote?

SENATOR LECHOWICZ:

Yeah. Senator Carroll.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is Senator Carroll on the Floor? Senator Carroll. Strike his name.

SENATOR LECHOWICZ:

Marovitz.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz on the Floor? He's standing in the back of the Chamber.

SENATOR LECHOWICZ:

Kind of a fast count, so...I had a tough time following it. Senator Friedland.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Friedland. Senator Friedland voted No.

SENATOR LECHOWICZ:

That's the right vote. I have no further questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Mr. Secretary. There are 31...Ayes, 20 Nays, 3 voting Present. Senate Bill 1934 having received the required constitutional majority is declared passed. Senate Bill 1935, Senator Lemke. Read the bill, Mr. Secretary. Senator Lemke.

SENATOR LEMKE:

This bill, I'm...I'm asking leave to have this bill put on the Calendar...held on the Calendar till next fall. This is the bill for the recodification of the Criminal Code by the Reference Bureau. I talked to President Rock and I talked...I think we all talked on this before. What we want to do is have this held till the fall so when they do the recodification we can put it on the bill and pass it and...and have no problems. So I want leave to...the bill to be held.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is leave granted? You've heard the motion. Is leave granted? Hearing no objection, leave is granted. Senate Bill 1945, Senator DeAngelis. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1945.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 1945 as amended

simply follows the normal accounting procedures of determining depreciation for the purposes of determining capital costs on nursing homes. I urge its approval.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Rock.

SENATOR ROCK:

Question of the sponsor, if he'll yield.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR ROCK:

All right, why now are we getting into the rate setting business?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

I thought we always were.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Well,...then we have a difference of opinion. What...what...what is the estimated cost of this provision?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Senator Rock, we don't have one because the department has not given us one, but the department is neutral on this; and, from what I understand, whatever the cost would be the monies are there.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Well, our indication, at least as introduced, was sixty-two million dollars.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

The bill that was introduced, Senator Rock, was simply a vehicle bill to...to force some negotiations on this particular topic. I don't have that number as far as the bill that was introduced but the bill has been amended severely.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Well,...as...my information was that the department as introduced was opposed because of the sixty-two million dollar additional cost. It's obviously unbudgeted. I'm not sure, frankly, what their opinion is now with...since Amendment No. 1 has been added, but the fact is, in...in the past, the department has opposed specific changes or limitations with respect to the rate setting process. That's why we have, I think, administrative rules and that's why we have a Joint Committee on Administrative Rules to...to let them do this kind of thing.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, Senator Rock, the department at this particular point is neutral. I do have to point, however...point out, however, that they have used different...methodologies in determining this and what we're saying, why don't we use the right one and that's the accounting one.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Well, I...I...I'm not going to stand and argue, I...I just...I...I think it's a mistake for us to get into this business of...of suggesting how the rates are set; and I'm sure that if I were the department and you were the sponsor,

I, too, would be neutral. I'm...you know, that's fair.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Hall.

SENATOR HALL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR HALL:

Senator, I'm reading where the Department of Public Aid opposes the bill. Have they changed their...you put an amendment on that...was it changed now as...these homes are...big thing now on...on nursing homes and I'm certainly want to be sure that they're getting adequate service, adequate money to carry on the right things. Now is this and...well, who asked for this, I would like an answer. Who asked for this?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Senator Hall, a bunch of people did but basically the nursing home operators because some of them are being reimbursed differently than...others. What we're doing here is simply saying that when you calculate depreciation for capital cost purposes, you're going to use the regular depreciation schedule.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hall.

SENATOR HALL:

Are you going to make it equal...throughout the entire State?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Senator Hall, depreciation is depreciation is depreci-

ation, not only in the State of Illinois but across the country. Yes, sir.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer.

SENATOR SCHAFFER:

Frankly, I rise in support for this bill and, my...my reasoning is, in the past all too often we've seen when the department decides they want to contain costs rather than come up with a rational program, they just redefine one of the parts of the formula to diminish dollars. Now, I understand budget tightening as much as anyone else but think it ought to be done on a more rational basis than that; and to the degree that this bill will eliminate that kind of a slipshod behavior, I think it probably merits our support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, Senator Geokaris...I mean, Senator DeAngelis may close. They all look alike. You may close.

SENATOR DeANGELIS:

After that, just a roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 1945 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 51, the Nays are 1, none voting Present. Senate Bill 1945 having received the constitutional majority is declared passed. Senate Bill 1946, Senator DeAngelis. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1946.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 1946 as amended and the two Floor amendments are in fact the bill does the following. Under the Nursing Home Act, it makes transmitting a false report a Class B misdemeanor. Two, it provides for the discharge of a resident who is a physical threat to other residents or others in the facility. Three, requires the Department of Public Health to consult with the Long-term Care Facility Advisory Board prior to adopting rules and regulations. Four, provides that the department can act on reports with or without identifying information. Five, provides for an exit conference with a facility administrator in conjunction with the report. Six, requires the department to report in their annual report to the General Assembly the number of invalid reports; and seven, directs the department to combine on-site visits and inspections whenever possible. I...be happy to answer any questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in support of the bill, although there's one technical aspect of the bill that concerns some of our colleagues and that had to do with the physical violence. The Attorney General is prepared to continue to work with this bill and if the bill is fortunate enough to enter into the House, we can expect some amendments onto the bill into the House to deal with that specific subject matter. It would further categorize as to what would be physical violence, so therefore the same unruly patients that are really not physical just cantankerous and ornery would not be placed into that type of a category and just indiscriminately taken out of the...the nursing facility. Was...with those provisions in mind, I rise in support of this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President, members of the Senate. Well, reluctantly I rise in opposition to this bill and I think you ought to hear some of the things that...that are...some of the truths about this bill. The Illinois Nurses' Association is against this bill, the Alzheimer's Association is against this bill and let me tell you what the problem with the bill is so you know very definitely before you vote what is happening here. This bill would allow involuntary transfer because of risk to...physical safety to others in a nursing home, involuntary transfer, automatic transfer, get rid of somebody in a nursing home without any hearing...without any justification hearing. The fact is, we don't need that because that is in the current law. The current law permits an emergency transfer of a resident who presents a risk of safety to himself or other residents. That's the current law. Okay? This bill...adds that if it's a risk only to staff or visitors. It's pretty tough to conceive of a situation where you couldn't transfer somebody under current law because they are a...a risk to the health or safety of himself or other residents but because they're a risk to the staff only. Now, what...what this bill will likely do, there are a lot of patients in nursing homes who are inconvenient and difficult to treat such as those with alzheimer's disease, and this would give an excuse for many of those nursing homes to get rid of these people without justification. They could use this procedure to move up Medicaid patients and to bring in private pay patients. This amendment which is a major amendment never went through the deliberative process in committee and I think short-circuits the process that we have, but most importantly, it poses a real risk to nursing home residents who can summarily without

justification be taken out of nursing homes. If they pose a danger to themselves or other residents, today, under current law, they can be removed involuntarily. That is the current law. We don't need to extend that any further. Again, the Nurses' Association, the alzheimer's disease people are against this and the nursing...and the...and the Nurses' Association, people who work in the homes on a day-to-day basis and perhaps might be subject to some of the conduct...the adverse conduct by these residents, they're against this bill. So if you're trying to protect those other staff, the people who are the staff are against this bill. This is a bad, bad idea. I think you're jeopardizing the...the...the health, the...the welfare and safety of the residents and there's no need to pass this extension of the current law.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I also would oppose it and add only one thing, I think Senator Marovitz has made most of the points. The legal assistance people who work with a lot of those who are involved in this process also oppose this, and I do think it is absolutely fair and accurate to say, Senator DeAngelis, that except for maybe an incident here or there, there was no case made, that is, there was no major case made for this kind of change. And in view of the fact that those who are most concerned about the...the people we ought to be most concerned about and that is the residents in the nursing home, it seems to me that the bill ought not to pass.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...was that a question, Senator? Senator Etheredge.

SENATOR ETHEREDGE:

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

Senate. I rise in support of this legislation. I...I listened to the comments of the...one of the earlier speakers and one of the points that...that he was making in regard to the...nurses being opposed to the bill, I can tell you that I personally have talked with a group of nurses today who are very much in support of this bill. So I...I think this is a good bill and I would ask for your support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I, too, rise in opposition and for pretty much the same reason. I am particularly concerned with the advent or at least the surfacing of the alzheimer's patients. We have more than...we're told more than a hundred thousand in this State, many of whom are in these nursing homes and this would afford, it seems to me, the opportunity in those tragic instances to literally discharge involuntarily these folks with...with not the proper safeguards. And I'm not sure why we're doing that and to my friend, Senator Nedza, I will say...I, too, believe in the good faith effort of the sponsors and...and I'm sure there will be an attempt to try to work it out. I, frankly, am...am more comfortable with attempting those kinds of negotiations right here. I think we are frankly more reasonable and responsible, and...to let this thing get out of here in its present shape, I'm simply afraid of it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, Senator DeAngelis may close.

SENATOR DeANGELIS:

Thank you, Mr. President. First, on a note of personal privilege, I would like in the balcony behind me, nurses who support this bill, one who is a vice-president of the Illi-

nois Nurses' Association. So would they please stand and be recognized. I think that might clear the record on some statements that were made during the course of the debate. Secondly, I, too, am concerned, Senator Rock, I...solicited on our side, if you'll recall, for joint sponsorship on all your alzheimer's bills last year and got every member to sign on for those bills. Alzheimer patients tend not to be violent, they tend to be forgetful and I don't think that there's any intent to do that. You know, I think in this General Assembly sometime we make the assumption that whoever is in a business is an evil person; and I agree with you, there are some evil people in this business, but I can't fathom anybody being a...in a business to throw people out of the place of business they do business at. What has been forgotten here is that day after day many of the residents of nursing homes are endangered. I don't know of a single nursing home in my area that does not have MI patients mixed in with geriatric clients; and, yes, Senator Marovitz, there is a procedure for that, it takes twenty-one days and I'm going to tell you twenty-one days there can be a lot of damage done to other patients. As far as the nursing homes being able to do this with reckless abandon, the department can write up rules and regulations on this. So, therefore, they can't do it and, in addition to that, hearings can be held afterwards and I'm certain that the department can do something about those corrupt operators who are just throwing people out on the street. But I really believe that we have...some responsibility to ensure that the other people who are in there be safe and, by the way, that's only a small part of this bill. I did agree that if there could be something worked out, we would work out in the House and, Senator Rock, I did in fact ask the people that opposed to come up...with some language; granted, it was not a long notice and I'm sure that if they come up with something that acceptable, it can

be done. So I urge your support for Senate Bill 1946.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 1946 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 37, the Nays are 17, 1 voting Present. Senate Bill 1946 having received the constitutional majority is declared passed. Senate Bill 1954, Senator Demuzio. Senator Demuzio.

SENATOR DEMUZIO:

Can we have leave to come back to this one shortly? Thanks.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio seeks leave of the Body to allow him to return to Senate Bill 1954 in a few moments or a little longer. Is leave granted? Hearing no objection, leave is granted. Senate Bill 1955, Senator Demuzio. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1955.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I don't know of any opposition to Senate Bill 1955 prior to its amendment. It amends the Downstate Teachers' Pension Article of the Pension Code and would, in fact, allow the...the board to establish a health insurance reserve account. It would allow the TRS Board to transfer up to twenty million dollars from the investment earnings which would be above the four percent, and it would delete the six million dollar limitation that is currently on the amount the

SB 1957
Bill Reading

system may spend on...on the health insurance plan. In addition to that, by virtue of Amendment No. 1, we allowed elected officials of teachers' organizations to become a member of the system providing that they pay back not only their share but also the employer's share of employee contributions, and it would only apply to two elected officers, namely, the two of the...of the largest teachers'...teachers' organizations in Illinois. So, at this moment, I don't know of any opposition.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Mahar.

SENATOR MAHAR:

Sponsor yield to a...to a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR MAHAR:

Senator, could an organization force its officers to become members of a...of the teachers' retirement system?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

I don't believe that they can, no. The answer is no.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Mahar...is there further discussion? If not, the question is, shall Senate Bill 1955 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 1955 having received the constitutional majority is declared passed. Senate Bill 1957, Senator Friedland. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1957.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Friedland. Senator Friedland. Senator Friedland.

SENATOR FRIEDLAND:

Thank...thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1957 amends the Criminal Code to add to the offense of retail theft the representing of merchandise that has been lawfully obtained in order to get a refund on it when, in fact, the property has not been lawfully obtained. It's...additionally, it's be amended to expand the definition of criminal trespass to land to include retail establishments and other commercial entities under the Act. It's supported by the Retail Merchant's Association and I'd urge your favorable consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1957 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are 1, none voting Present. Senate Bill 1957 having received the constitutional majority is declared passed. Senate Bill 1961, Senator D'Arco. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1961.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. This bill creates a mechanism for Statewide election contests. As you know, in 1982, the Stevenson-Thompson contest wound up in the courts, and the

Supreme Court declared that the 1977 law was unconstitutional because it created a three-judge panel. This bill provide...this bill eliminates the three-judge panel and gives jurisdiction to the Illinois Supreme Court in its stead. The bill, other than that provision and the provision that says that once the Supreme Court initially determines that an actual recount should be conducted for a Statewide office, then the actual recounting of the ballots will be supervised in the hundred and two counties by a circuit court judge in each county who would then report their findings back to the Supreme Court, other than those two major revisions of the old law, the bill is substantially the same as the 1977 law. I don't know of any opposition to the bill. It's a good bill. It may be necessary and I ask for your favorable support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. You know, I don't why we're allowing the Illinois Supreme Court who have no expertise in elections whatsoever to do a Statewide recount. If we will look at the past primary and some of the decisions the circuit judges have made, and I will give you one example, allowing polling places to stay open till ten o'clock in the evening, is an absolutely ridiculous thing for a court to do. And if you would look at the records of the court, whether it's DuPage County or Cook County, their records of what they have done in regards to these elections is...is unbelievable, and I suggest to you the Supreme Court has no expertise in elections whatsoever. The State Board of Elections ought to be doing the recounts, not the Illinois Supreme Court, the Appellate Court or the Circuit Court and...and I kind of feel strongly about it and we ought to kill this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Fawell. That argument...Senator Fawell.

SENATOR FAWELL:

...if this...I'd just like to have an agreement. If this bill does pass, will you make...will you guarantee that it...nothing else will be added to it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

Yes, I...nothing else will be added to it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator D'Arco may close.

SENATOR D'ARCO:

Thank you, Mr. President. I share Senator Philip's concerns about certain decisions by certain...certain court...circuit court judges concerning allowing polling places to be open for two to three hours after the official time to close the polls. That was a decision made by a circuit court judge. You know, I disagree with that decision...as well, and I'm not here to say it was a good decision. But that doesn't mean that, you know, you...you throw out the whole provision for an election law to determine Statewide election contests because one circuit court judge made a bad decision. I mean, the fact is that this bill says that it's the local judge within that county that's going to review the ballots from that particular...the particular precincts in that county. Who is closer to the situation than the local judge in the county where the ballots are going to be counted? And the bill does provide that the judge can ask for the advice from the local election board authority if he does have questions about the proper election procedure. The problem is not in the recounting of the ballots, the problem is in the constitutionality of a bill that's going to be

upheld. That is really the essence of the problem. This is a good attempt to solve a potential problem that may be created in any Statewide election contest if two offices get involved in a recount. That's all it does. The mechanism is sound, it's prudent and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

The question is, shall Senate Bill 1961 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 question, the Ayes are 31, the Nays are 24, none voting Present. Senate Bill 1961 having received the required constitutional majority is declared passed. Senate Bill 1972, Senator Welch. Senate bills 3rd reading is Senate Bill 1972, Mr. Secretary.

SECRETARY:

Senate Bill 1972.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. In view of the fact that a task force is currently meeting to determine exactly how a collection bill should take shape and determining just how the process that I introduced in my bill should eventually be enacted into law. I'm asking that this bill be held on the Calendar till the fall.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Fall of '86? Senator Welch has sought leave to hold this bill. Leave is...is granted. I'd like to point out that we have, oh, a little over one hundred bills left to go on 3rd reading, so...Senate...bottom of page 11, Senate bills 3rd reading, Senate Bill 1974, Mr. Secretary.

SECRETARY:

Senate Bill 1974.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Poshard.

SENATOR POSHARD:

Yes, thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill would require in-service training programs to be developed in the schools for the safe and appropriate handling of materials containing toxic substances for those people who handle those substances in the school. This could be accomplished quite easily at the regular teacher institutes in the fall or the spring. Currently, the State Board of Education runs four or five of these seminars in different areas of the State, and this could easily be expanded to local teacher in training...in-service training seminars. I'd move for passage of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Maitland.

SENATOR MAITLAND:

...thank you, Mr. President. A question of the sponsor, if he'll answer.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. Senator Poshard, this bill, of course, was around last year and we debated it some in committee and I believe the...the bill stayed there last year and I...I know that...that we describe in...in one of your amendments the...the...the substances that would be...that would be involved here. Give us some idea how many...how many different substances we're talking about, would you, please?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Poshard.

SENATOR POSHARD:

Yes, thank you, Senator Maitland. It would include substances that are on the toxic substances disclosure list. There are many substances on that list, of course, but there are only a few such substances that would be used in the particular materials for cleaning and so on that school personnel would use. It would not include training in all the substances on that list of course, but...but things such as acids, asbestos, cyanides, vinyl chloride, things that might be found in cleaning substances in the schools.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. Well, we're...we're talking about substances though other than cleaning materials, I believe; for example, paints, that is to say, paints used in...in...in art classes, is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Poshard.

SENATOR POSHARD:

Yes, it would include any...any substance which might contain dangerous chemical agents. Some of those, of course, are covered in Senator Welch's bill last year on the art supplies and so on, any remaining substances.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland, your time has almost expired. Senator Maitland.

SENATOR MAITLAND:

Thank you, so much, Mr. President. Senator Poshard, just about every elementary teacher's locker has a number of art supplies in it; so, I mean, this would extend to, obviously, to teachers and noncertified staff, is...is that not correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Poshard.

SENATOR POSHARD:

Well, it may, I don't think that's the intent. The intent is...is to deal with those people, custodians and maintenance people and so on who may come into contact with these substances more often and, you know,...there's a possibility that students...children may be coming into contact with these substances if they're left around and if people do not know how to adequately handle them. So the intent is not to train everyone in the school system in regard of the substances but, if necessary, if the substances exist, that may be necessary.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Yes, but...but...but the bill simply applies...or applies to personnel in the district who work with such materials, so we're talking about virtually every certified and noncertified person in the school district. First of all, now listen folks, this is important. I...I've tried to support this bill, I really have, but it just extends itself so far. I think this was part of the discussion a year ago and then we go on to say, "on a regular basis," but...you know, we don't define what a regular basis is. And..and, finally, I would say and you can respond, Senator Poshard, then when I...when I conclude with...with this question, do we have any idea what the cost of this would be for...for local school districts? I just...this almost seems open-ended and I'm really concerned about it and I..I think the bill ought to be rejected.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Watson.

SENATOR WATSON:

Well, I'd like to ask a question. Did he respond to that question of Senator Maitland's about the cost, that's what I was going to ask. I'd like to know what the costs are. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Poshard.

SENATOR POSHARD:

That's difficult to determine, I've worked in schools all my professional life. In-service training seminars are a regular part of every school system. This could be included in regular teacher institutes which are required by State law for teachers to attend as an optional session that they might attend or a required session that they might attend in a one or two hour training session. State Board of Personnel are currently available that could perform this kind of in-service training or be trained to perform it in local school districts. I don't anticipate that it would cost the local school districts much at all. I can't give you an exact figure on that but I see it as a regular part of normal in-service training activities for any school district. Why would we want to subject our children or anyone else who works in those districts to the possibility of coming into contact with...with the substances that might damage their health and not make them aware of how to...how to handle those substances? I don't understand that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

END OF REEL

REEL #6

SENATOR WATSON:

Thank you. The issue isn't necessarily the intent of what you're trying to do, the issue is who's going to pay; and, of course, we have a State Mandate's Act, we have a situation in which we have provisions that the State will pay for such mandates such as this. Have you exempted the State from this or where are we at in regard to the Mandate's Act?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Poshard.

SENATOR POSHARD:

No, we haven't exempted the State from this. Again, I have to repeat, there is no reason why this cannot be included in regular in-service training activities at each local level where teachers are taught on curriculum, on evaluation, on everything else. This would not take a tremendous amount of time. You know, if we're talking...right now, the State Board of Education, just based on the current seminars that they put on each year, they put on about four to five training seminars per year in this area, but those are only in a few areas of the State. Based on past seminars, they estimate that these workshops could run anywhere from five to three thousand dollars each if they put them...if that's the kind of workshop you wanted all over the State. We're not suggesting that. We're suggesting that people be trained in the local district where they are, by local personnel from the Department of Health...of Public Health or the State Board of Education who are on staff and on payroll already.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Watson.

SENATOR WATSON:

So, the State's going to pay?

PRESIDING OFFICER: (SENATOR DEMUZIIO)

Senator Poshard. Senator Poshard.

SENATOR POSHARD:

Well, it...according to staff, it does not fall under the...the State Mandate's Act because the cost is too small.

PRESIDING OFFICER: (SENATOR DEMUZIIO)

Further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I'd like to point out that last year this Legislature passed the Toxic Art Supply Act of 1985. That Act says that students between...kindergarten and sixth grade will not be exposed to toxic art supplies in schools, and those students from grades seven to twelve...the supplies used must clearly be labeled so that they know what they're using. That recognition on the part of this Legislature was a major step forward in keeping children from being injured in this State. That Act has been hailed by both industry, schools and the art community itself and was signed by the Governor of this State with much fanfare in Chicago last year. What this bill does is a logical extension of that Act. In order to ensure that children are not exposed to chemicals, we have to make sure that those using chemicals know how to use them, know how to advise students not to inhale the substances, not to use them or eat them or do anything else with them that may cause them injury. The exposure for a period of time to certain chemicals in itself...and breathing those chemicals can cause permanent lung damage, it can cause liver damage; and when you have people as small as children in seventh grade, it exacerbates the problem and that's what this Act is about. It includes other personnel because other personnel may not know the seriousness of the cleaning fluids that they use, they may

leave them laying around and that is the main purpose of this bill. The...the monetary effect is going to be minimal, it's mainly to make sure people are aware of the effects of chemicals that they should already know about in order to hold the jobs they currently have. That's why the State's Mandate Act doesn't apply because it's a lot of common knowledge involved here, and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. In touring the nursing homes in my particular district, the executive directors there in each case pointed out to me the strict requirements for their maintenance people to take very good care of cleaning fluids so that nursing home residents would not be exposed or would accidentally consume some of these toxic materials. We have the same kind of situation in schools, particularly elementary schools, where children could accidentally come in contact with these toxic substances. Certainly we need to train school personnel as much as nursing home personnel in a very similar situation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Poshard may close.

SENATOR POSHARD:

Yes, thank you, Mr. President. I do not consider this bill to be either too costly or too cumbersome to employ in the State. I think we owe our children the fact that we're interested in...in preserving their health and we can't be too careful in this area of...toxic substances. So, I would move for passage of this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 1974 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? Have all voted who wish? Take the record. On that question, the Ayes are 30, the Nays are 26. Senate Bill 1974 having received the required constitutional majority is declared passed. Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. Let's verify the affirmative votes, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland has requested a verification. Will all Senators be in their seats. The Secretary will read the affirmative votes.

SECRETARY:

Excuse me. The following voted in the affirmative: Berman, Carroll, Chew, Collins, D'Arco, Darrow, Davidson, Degnan, Demuzio, Hall, Holmberg, Jones, Jeremiah Joyce, Kelly, Lechowicz, Lemke, Luft, Marovitz, Nedza, Netsch, Newhouse, O'Daniel, Poshard, Sangmeister, Savickas, Smith, Vadalabene, Welch, Zito and Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland, do you question the presence of any member?

SENATOR MAITLAND:

Senator Jones.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR MAITLAND:

That's enough.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce, for what purpose do you arise?

SENATOR JEROME JOYCE:

Mr. President, I voted but...and...but my switch isn't working.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, on a verified roll call, the...the Ayes are 29, the Nays are 26, none voting Present. Senate Bill 1974 having failed to receive the required majority is declared lost. Senator Poshard. Senator Poshard requests consideration postponed...postponed consideration. Page 12, 1985, Senator O'Daniel. Senate bills 3rd reading, top of page 12, Senate Bill 1985, Mr. Secretary.

SECRETARY:

Senate Bill 1985.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator O'Daniel.

SENATOR O'DANIEL:

Mr. President and members of the Senate, Senate Bill 1985 creates the Illinois Local Government Risk Management and Pool Insurance Act. It creates a risk management division within the Department of Insurance to...to provide assistance to units of local government. There are currently about ten such pools in the State operating as an alternative to purchasing conventional insurance. This bill encourages the growth of such pools by offering risk management, advice and financial assistance for the first five years of the operation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question...Senator Rupp.

SENATOR RUPP:

Yeah, I would like to know there...just what this is going to cost and if there has been any discussion with the Insurance Department. I don't know that our Insurance Department is set up to...to operate an insurance company. Has the money been appropriated to start this? Where does the funding come from?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator O'Daniel.

SENATOR O'DANIEL:

Actually, we haven't asked for any appropriation, it's just setting up the plan and these will be loans and I...it depends on...the kind of participation in the program as to what it would cost.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rupp.

SENATOR RUPP:

Thank you...thank you, Mr. President. I...I think what we're doing again, we're getting into another business. There are concerns, there are consultants, there are firms that...that do this. We don't have any risk management people on the staff and that's what it takes, and it looks to me that we're getting into this...into the insurance business without telling the department what they have to do and we really are telling them to go dig a ditch but you can't have a shovel. I think we ought to see if they're able to do the job first before we get into this. Have you had any discussion with the department, Senator?

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, can we have some order, please. Senator O'Daniel.

SENATOR O'DANIEL:

No, we haven't had any discussion with the department, but this is just setting up a revolving loan fund.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman...Senator Rupp...Senator Rupp.

SENATOR RUPP:

Yeah, just this morning...I'd like to ask the sponsor a question. If this is going to impact on this ruling that was just put out this morning, Justice Simon delivered the opinion of the court, "Local public entities are granted certain

immunities from tort liability by the Local Government and Governmental Employees Tort Immunity Act," and so forth, "but such immunities are effectively waived where the public entity is protected by a policy of insurance issued by an insurance company covering alleged liability. The Inter-governmental Risk Management Agency an alternative to conventional commercial insurance is a risk management pool in which only Illinois...municipalities may participate."

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right, Senator O'Daniel.

SENATOR O'DANIEL:

We're going...we're going to help them...retain their immunity.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Rupp.

SENATOR RUPP:

In fact, what...what we're concerned about, it might be making the department an actual insurer, actually putting us in the insurance business. That's a step that I don't know that we are quite ready for.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Yes, question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Indicates he will yield.

SENATOR SCHUNEMAN:

Senator, there are...there are several of these pools operating in Illinois right now, and one of them that I...that I know is operating and providing risk management service is the pool that's operated by the Municipal League. Are you trying to put them out of business for some reason or what are we trying to do here?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right, ladies and gentlemen, we are effectively bogged down here. Senator O'Daniel.

SENATOR O'DANIEL:

This will just be assisting the new ones.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, can you give us some examples of...of which new ones are...I honestly don't know what it is you're trying to do here, because it seems to me that we've got a number of these pools already established and I really don't know who it is you're trying to...to help by means of this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator O'Daniel.

SENATOR O'DANIEL:

We will be trying to help anyone in their first five years of existence, and if I remember, yesterday afternoon you were talking about us shooting ourself in the foot when we put...rolled back the price of insurance, so these...these pools may become very popular if...if the insurance industry does leave the State.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you, Mr. President. I just want to point out to the Body that we have an Insurance Department that's trying to cope with a...with a real emergency in the State. Now this is the first of...of several bills that are going to be coming now which are going to require the Department of Insurance to get into...to all kinds of additional activities. I don't think any of them provide any money to the department to do what we're going to be mandating that this...the department...the...the activities that they are supposed to perform. If you'll talk to insurance commis-

sioners, not only our own but those from other states in the United States, their overriding concern is whether or not we're going to have insurance company failures...failures of insurance companies and they're trying to keep their...their people and their resources committed to the examination of insurance companies that are in trouble; and for us to...to...expect the department to get into an area of creating pools when there are already, I think, sufficient pools in governmental insurance especially, it just seems to me to be going in the wrong direction, and I...I really think it's a bad idea. You got a great sponsor but sorry about the idea.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I'm a little concerned with the nonplussed attitude being exhibited on the other side. All this bill says is that we are asking the Department of Insurance to afford some technical expertise to those units of local government who otherwise can't obtain insurance and wish to pool. Fact of the matter is, there are about two hundred and twenty municipalities in this State that are members of one pool or another or perhaps the same one for that matter, but you and I well know there are fourteen hundred municipalities and there's more than six thousand units of local government all across this State. We've got more units of local government than any other State in the...in the country, and all we're saying is, as an alternative, we are going to encourage the formation of these kinds of pools and afford to those units of local governments, about which I heard a great deal of concern yesterday when we literally attempted to abolish any liability they might have at all, we're now trying to encourage them that there is another alternative and that the State

Department of Insurance, our regulatory agency, will, in fact, be of some technical assistance to these units of government who serve, I hope, the same constituency that the department does. I don't see anything wrong with this. Every time we try to do something other than abolish liability, all of a sudden the industry and its representatives and those who speak on their behalf get all excited. This doesn't take away from anybody anything. All it says is that our department is going to help do this, help accomplish this purpose. No gun to anybody's head, you don't have to do anything, nobody has to do anything. But what we're saying to the park districts and the library districts and the mosquito abatement districts, why don't you get together and try this and our department will give you some advice. That's all. You don't need a fifty-man staff to give advice, for goodness sake, they're doing it right now. I had a gentleman in my office this morning representing a trade association that has spent a good deal of time, he related to me, with the Department of Insurance and its experts talking about whether or not they could form one of these pools. We don't have any provision in the law for nongovernmental units, but for goodness sake, it's a matter of giving advice, that's all it is.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator O'Daniel may close.

SENATOR O'DANIEL:

Mr. President, I would just appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Question is, shall Senate Bill 1985 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 question, the Ayes are 34, the Nays are 22, none voting Present. Senate Bill 1985 having received the required constitutional

SB 1991
3rd reading

majority is declared passed. On the Order of Senate Bills
3rd Reading is Senate Bill 1991, Mr. Secretary.

SECRETARY:

Senate Bill 1991.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. Senate Bill 1991 as amended
does exactly what the Calendar says. It provides that a
teacher whose reserve unit has...is activated during a school
year and is required to enter military service duty shall
continue to have a full salary paid to him while on active
duty. I'll be happy to answer the questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President. I rise with some
concern with respect to Senate Bill 1991. I guess, first of
all, I'm curious to know how many...how many teachers might
be affected by...by the first part of...of the bill? This,
of course, presently now, the...the school boards could allow
this if they want to just simply mandate...or doesn't simply,
it mandates them now to do it. You have any idea, Senator
Degnan, of how many...teachers might be affected by this?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Degnan.

SENATOR DEGNAN:

My information is last year this would have encompassed
five people.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

It would...would involve five people that would have continuing...their tenure would continue then while this individual was serving as the president of an organization. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Degnan.

SENATOR DEGNAN:

That's correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

...I don't think I got the answer to my question, did I?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Degnan. Senator Maitland, why don't you restate your question? Senator Maitland. All right, Senator Degnan.

SENATOR DEGNAN:

I believe you're talking about the first part of the bill that...I am led to believe we deleted but I now learn we did not delete. That...the answer then is one person.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

I want to make that clear because that was not in your description of the bill, and I want to make clear that everybody understood that we were granting tenure to an individual while they were serving as president of an organization. Secondly, with respect to the second part of the bill, I...I guess the thing that concerns me here, folks, and once again, listen, this is a...is...is probably a...a...you know, a popular thing to do, but...but what we're doing here is we are asking the school district to continue to pay the teacher while the teacher is on some kind of training program with...in all probability a reserve unit, that's the first cost. Second cost is the substitute teacher who comes in and

has to be paid also and...and then the person who's on leave continues to...to...to generate the teaching salary plus the salary that he receives as being a member of that unit, and I...I really question whether this is the...the right approach to do. It's my...it's my belief that usually with respect to jury duty and those kinds of things that the...the difference is what's paid, and I don't believe this does that and this is not only double dipping, it's almost triple dipping and I think we need to be concerned about that.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Dudyecz.

SENATOR DUDYCZ:

Thank you, Mr. President. I have one question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Indicates he will yield. Senator Dudyecz.

SENATOR DUDYCZ:

Senator Degnan, are there any other public employee groups that have this privilege other than your proposal to...for the teachers?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Degnan.

SENATOR DEGNAN:

My understanding is all State employees have the right to take a military leave and be paid for it.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Dudyecz.

SENATOR DUDYCZ:

You're saying that the teachers are the only ones excluded at this time?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Degnan.

SENATOR DEGNAN:

I...I don't know if they're the only ones that are...I

know the State employees are afforded this benefit. I know the City of Chicago employees are afforded this benefit. I don't know other groups.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Fawell.

SENATOR FAWELL:

...are you talking about...are you talking about the National Guard or are you talking about...like the Army Reserve or are you talking about both?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Degnan.

SENATOR DEGNAN:

I'm talking about both.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

So, that if there was an emergency and the National Guard was called out for sandbagging a river...river or...the...the...the Army Reserve was called out to fight whoever, we would pay them. That's...that's the gist of your bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Degnan.

SENATOR DEGNAN:

That is correct, if it happens during the school year.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

Well, it seems to me that if we're going to have a National Guard and we're going to ask these people to serve,

I don't understand why in the world we wouldn't support this. You know, that's a...that's a logical thing to do if we're...if we are training these men to...to take care of us in an emergency, then when the emergency arises, it seems to me that we should, in effect, continue to pay for them.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Maitland for a second time.

SENATOR MAITLAND:

I apologize, Mr. President, I don't do this very often; but keep in mind, this is when a unit is called up on active duty and there's no limit, folks, there's no limit. If the Illinois National Guard is called to go to Nicaragua, and they're there for two years, you'll pay that teacher's salary. Now that...again, that may be a...a nice thing to do, but that's an extremely expensive thing to ask to have happen. I wouldn't feel so bad if this was for a reserve training or something like that, but this thing has...once again, no limit on it and that's what you're voting on.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Watson.

SENATOR WATSON:

Well, thank you...once again, I'd like to know who is going to pay? Is this State Mandate's Act exempted here or...local school boards or who's paying?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Degnan.

SENATOR DEGNAN:

We are talking about last year five people for two to three weeks. We do not address the State Mandate's Act because the cost is so minimal.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...Senator Watson.

SENATOR WATSON:

Okay. Well, under the situation in which we had five people last year, who paid, school boards or the State, under your provision?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Degnan.

SENATOR DEGNAN:

School boards.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Degnan may close.

SENATOR DEGNAN:

Thank you, Mr. President. I think the comments about double dipping are a little far-fetched, and I also believe if we're placed in a position to assign the Illinois National Guard to Nicaragua, we're in pretty big trouble. I urge your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 1991 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? Have all voted who wish? Take the record. On that question, the Ayes are 43, the Nays are 11, 2 voting Present. Senate Bill 1991 having received the required constitutional majority is declared passed. 1992. Senate bills 3rd reading is Senate Bill 1992, Mr. Secretary.
SECRETARY:

Senate Bill...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, a point of personal privilege. In the President's Gallery there are ninety students and nine teachers from the Avon School at Round Lake, Illinois which is serviced by the...by Senator David Barkhausen and myself, and I ask you to welcome

them here.

PRESIDING OFFICER: (SENATOR DEMUZIO)

If our guests in the gallery will please rise, welcome to the Senate. Senator Jones, for what purpose do you arise?

SENATOR JONES:

Yeah, thank you, Mr. President. On a point of personal privilege. I'd like to recognize the St. John Elementary School from the 17th Legislative District, their parents and teachers here are visiting us in Springfield.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, welcome to the Senate. They are all standing in the gallery. Senate Bill 1992, Mr. Secretary.

SECRETARY:

Senate Bill 1992.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Macdonald.

SENATOR MACDONALD:

Thank...thank you, Mr. President. This bill...merely updates the Public Aid Code to reflect changes enacted previously in the Statutes. So, I'd urge adoption of this bill...passage of this bill. There was supposed to have been an amendment that was given to me earlier but it has not developed and we'll pass the bill on.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1992 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 question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 1992 having received the required constitutional majority is declared passed. Senate Bill 2000. On the Order of Senate Bills 3rd Reading

is Senate Bill 2000, Mr. Secretary.

SECRETARY:

Senate Bill 2000.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Yesterday we passed...what some might consider tort reform. This is insurance reform and this is the bill...that is the key to insurance reform. It is the bill that is the key to affordability in what has been termed an insurance crisis. This is the bill which would regulate the insurance industry. As all of you know, the insurance industry in the State of Illinois...we are the only State in the nation with a totally unregulated insurance industry. This bill requires the Department of Insurance to approve or disapprove premium rate increases or decreases of fifteen percent or more. It requires certain specific financial data to be reported to the department. So, it strengthens the reporting requirements, makes them more specific and more detailed and requires data to be specific to Illinois as well as to other...to the United States. Other states have had regulatory bills and some may say there has been no...no effect on premiums. The fact is, other states haven't had this form of regulation, a prefiling bill; majority of states...most states do not have this form of insurance regulation and this bill will go a long way towards dealing with the insurance crisis and the insurance industry. Other states have tort reform similar to what we passed yesterday and those same states still have an insurance crisis. I would be happy to answer any questions, but I think the key to this thing is, if an insurance company is going to ask for increases over

fifteen percent, which they say are justifiable, what is wrong with telling that insurance company, fine, we'll give you that increase, just justify it, show us why you need that increase, give us specific data, claims data, closed claim files, the kind of data that you need to justify that you have that increase? If the increase is justifiable, what's wrong with saying, fine, you'll get it, just justify it? That's what this bill does.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland, for what purpose do you arise?

SENATOR MAITLAND:

Thank you, Mr. President. On a point of personal privilege, sir.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point.

SENATOR MAITLAND:

In the gallery behind you, seated in the...Bloomington High School accelerated history class and their instructor, Stan Otto, and I'd like them to stand and be recognized by the Senate, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

If our guests in the gallery would please rise and be recognized by the...welcome to the Senate. All right, discussion? Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. One thing I would like to point out is that I really, deeply believe...strongly believe that this bill is no longer needed, and I...I do think that the sponsor should seriously consider taking it out since yesterday in Senate Bill 2263, through the efforts of Senator Lemke and Senator Berman, the rates are now frozen anyway, so there is absolutely no need for this, but arguing on the point, I'd like to ask the sponsor a question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Rupp.

SENATOR RUPP:

Could you tell me, Senator, just about how our rates in Illinois compare with other states?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

I think we have some documentation right here and I'll...I will be glad to...to give it to you as soon as the documentation comes to my desk.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rupp.

SENATOR RUPP:

...well, in the interest of saving time, I don't...I'm...it's an academic thing. It's...really should be of particular interest that Illinois rates are pretty much in the middle of the range for each of the rating categories. Isn't that true?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

I would agree.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rupp.

SENATOR RUPP:

So that might indicate that...a lack of a rating control bill like you're talking about or having one really is of no affect on the rates when you look all over the country.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Well, Senator Rupp, with the tort reform that we passed yesterday, Illinois' insurance rates should be the lowest in the country.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rupp.

SENATOR RUPP:

Well, I'll agree that there should be some lowering effect but I don't have a...again, I'm not an attorney, so I don't have a crystal ball to tell what's going to happen next week or next year, but you now and I know that there should be and there ought to be if no other influences or factors contribute that there will be a reduction. You know that. We've had companies indicate it. They've written it. They've spoken it verbally, their chief executive officers, that there should be. No one can guarantee it, but I think Illinois without this rating bill is doing as well or better...in fact, better in many categories than some of the states like...maybe I should ask you the experience in...I think it's Texas...Texas would be one, what the experience is...is in Texas and North Carolina compared to Illinois?

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Well, I...I haven't examined the specific systems in Texas and North Carolina, and without examining those systems, I couldn't...I couldn't give you a definitive answer; but you have said that we don't...we don't have a crystal ball and you're exactly right, we don't have a crystal ball, that's the problem...with tort reform we don't have a crystal ball; with this insurance reform bill, we will have a crystal ball and know that there won't be any increases over fifteen percent without the justifiable statistical evidence to guarantee that those increases are...are meritorious.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rupp.

SENATOR RUPP:

It's always amazing, Mr. President, that in the legal

business, you know, there's no crystal ball, but in the insurance business, everybody knows it...knows the insurance business because they have a policy...and that's not enough to know the insurance business. I have a will too but that doesn't mean to say that I'm a lawyer...and that's what I feel sometimes on the insurance business and on this Floor particularly. Those who...I think we should respect more often those who have some background in it. We listen to the people in agriculture and give them credit and we listen to you attorneys, but when it comes to insurance, everybody is the expert because they have a policy.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

If we listened to the lawyers, we wouldn't have passed tort reform yesterday. Now, let's be consistent. You say we listen to the lawyers, the lawyers weren't in favor of those bills yesterday and we told you what...what devastation that would have upon the people, the...the...the defendants, the injured, the hurt, the harmed. We told you what effect that would have, you didn't listen to us. Now you're saying, well, we didn't listen to you lawyers yesterday but just have faith in us in the insurance industry, right?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Let's...let's...let's proceed. Senator Rupp, your time has expired. We'll be glad to come back to you. Senator DeAngelis, for a first time.

SENATOR DeANGELIS:

Thank you, Mr. President. Sometime ago a scientist was given a grant to determine the impact on a grasshopper when its legs were taken off. So, the scientist put the grasshopper on the ground and said, jump and the grasshopper jumped three feet. He brought the grasshopper back, took one leg off and said, jump and the grasshopper jumped two feet.

He continues this on till the grasshopper wouldn't jump anymore and the scientist concluded that the more legs you take off a grasshopper, the harder...the harder his hearing gets. And I think we're doing the same thing with this. You know, several years ago we had a crises on workers' comp., and if you recall, I sponsored a bill which created open rating which...for a couple of years was held up in committee and it finally passed. All of a sudden the crises disappeared. In all the conversation we heard yesterday, we did not hear one mention of a crises in workers' comp.; and along with that, the rates fell. Now, we're going to try to create the kind of artificial market system and, Senator Marovitz, I have no problem with getting lower insurance rates, but the fact is that we have found out that rating, in fact, created windfalls for insurance companies because it reduced competition, it guaranteed profit, it didn't provide for any efficiencies; and now we're coming back again to assist them that to begin with created the first insurance crises we had in the State of Illinois. I really don't understand it, I think we ought to determine what really caused that grasshopper to quit jumping instead of the loss of hearing.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. It's really interesting to me that the other side of the aisle wants to regulate and change laws in order to circumscribe and circumspect all of the interest in the court system that people are involved with, but when it comes to doing some type of regulating of the insurance industry, we can't do that. I mean, we have to stay clear of...regulating the insurance...industry because they're the sacred cow in Illinois. I mean, they don't want mandatory insurance. You hear that, Senator Rupp? Huh? They...I mean, they don't...they don't want mandatory insur-

ance, you know, because that's something that is bad for the industry, whatever that means. It's bad for the big companies. They don't want to be regulated period. Illinois is the only State in this country that is not regulated by anybody. That is unheard of. And you know what the real problem is? The small businessman...he comes to me because I'm a legislator and he says, Senator D'Arco, they just raised my premiums two hundred percent, three hundred percent. I can't afford it. I'm going to go out...I'm going to go out of business. What can you do about it? Well, this is the answer, because they can make a reasonable profit without getting prior approval from the insurance department. They can raise their rates without getting prior approval but, hey, when it goes beyond what is reasonable, let's take a look at it, let's see if it's justifiable for you to raise those rates that high. This is the real answer to reform of the insurance industry. This will put the insurance...industry on notice that we really mean business in Illinois. We're really going to protect the small consumer in Illinois and this is the vehicle that's going to do it.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you, Mr. President. Just very briefly, the sponsor says that...that this will solve the insurance crisis in Illinois. That's ridiculous. Other states that have laws very, very similar to these...he makes the point that this is somehow different; well, it may be a little bit, but the concept is used in many states and those states have an insurance crisis. If you pass this bill today, I assume that...that the rates have to start somewhere and that they're going to start at today's rates. This doesn't require anybody to roll any rates back, but what it does do and will do, and I'll tell you this, it will serve notice on the

insurance industry that Illinois is no longer a free market, and perhaps insurance companies ought to...ought to devote their resources to expanding in some other state where they do have a free market. It'll do that and I don't really think you want it to do that. There's another curious thing that you're doing here, Senator. We have a problem in general liability in this State; that is, liability insurance for businesses, basically. You know, I don't think we got a problem in workers' compensation but you're going to put that under price control now. As far as I know, we don't have any problem...as far as I know, we don't have any problem in the availability generally throughout the State in buying personal automobile insurance. Now, Senator Jones is going to argue about that, but generally in this State automobile insurance is available. We don't have any problem in this State about homeowners insurance, that's generally available. So, now what...and...and it's available in a very competitive market. Companies are...are aggressively competing for that business, and I can tell you this, if you want me to quote your homeowners insurance renewal, and by the way, that's not a bad idea, I can give you a half a dozen prices depending upon the various companies, depending upon the way you maintain your home, depending upon how old your home is, it's a very competitive business. Now, apparently the Senator wants to...to do away with all of that. He's not going to allow the same kind of competition that we've had in those areas. So, this bill, in effect, goes way beyond the scope of the problem that we have in Illinois which is in general liability and would include everybody. Now we heard in the...Senator Jones conducted a...a hearing here on the Senate Floor when the Select Committee on Insurance had a meeting or was it...I guess it was the Insurance Committee, and State Farm testified that this particular problem that's got the attention of everybody really doesn't affect them

very much because I think it only represents, what, six percent or eight percent of their total business. The rest of their business is in homeowners and automobile and that sort of thing. Now, this bill would put...that under price control. I tell you, it's the wrong thing to do.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. Actually, some of the information about what we've done and what other states have done, there are now fifteen states that have "that old-fashioned prior approval system," and the figures show that they are no better off today than our open competition in Illinois. I...I...it's interesting to note that...and I remember the vote very well when we talked about opening completely the rating on workmen's compensation. I remember the vote very well and I'm wondering why at that time Senator Marovitz voted to take off the rating. Certainly,...I think I heard the reasons for taking off the rating then was to increase the competition, to improve the situation, it would provide additional businesses in Illinois, an additional incentive for business to come to Illinois, more jobs, it was going to cure everything. Now, you're up on your feet, Senator, saying that the cure-all is going to be to put rate control on. I can't quite understand that change because...and if you are as alert as you usually are, your first question will be to me, Senator Rupp, how come your's was the only No vote up there on the other and the way you're talking now? 'Cause I was the only No vote on getting rid of all the...the rating, and the reason I did at that time was that I felt that we were heading for just this cycle type thing and we were heading for a...a wild cycle. I said it would take four years, it didn't, it took two years...as I say,...so if you were sharp, you would throw that back at me, but I'd like to

know why you changed your mind.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President and members of the Senate. I rise in very strong support of Senate Bill 2000. When I first came here, I had a mandate from the citizens of my district to do something about or to attempt to do something about the discriminatory way of which rates are charged for insurance and as for property and automobile insurance in the State; and so, I began to meet with various groups across the State, I've been involved with this struggle long before I came to the Senate, and we put together what I thought was a very comprehensive bill dealing with rate control. The bill, in my judgment, was, in fact, better than this because it did embrace the concept very strongly of open competition while it also had a degree of monitoring and rate controls built in. It was based on the premise of a file and use system. While this bill is a more stricter and more strenuous type bill which requires prior approval, I think it is better that we do something than nothing. The time most certainly has come in this State that all of us must realize that if we are going to solve the insurance crisis in this State, that we must...whatever we do, embark upon a course of action that is based on a premise of...of basic fairness to all concerned and not only just to the insurance industry in the State; and everything that we've done yesterday, was, in fact, very lopsided because it did not take into consideration the needs, the concerns and even compassion of those persons impacted and affected most by problems caused in the State due to the lack of insurance or inadequate coverage of insurance. And so I say that while this may not be the best bill in the world, it is a good start. Illinois is, in fact, the only State in this country which does not have any form of

regulations over the insurance company as it pertains to rate. I commend Senator Marovitz and those who worked on this bill, and if it doesn't work, we have an opportunity to come back, amend it again and make it work; but I say that we should not leave this Senate this Session without a sincere effort to bring about some kind of controls to the insurance industry in the State of Illinois and, therefore, I strongly support and I ask all of you to support Senate Bill 2000.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jones.

SENATOR JONES:

Thank you, Mr. President and members of the Senate. After listening to testimony for several hours on the Senate Insurance Committee as well as the Senate Select Committee on the Affordability and Availability of Insurance and when I talked to many of the carriers, representatives in Springfield as it relates to regulation, most of them opposed; some said they would favor it if you put sunset legislation in. The insurance industry, as most of you know, indicated that we are caught in this...in this dilemma because they said that the tort liability laws are so outrageous that they have no choice but to raise premiums; however,...however, between the year 1979 and 1984 was the year which they testified to during that period of time they had what you call a price war, and the rates supposedly had dropped consistently during that period of time till it got to the point wherein those who were underwriting the risk in Illinois found themselves in a dilemma. Ladies and gentlemen, that is poor business management. Without any regulatory laws as it relates to property and casualty insurance, they were in a position to do whatever they so desired just so long as they could corner that piece of the market. If this bill had been law, they could not have reduced rates fifteen, twenty percent, thirty percent because the Department of Insurance would have looked

at that particular company and said, why are you reducing these rates at...to that low level. So, we are caught in the position now where certain lines of insurance...people...businesses have to pay one hundred, two hundred, three hundred, four hundred percent increase in premium. Ladies and gentlemen, by the very nature of some of the business that do business in the State of Illinois, they must have insurance. There is no justification for any rates being increased that high, and those who have sat on...on the committee, on both sides of the aisle, heard the same testimony and that was for certain lines of businesses. We had some businesses come before this committee and indicated that they have never had a claim, no claim whatsoever, but yet and still they were being faced with paying exorbitant rates for their...their property and casualty insurance. We talk about the personal line of insurance, and sure enough, State Farm did testify that that corner of the market as it relates to property and casualty was a very, very small portion, maybe about six percent; but if we do not solve this problem today, that personal line item as...personal line of business as it relates to homeowners insurance and automobile insurance, we'll be faced with the same problems that we have with the property and casualty. So, this bill serves a twofold purpose. It will prevent the companies from engaging in what you call a price war. If they want to reduce the premiums more than fifteen...fifteen percent, they would have to justify it; if they want to increase more than fifty...fifteen percent, they would have to justify it. I cannot see no reason why any legislator will oppose this legislation. If you are concerned about the people in your respective districts, if you're concerned about those businesses who had their premiums increased fifty, seventy-five, a hundred, two hundred, five hundred and even in some cases one thousand percent, then you would vote for this bill. It's a good

piece of legislation and...it should receive unanimous support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Yesterday, as a matter of fact, or in the course of the length...rather lengthy discussion on tort reform...and really this question that we're all involved in is a question of is it insurance reform or tort reform, and I suspect that as with all things this complex it's somewhere in the middle. We're going to ask both sides, each side to move a little bit, to do something a little different than they're doing currently. Yesterday we heard...with great aplomb that some of the industry has said, if you do this and this and this and this, we're probably going to lower our rates anywhere from three to eleven percent. This legislation doesn't even kick in until there's a proposed fifteen percent increase or decrease. So, I suggest to you, this is not as harmful as it would have...those on the other side would have us believe; and more than that, how in the world can you go back to your constituency and your district this weekend and suggest to those people who sent you here in good faith that, yes, I'm making a serious effort to address this problem and leave the insurance industry totally...totally unregulated? There has to be some movement. There has to be some hook so that when a company wants to raise a premium three and four and five and six hundred percent, somebody ought to be able to say, hey, hold it, you can't do that unless you can justify it; and if you can justify it, that's a different story. The fact of the matter is, at the moment they don't have to justify anything to anybody. They're doing just exactly what they want, and Senator Jones was quite correct and those of us who have listened and studied know full well that in the early 1980's

and the late '70's there was an all out price war, it was like a war at a gas station that we've all witnessed. Everybody was undercutting, attempting to get a share of the market so they could invest those premiums. The...the return on premium and premium dollar investment in those days was eighteen, nineteen, twenty percent, they were having a field day and all they want to do is get a bigger and bigger share of the market and every one of them will admit that they were drastically undercharging for the risks that they were insuring, and now they're trying to make it up and they are making it up all in one or two years with horrendous increases and we sit around here with no hook. We are not able to even say to them, hey, stop, what are you doing? All this says is if you want to raise your rates fifteen percent or more, come in and tell the department why and how. I don't think that's unreasonable, and if we're going to effect a compromise, we had better send to the table more than one set of issues. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. In 1969, Representative Pete Miller introduced a bill in the House eliminating the review of rates by the director insurance. At that time he was the chairman of the Insurance Commission, and a member who was serving as a director of insurance came from Allstate Insurance. As long as I've been here in the General Assembly, except for the current director of insurance, it's always been a man who came from...from the insurance industry. Say it exactly the way it is, for the first time, that is not the case. The President pointed out the...inadequacies and the price wars that was conducted within the insurance industry in the '70's but the interest rates at that time were twenty and...and

twenty-one percent. So they were making money but they were also redlining in the City of Chicago where you couldn't get insurance. People in my neighborhood who in good faith and conscience maintained their homes when it came up for renewal were denied, and only through absolute political effort and clout that they were able to get insurance when we got hold of the director of insurance in their budget and explained the facts of life to them. That isn't right and it shouldn't happen. It shouldn't happen in my community or in any community in this State but it did happen. If any bill that should be supported, it should be this one. You talk about having a review procedure, you're talking about why industry is leaving this State, read your mail as I do. When you talk to a businessman and he writes to you and he tells you what his premiums were last year and what they are this year and they're having a difficult time getting that insurance...ask John Washburn a number of times, I've called him and asked him to intercede in behalf of business people in my community because of the escalating rates of insurance and they couldn't get insurance. Now, we're talking about a fifteen percent review factor long overdue, really merits your support. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, Senator Marovitz may close.

SENATOR MAROVITZ:

Thank you, very much, Mr. President. First of all, workmen's compensation is specifically excluded from this legislation. I'd like that to be very clarified. Tort reform yesterday applied to personal lines. If there were no problem in the personal lines, why did tort reform yesterday apply to personal lines? This also applies to personal lines, homeowners, automobiles, just as yesterday's legislation regarding...tort reform did the same. I think the

question is, do we really want the rates to come down? This is...this bill is the key to affordability. I've heard a lot of rhetoric on the other side of the aisle, talk out of both sides of your mouths. Let me tell you something, everybody knows that the insurance crisis is the number one issue in the Legislature, and a lot of people are looking to hammer people on both sides of the aisle on how they're going to vote. If you're looking to hammer some of the target districts on this side, well, let me tell you something, I want to see you go back home, on the other side of the aisle, and try to justify to your voters...your electorate when you tell them that you voted against something which all...all it said was when the insurance companies want to increase rates over fifteen percent, we just want them to justify it, give us the statistical data. I want you to tell your voters that you really want rates to come down when you don't want the insurance industry to come in and tell us why they have to raise their rates, open their books, tell us why, if it's justified, we'll give it to you. Go back to your voters and tell them that. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall Senate Bill 2000 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? Take the record. On that question, the Ayes are 32, the Nays are 23, 1 voting Present. Senate Bill 2000 having received the required constitutional majority is declared passed. For what purpose Senator Marovitz arise? Senator Marovitz.

SENATOR MAROVITZ:

Having voted on the prevailing side, I move to reconsider the vote by which 2000 was passed.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz moves to reconsider the vote by which 2000 was passed. Senator Lemke moves to lie that motion on

the Table. All those in favor indicate by saying Aye. Those opposed. The Ayes have it. Senator Lemke's motion carries. Senator Davidson is here with a presentation. So, if we'll just stand at ease for about two minutes.

SENATOR DAVIDSON:

Mr. President and Ladies and Gentlemen of the Senate, it is my pleasure to present to you the first National Champion of the Golden Gloves Light Heavyweight from Illinois since the 1950's. I want to present to you an individual who we hope to go forward as prior people light heavyweight champions such as Mohammed Ali and Spinks and some others to the Olympic Championship and then on to whatever he wants to do. I'd like to present to you, Mr. Harvey Richards, from Springfield, Illinois, the National Champion in the Light Heavyweight Division of the Golden Gloves...two weeks ago and his coach, Mr. Howell. Harvey.

MR. HARVEY RICHARDS:

(Remarks made by Harvey Richards)

SENATOR DAVIDSON:

Harvey, we're going to have to delay giving you the engraved...resolution because we have a little item called...about two hundred bills and a lot of amendments yesterday, and the girls worked till four o'clock this morning and we did not get the resolution printed, but we will get it to you; and I want to wish you well in your bid and invitation into the Olympic team and wish you well, and it's been my pleasure the past couple of years to also present the gold medal to Harvey as the champion of his weight division of Prairie State Games which are held in Champaign and if he's not down at the Olympic tryouts, I expect to have that honor and present it to him again in Champaign on July the 20th. Harvey, it's great to have you here and congratulations on and outstanding...do you have it...

PRESIDING OFFICER: (SENATOR SAVICKAS)

On the Order of Senate Bills 3rd Reading, we have Senate Bill 2002, Senator Marovitz. Read the bill, Mr. Secretary.
SECRETARY:

Senate Bill 2002.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President. This is the...the other part of the insurance reform package. Senate Bill 2002 creates a local public entity facility for excess insurance providing coverage after the first two hundred thousand dollars of liability up to ten million dollars. It creates a governing committee to oversee operations, specifies that no State funds...no State funds shall be used to support the facility and...assesses insurers for initial funding of the facility. This bill is the one that addresses the question of availability...availability for municipalities, for park districts, for school boards, for school districts and for municipally run day-care centers. It is the second part of the package which is true insurance reform and addresses a very key question. As we all know, there were two questions, affordability, which we just addressed by 2000; availability, which we hope to address by 2002, and I ask for your support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR FAWELL:

Why did you exempt home rule?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

Because they are generally, not always but generally the larger insurers and it's easier for them to...to...to work out a self-insurance plan which is what the City of Chicago, in fact, does have.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

But there's a lot of...of cities that are home rule, I mean, twenty-five thousand is not a...a large...you know, it's not the City of Chicago and...and by exempting...I mean, you're saying that they can't join this pool?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

The other ones that are not home rule are required to join. Those that are home rule may join if they...if they...if they would like. They are not required by this legislation to do so.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Marovitz may close.

SENATOR MAROVITZ:

I would just briefly ask for an affirmative vote to...to finally address the question of availability for...public entities which heretofore have had trouble getting insurance.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 2002 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 question, the Ayes are 32, the Nays are 23, none voting Present. Senate Bill 2002 having received the required constitutional

majority is declared passed. 2003, Senator Marovitz.
Senate bills 3rd reading, Senate Bill 2003, Mr. Secretary.

SECRETARY:

Senate Bill 2003.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. I hope that the other side of the aisle will take the pins out of the red switches now. This has nothing to do with insurance. This bill allows for child abduction to be tried in any case, in any form in which the victim has traveled. Cases were brought to our attention by the State's Attorney of Cook County in which there has been child abduction throughout the State of Illinois, the child is brought to O'Hare Field where they leave with the...abductor and once apprehended, the trial always has to occur in Cook County without this legislation and that would be a great hardship on the custodial parent whose child has been...abducted. This bill would allow the trial to be either in Cook County where the child left the State or in the county where the child resided. I know of absolutely no objection to this and I would ask for a affirmative vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Karpel.

SENATOR KARPIEL:

Thank you, Mr. President. Senator Marovitz, it's noted in our analysis that the Illinois Association of Women opposes this bill. Could you tell me why or has that been cleared up?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

All I can tell you is that the women's organizations were the ones who wanted this bill, so I think that would be incorrect. The women's organizations are the ones who wanted this bill. They're the ones, in many cases, who...who are subject to the...to the child being kidnapped from them. They have to go through the hardship throughout the State of Illinois of always coming to Cook County where the...generally where the abductor takes the child out of state. This would allow that trial of the abductor to be in their home county.

PRESIDENT:

Further discussion? Senator Holmberg.

SENATOR HOLMBERG:

Point of personal privilege, Mr. President.

PRESIDENT:

State your point, Senator.

SENATOR HOLMBERG:

In the gallery above me, I have some students from my home district with their instructor, Kevin Locket, from the Christian Life Center.

PRESIDENT:

Would our guests in the gallery please rise and be recognized. Welcome to Springfield. Any further discussion? Further discussion? Senator Marovitz, you wish to close? If not, the question is, shall Senate Bill 2003 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 question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 2003 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading, Senate Bill 2006. Read the bill, Mr. Secretary.

Page 243 - MAY 22, 1986

END OF REEL

REEL #7

SECRETARY:

Senate...Senate Bill 2006.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. This bill prohibits paramilitary training with the intent to employ unlawfully in the furtherance of civil disorder. We passed this bill 59 to nothing last Session, ten other states have already passed this bill. It makes the teaching or demonstration to another the...of the use application or making of a firearm explosive or incendiary device or technique or the assembling of two or more persons for the purpose of training with practicing with or instructed in the use of certain weapons illegal. It requires that the teaching or training be done with specific intent to employ unlawfully in the furtherance of civil disorder, that's the offense and...I would ask for...for the Senate to support this legislation as we did last Session 59 to nothing.

PRESIDENT:

Any discussion? If not, the question is, shall Senate Bill 2006 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 question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 2006 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading, Senate Bill 2008. Read

the bill, Mr. Secretary.

SECRETARY:

Senate...Senate Bill 2008.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President, members of the Senate. This bill was requested by the State's Attorney of Cook County pursuant to negotiations with many parties. It involves certain delays in holding an...adjudicatory hearing and proceedings under which the Juvenile Court Act would suspend the running of the hundred and twenty day period in which the hearing is to be held. Presently, that hearing has to be held within a hundred and twenty days and this would allow certain totaling of that period, and I would ask for its adoption.

PRESIDENT:

Any discussion? If not, the question is, shall Senate Bill 2008 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 2008 having received the required constitutional majority is declared passed. Senator Leitch. On the Order of Senate Bills 3rd Reading, Senate Bill 2018. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 2018.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Leitch.

SENATOR LEITCH:

Thank you, Mr. President and members. This is a Department of Transportation bill and makes several noncontroversial changes. One thing it does is in Section 11-1202 of the Vehicle Code, it was recently amended and the word "abandoned" was inadvertently omitted. So the law needs to be changed so the Illinois Commerce Commission can erect exempt signs at abandoned railroad crossings. In addition, it adds into Illinois law some Federal Motor Carrier Safety Act regulations to make them consistent with Illinois law, and it further requires some...that the Commerce Commission notify the Department of Transportation when insurance is granted or...or...receded in self-insured status of a motor carrier...I don't think it's controversial and I ask for a favorable roll call.

PRESIDENT:

Any discussion? Senator Schaffer.

SENATOR SCHAFFER:

Well, Senator Leitch, I know this is your first bill...but first...nonappropriation bill and we missed the appropriation bill which probably should have examined a lot closer than we did. Now, you're going to abandon how many of our rail crossings in our districts that we are concerned with that will get farmers' products to market? What exactly are you doing to the good people of this State?/

PRESIDENT:

Senator Leitch.

SENATOR LEITCH:

Please don't be too rough on me, as you can tell, this is the centerpiece of my legislative program this year. But...there are school buses who presently have to stop at railroad tracks which have been abandoned and that that's an unsafe practice and ought to be remedied immediately.

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

What additional liability will these school districts incur on the passage of this bill? Will they be able to get insurance and how do you know for sure that those tracks have really been abandoned?

PRESIDENT:

Senator Leitch.

SENATOR LEITCH:

I've been assured that they will be able to get insurance and there are no undue burdens imposed on the districts of Illinois schools.

PRESIDENT:

Further discussion? If not, the question is, shall Senate Bill 2018 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are 2, none voting Present. Senate Bill 2018 having received the required constitutional majority is declared passed. Congratulations. Senator Geo-Karis. On the Order of Senate Bills 3rd Reading is Senate Bill 2019. Mr. Secretary, read the bill, please.

SECRETARY:

Senate Bill 2019.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and...and Gentlemen of the Senate, this bill provides that anyone who knowingly transmits a false report under the Illinois Domestic Violence Act commits the...offense of disorderly conduct and this is...relates to

the elderly abuse. It...any person who knowingly transmits...a false report on it and tries to protect the elderly and it amends the existing immunity provision in the Act relating to victims of violence and...and abuse to provide immunity to persons reporting in good faith the abuse of an elderly person. I ask for your favorable vote.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 2019 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 2019 having received the required constitutional majority is declared passed. Senator Geo-Karis. On the Order of Senate Bills 3rd Reading is Senate Bill 2020. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 2020.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, this bill amends the Public Aid Code, gives the department the authority to recover from a liable third party the cost of benefits provided to a recipient or past recipient and, I might say to you, there was an...an amendment put on it by Mr. Berman which we accepted and makes the bill even better, and I move for...the successful passage of the bill.

PRESIDENT:

Any discussion? If not, the question is, shall Senate Bill 2020 pass. Those in favor vote Aye. Those opposed will

vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 2020 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading, bottom of page 12, is Senate Bill 2022. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 2022.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. The purpose of Senate Bill 2022 is to correct an injustice that exists in the rules and regulations of the Department of Public Aid. This bill deals with general assistance which, as many of you are aware, is essentially funded by the levy of a one mill tax...maximum one mill tax in our local townships. The interesting rules of the Department of Public Aid say that if a township levies that one mill and pays up to a certain maximum amount of money that the department sets forth, and in the case of the larger communities,...it might be like a hundred and fifty-four dollars a month to their general assistance recipients, the department will reimburse that township under a certain formula. Let me give you the specific example of Evanston that I represent, and if the City of Evanston...allocated a hundred and fifty-four dollars a month to its general assistance recipients and levies the one mill tax, the department would reimburse Evanston about four hundred and fifty thousand dollars. Because the township board and supervisor in Evanston determines that the person can't live on general

assistance with the standard of living and the cost of living that we have in Evanston, Evanston, in fact,...pays two hundred and ninety-four dollars a month to that...general assistance recipient. The anomaly is that we don't get any reimbursement from the Department of Public Aid. We don't...not only get what we would have gotten at a hundred and fifty-four, we get zero. It doesn't make any sense. The bill...this bill says that if a township pays...levies that one mill tax and determines by its own...determination that they're going to pay more out of their own local tax dollars for general assistance, this bill requires the department to reimburse us what we would have gotten if we were just at the department's level. Now, the department when the bill was originally introduced gave me some figures that the cost to do this Statewide would be astronomical. So what we have done is to amend the bill just to address the principle of the...of the issue, and so what we have done by the amendment is to address just a limited number of townships, one, two, three, four, five, six in number, that would be reimbursed under the amended bill. This happens to be six townships that are coterminous...the boundaries of the townships are coterminous with the cities in which they reside, and the staff of the Department of Public Aid indicated to me that this did make some sense because these are cities or...or towns in which the cost of living is essentially higher than in the rural parts. And in the words of the staff of the Department of Public Aid, this is as good a measure as any other to bring this bill into a very modest cost item and the cost of this bill would be seven hundred and eighty-three thousand one hundred and ninety-five dollars. I'll be glad to respond to any questions. I think it's an important principle to say that we should not be penalized because we want to use our tax dollars for the benefit of our general assistance recipients.

PRESIDENT:

Any discussion? Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. Very reluctantly, because I certainly do see the merits of this particular bill. It is merely a...a matter of fiscal responsibility and the Department of Public Aid has raised objections because they just say they cannot afford this particular bill at this time. So I would have to reluctantly oppose this bill.

PRESIDENT:

Further discussion? Senator Watson.

SENATOR WATSON:

Well, thank you, Mr. President. I was away from my desk and I didn't get to hear all the explanation, but is there any particular area of the State that this is aimed at or who's going to benefit?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Well, Senator Watson, as I indicated, what I tried to do was get it paired down with some rationale to a very modest amount, and...the townships that will be assisted here is Freeport Township in Stephenson County, Alton Township in Madison County, Zion Township in Lake County, Macomb Township in McDonough County, Bloomington Township in McLean County, Evanston in Cook County and there are two others that would qualify but because of their caseload they won't get any money but they would be included in this, Oak Park in Cook County and Urbana-Cunningham Township in Champaign County. The reason for this limited number is, again, to...to address the principle of the item and keep it within a very modest cost.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

Well, obviously, these are townships then...that have expended all their general assistance dollars and they're asking for assistance from the State.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

These townships have levied the...the one mill real estate tax, their caseloads cause their total cost to exceed what the one mill results in, and what we're asking under this bill is for the State to reimburse them as if they paid their general assistance recipient the level that the State recommends even though they're spending their own tax dollars to give their citizens a little higher benefit.

PRESIDENT:

Further discussion? Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. Will the sponsor yield? Senator Berman, now if you're levying...these townships are levying up to the maximum, to a mill, is...they should be then kicked in to becoming a receiving township. Is the reason that they are not a receiving township because they've...they give more to the recipients than Public Aid Code?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

That's the main reason for the bill, but let me in...in total clarity. There are other issues in what we have tried to do, for example, there are...a long list of rules in the Department of Public Aid regarding employee salaries and hours of work for the employees. We've eliminated that element from the bill; in other words, we're not giving reimbursement for what they call administrative costs, because I don't want to get into that debate. We're only asking under

this bill for partial reimbursement for the financial assistance and the medical assistance. The administrative costs are out of the bill, they're not included, so that your question...the answer to your question under this bill is, yes, the only reason they're not reimbursed this amount is because they're paying more money.

PRESIDENT:

Senator Karpziel.

SENATOR KARPIEL:

Well, then, why are these townships giving more money than the rest of the townships in the State and then expect to get reimbursed for it?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

For...for example, in...in Evanston, our...our township board determined that it's a higher cost of living than what this...Department of Public Aid would allow. We pay our recipients two hundred and ninety-seven dollars a month; if we had to abide by the department's rules, we could only pay them a hundred and fifty-four. I want reimbursement on a lesser dollar amount but as if we paid a hundred and fifty-four. That's all I'm asking for, I don't want...I don't want...the State to pick up our generosity. I just want...the same amount as if we caused our people to go hungry at a hundred and fifty-four. They can't pay any rent in Evanston at a hundred and fifty-four dollars a month.

PRESIDENT:

Further discussion? There's one light still on. Senator Karpziel, have you concluded?

SENATOR KARPIEL:

Well, yes, if I understand this correctly,...and...and my seatmates here are...are confusing me. If you're saying...in one breath they're telling me that the reason that you're

asking for money is because you have such a tremendous case-load, that's not what I thought you were saying. I thought you were saying that you give more money to your recipients than the guidelines because the cost of living is a lot higher in Evanston. Is it also a lot higher in Bloomington?

PRESIDENT:

Senator Berman.

SENATOR KARPIEL:

...we have a very high cost of living where I live too and we're following the guidelines.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

That's a decision that your local board...made. In Bloomington, their board decided that...that the amount that ought to be paid for general assistance is a hundred and eighty-six dollars and sixty-six cents. This bill will give Bloomington part of the money that they would have gotten from the State if they decided to pay only a hundred and fifty-four, part of the money, but their local tax dollars is going to pay their general assistance recipients a hundred and eighty-six sixty-six. That's what their local elected officials decided was necessary to keep their people on general assistance.

PRESIDENT:

Further discussion? If not, the question is, shall Senate Bill 2022 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 question, the Ayes are 40, the Nays are 14, none voting...1 voting Present. Senate Bill 2022 having received the required constitutional majority is declared passed. Bottom of the page, 2025, Senator Fawell. On the Order of Senate Bills 3rd Reading, Senate Bill 2025.

AB 2037
3rd Reading

Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 2025.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

Thank you...thank you, very much. This is a bill...which will allow our state's attorney in cooperation with the local municipalities in the area to establish a center that will facilitate the interviewing and ease the trauma of a child who has been a victim of child abuse or sexual abuse. This legislation will allow the state's attorney to accept funds from the State, Federal and philanthropic funds. We have been working with the agencies and United Way has been acting as our spokesman, and I believe we have satisfied all questions on this bill now, and I will be happy to answer any questions.

PRESIDENT:

Any discussion? Any discussion? If not, the question is, shall Senate Bill 2025 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. All voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 2025 having received the required constitutional majority is declared passed. Top of page 13, Senator Netsch. On the Order of Senate Bills 3rd Reading, Senate Bill 2037. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 2037.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Senate Bill 2037 deals with what has come to be known as the National Bellas Hess issue. It is the fact that all states which have a sales tax and a use tax are having great difficulty in collecting all that is really due to them because of interstate sales and particularly mail-order and catalog sales. I think we recognize that in the end this probably requires a national solution, and, as many of you know, the National Conference of State Legislatures and others are working in that direction; but, in the meantime, we believe that we can expand the capacity of the State of Illinois to collect use tax that is legitimately due to it and this bill is an effort in that direction. Basically what it does is to provide where advertising is placed in Illinois and is intended to be disseminated particularly to consumers in this State that the advertising agency will, in fact, serve as a agent for the person who is making the sale into the State only for the purpose of providing a presence or a nexus with State of Illinois. That will then allow the Illinois Department of Revenue to go after that interstate sale...seller. I think that my cosponsors who are Senators Holmberg, Donahue, Friedland, DeAngelis and Rigney are all very conscious also of the importance of this problem. I suspect many of you have had letters from some of the Illinois based retailers who have said that they are being hurt badly by this enormous amount of interstate sale that is basically tax free where their sales are not tax free. I do not represent that this addresses the problem fully. I do not suggest that we will necessarily be able to reach all of the mail-order catalog sellers into the State, but we believe that it does extend the department's capacity to do what it would like to do. I will be happy to answer questions and would solicit your support.

PRESIDENT:

Any discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, as Senator Netsch knows, I opposed the bill in committee, I was the only person who did so; and without belaboring the point, just wanted to...to point out that we are, in my opinion, flying in the face of constitutional law in that the U. S. Supreme Court ruled in what is referred to as the National Bellas Hess versus Illinois Department of Revenue case that a tax of basically this kind is unconstitutional. There is a slight variation between a tax which the State attempted to impose which was declared unconstitutional in that case and the tax embodied in this legislation, but...but only in that this legislation attempts to find some sort of a required "nexus" in the fact that out-of-state mail-order retailers are advertising in Illinois. The rationale for the...for this nexus requirement is that in order to...to satisfy due process requirements, we are supposed to be able to find that a retailer is receiving some benefit from the State, and I simply question whether...whether in...an out-of-state retailer's advertising in this State would be...would be construed to convey a benefit on a particular retailer. Because I feel that...that this particular tax will meet the same fate of...the previous legislation in the Bellas Hess case, and...and because in addition to that, I would point out that this kind of tax to be collected in potentially all fifty of the states by the Illinois Department of Revenue would be extremely difficult to administer and collect, I oppose the bill.

PRESIDENT:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, to follow up what Senator Barkhausen said. The National Associ-

ation of Tax Administrators representing the directors of revenue from the fifty states recognize that this issue cannot constitutionally be solved at the State level, and they're...they're proposing that Congress pass legislation to equalize sales tax collections on mail-order companies. Passage of this bill will undoubtedly result in immediate legal challenges which means more money to be spent for the State of Illinois defending it. So I rise to speak in opposition to the bill on the basis of its...unconstitutionality.

PRESIDENT:

Further discussion? Senator Vadalabene.

SENATOR VADALABENE:

Yes, will Senator Netsch yield to a question?

PRESIDENT:

Indicates she'll yield, Senator Vadalabene.

SENATOR VADALABENE:

Yes, does this provide only for mail-order purchases?

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

No, it's not directed specifically toward that. What it adds to the definition of doing business in the State of Illinois this language, "Placing one or more commercial advertisements in this State which are intended to be disseminated primarily to consumers located in this State; secondarily, disseminated to bordering jurisdictions including advertising appearing exclusively in Illinois editions or sections of a national publication." What all of that means is that we...we are talking about people who are selling across state lines, but we're talking about those who have, in our judgment, entered this State by dint of their heavy advertising and their use of advertisers who indeed are located in the State.

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Yes, let me give you an example what I'm referring to. Say, for instance, someone from Missouri comes to Illinois and buys some furniture. We have to collect the sales tax to...to pay to the State of Illinois. Say that I go to Missouri and buy furniture and don't pay sales tax and then he delivered in Illinois, would this prohibit that type of a sale?

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Well, nothing prohibits the kind of sale. Right now, in theory, if you went into the State of Missouri, purchased furniture and brought it back to the State of Illinois, you are due to pay a use tax to the State of Illinois. That is the law now and it has been there for a long, long time. In fact, many of those sales are not really effectively collected and that, of course, has been one of the major gaps. That is a little bit different from what we are talking about here. We are particularly aiming at those who have a presence outside of the State, heavily sell and advertise into the State but get away with not paying the sales tax whereas your retailers in your community do have to pay the sales tax. We're trying to help the Illinois based retailers.

PRESIDENT:

Further discussion? Senator Kustra.

SENATOR KUSTRA:

Well, thank you, Mr. President and members of the Senate. I think the...the point has been made, it's our own Illinois retailers who are disadvantaged by these out-of-state mail operations who don't have to pay sales tax. All we're trying to do is take care of that situation. I never have under-

stood the argument that some use on this Floor that the courts are going to find it unconstitutional; therefore, we shouldn't do it. We're legislators, not judges, we've got an attempt here to solve the problem. We ought to be for this piece of legislation. If somebody wants to challenge it in court, that's their right; but for now, let's try to help out our own Illinois businesses. An Aye vote is what you want to do on this one.

PRESIDENT:

Further discussion? Senator Netsch, you wish to close?

SENATOR NETSCH:

Yeah. I...thank you, Mr. President. I would like to make a couple of points. One is that I would like to mention that the bill was drafted for me by the Comptroller who has been very supportive of it. Secondly, I would like to say in response, particularly to Senator Barkhausen, that we believe that there is a base within the Supreme Court decisions for this particular language. It does not reach all mail order, all catalog sales, undoubtedly, but it does involve an agency theory and there is some support in the Supreme Court decisions for that. I would also note that the State of California has already enacted almost identical legislation and there's several other states which have enacted similar legislation or are contemplating it. The amount of sales tax lost to this State probably is in the neighborhood of sixty to...to ninety million dollars. This bill clearly is not going to reach all of that but it will help the Department of Revenue reach some of the out-of-state sellers who are selling in the State, not paying the use tax and really hurting our retailers in the process. They believe that it will be of...although they're not taking a position on the bill formally, they believe that it will fortify their ability to go after some of those out-of-state retailers. We think it will help all of our Illinois based retailers, and I

SB 2038
3rd Reading

would solicit your support.

PRESIDENT:

The question is, shall Senate Bill 2037 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, 4 Nays, 1 voting Present. Senate Bill 2037 having received the required constitutional majority is declared passed. 2038, Senator Netsch. On the Order of Senate Bills 3rd Reading, Senate Bill 2038, Mr. Secretary.

SECRETARY:

Senate Bill 2038.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. This bill also was requested by the Comptroller's Office and what it attempts to do is to codify and clarify exactly who is entitled to the interest on tax monies that are collected. And very simply what it says is that if a tax is locally imposed, the local units of government are entitled to any interest on that tax even though it may be held for awhile by the State of Illinois. There are some court decisions which go in that direction and this in a sense is a confirmation of that but it has been a long, arduous process. It also makes clear that where the...the tax is a State imposed tax, the State is entitled to the interest. It's a fairly simple division, an eminently fair one and I would solicit your support for Senate Bill 2038.

PRESIDENT:

Any discussion? Any discussion? If not, the question is, shall Senate Bill 2038 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 question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 2038 having received the required constitutional majority is declared passed. Senator Marovitz on 2042. On the Order of Senate Bills 3rd Reading, top of page 13, is Senate Bill 2042. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 2042.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President, members of the Senate. Senate Bill 2042 amends the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act and expands the coverage that we passed a few years ago to allow relief for senior citizens...low-income senior citizens for diabetes and arthritis drugs. This is an optional program that helps eligible circuit breaker claimants pay for medication for chronic illnesses...currently, cardiovascular...medicines are the only ones that are included and this expands it to diabetes and arthritic medicines. They would have to give up their circuit breaker money to be eligible for relief under this program. This bill is the number one priority for senior citizen organizations throughout the State of Illinois. It's a widely held misconception among the public that people over sixty-five don't have to worry about health care because they're covered by Medicare but, in fact, twenty...only...nearly twenty percent of the income of those over sixty-five is spelled...is spent on health care. This is a very important piece of

legislation. It's an optional program, they do have to turn in their circuit breaker money. It's supported by the following organizations, the Metro Seniors in Action, the...Chicago Senior Senate, the UAW Retirees and the Machinists Union Retirees, the Arthritis Foundation, the Diabetes Foundation, the Southside Homeowner's Association of Peoria, Champaign County Health Care Consumers, the Coles County Health Care Consumers, the Silver Bells of Madison County, the Lessie Bates Neighborhood House of East St. Louis, the St...St. Clair County Health Care Association and I would solicit your support.

PRESIDENT:

Discussion? Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. As minority spokesman of the Health, Welfare and Corrections Committee, I, again, reluctantly rise to oppose this particular piece of legislation. This bill will cost the State over 3.2 million dollars and the department just says that they absolutely cannot afford this at this particular point with that kind of a fiscal impact. So, as I say, I do have to stand in opposition to this bill.

PRESIDENT:

Further discussion? Senator Watson.

SENATOR WATSON:

Yes, sir, thank you, Mr. President. Senator, as Senator Macdonald just mentioned, it has a fiscal impact of 3.2 million. What does the current program cost the State of Illinois?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

I'm glad you asked that question, Senator Watson. We were...we were able to get some of the latest figures from

the Department of Revenue, the Pharmaceutical Assistance Division. The program has cost so far less than it was projected. Between July 1st of 1985 when the program started and April 15th when we got our figures, nine thousand and thirty individuals participated in the program. They submitted a hundred and twenty-two thousand and ninety-seven drug claims for a total payment of two million seventy-five thousand dollars. Now to calculate the net cost to the State, you have to subtract the seven hundred and twenty-two thousand dollars paid by the participants, that's eighty dollars each, in order to get into the program, giving up their circuit breakers; so they had to pay seven hundred and twenty-five thousand dollars to get into the program, that leaves a net cost of one million three hundred and fifty-three thousand dollars for the program so far. Five million dollars was budgeted for this program for Fiscal '86; it's only cost so far a million three hundred and fifty-three thousand and five million was budgeted. So we've got three hundred...three million five hundred thousand dollars left or, let's say, three million certainly in excess...far in excess of what was budgeted for this program in and of itself.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

Thank you. One of the reasons why, of course, is people have been registering since that particular date of July 1st of 1985, and the program has had a delay of several months in regard to people that are applying and then ultimately get their cards. So, I don't know if we can use these figures as a true basis as what the program is going cost; but the reason I asked the question that I did is because 3.2 million doesn't seem like...a...a large figure in regard to the medication you're covering, because arthritic medication especially has got a...much of which has a tremendous price tag

and we're opening this to all medication, from what I understand, dealing with arthritis. Is...is that correct, Senator?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Well, I...I'm not sure what your question is.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

Regardless of the...the medication and the cost, if it's to deal with arthritis, it's going to be available on the program.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Arthritis medications and diabetes medications will be available through this program.

PRESIDENT:

Further discussion? Senator Netsch.

SENATOR NETSCH:

...thank you, Mr. President. I just wanted to underscore the...the importance of the financial figures, because as the original sponsor of this law, we...we...we were given just all kinds of wild estimates about what it was going to cost and that it was going to bankrupt the State and we did, indeed, limit it with that mind. It...even at the delayed beginning phase of it, it has cost so much less than any of the wild estimations that were made, and what we said at the time was that we will give it a chance to get started, if it goes modestly which it certainly has, then that is the time to begin to add other important elements...medical elements to it; and bear in mind, that no one can participate unless they give up their eighty-dollar supplemental grant. And,

so, that is an important off-setting factor to begin with. I just don't think the costs are going to run amok and it is extremely important to senior citizens.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Marovitz may close.

SENATOR MAROVITZ:

Thank you, very much, Mr. President. We've heard a lot of talk about dollars. We're really talking about a lot more than dollars here today, we're talking about survival in this bill. Arthritis and diabetes are chronic diseases, not acute or short-term ailments. Because of the wonders of modern medicine, more of our citizens can live long and comfortable lives if they can afford the proper medication and that is a big if. That's why this is the number one priority for senior citizens in the State of Illinois. This only affects people whose incomes are fourteen thousand dollars and less. Now if we were here to care of our people and to show some sympathy and...empathy for people on low and fixed incomes who want to live and need to live a productive life but need some stabilizing medication for that, that's what this program is all about and I solicit your Aye vote for this program.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 2042 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 question, the Ayes are 56, the Nays are 1, none voting Present. Senate Bill 2042 having received the required constitutional majority is declared passed. 2044, Senator Weaver...on the Order of Senate Bills 3rd Reading is Senate Bill 2-0-4-4, Mr. Secretary.

SECRETARY:

Senate Bill 2044.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President, members of the Senate. 2044 would amend the Illinois Horse Racing Act to permit each track eligible to conduct intertrack wagering to establish within thirty-five miles of its racing facility two additional facilities. Now, this is a very limited form of the bill that we passed here in the Senate last year. It...out of the five tracks that we have in the State of Illinois, it would allow two facilities within thirty-five miles of those tracks. Now we've been concerned about revenues, we've been concerned about this morning in the Ag. Department about the Ag. Premium Fund. With full implementation of 2044, it would increase the net gain to the State of approximately twenty-one and a half million dollars. Now this would mean an additional ten million seven hundred and sixty-six thousand dollars to the Ag. Premium Fund and another million eight hundred thousand to the Breeder's Fund. My main concern in horse racing and the revenue that it brings to the State is that which goes into the Ag. Premium Fund to support all those activities Statewide that are supported by the Ag. Premium Fund, and I think all of you know basically what those are. If there are any questions, I'll be try to...I'll try to answer them. These facilities would be under the control of the Illinois Racing Board. They would establish the rules and regulations by which they operate. If there's any questions, I'd be happy to try to answer them.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Rock.

SENATOR ROCK:

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

Senate. I, too, rise in strong support of Senate Bill 2044. As Senator Weaver so accurately pointed out, last year this Senate passed to the House a innovative plan calling for off-track betting. This is not off-track betting, this is an extension of intertrack wagering. We, as you recall, some three years ago afforded the opportunity to simulcast races whereby now we can go to an Illinois facility and see, for instance, the Kentucky Derby and the Preakness and have the opportunity to place a wager. In addition to that, we have now by virtue of intertrack allowed facilities that are down, that is to say that they don't have live races, the opportunity to simulcast the races at another track and afford the convenience to the patrons. All this would do would afford each of the existing facilities the opportunity to have two facilities within a thirty-five mile radius and certainly not closer than ten miles to an existing facility. I think it's a good idea, one that will expand the handle and when the handle expands, the State benefits. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you. On the two facilities, is there any definition as far as the size of the facility and where it's supposed to be located?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver.

SENATOR WEAVER:

Well, certainly, they'd have to be within thirty-five miles of the track and not closer than ten miles from any

other track. Also the...the rules and regulations will be...would be promulgated by the Illinois Racing Board as to size, hours of operation, et cetera. All...everything would have to be approved by the Illinois Racing Board.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. I was...my question was relating...has anybody given any thought, will they rent former theaters where they can accommodate say, for example, eight...eight thousand people or is it going to be smaller facility? Has that been discussed at all or is that going to be strictly to the Racing Board?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver.

SENATOR WEAVER:

I have not heard any discussion on it, Senator Lechowicz, I...it would be up to the judgment of the Racing Board.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Weaver may close.

SENATOR WEAVER:

Well, I think there's certainly been great concern from many of us as to how we're going to supplement the loss to the Ag. Premium Fund for extension service and all the State fairs, the county fairs throughout every county in this State. This year probably we're going to have to come up with a subsidy of somewhere around seven million dollars. Now we just can't continue to see horse racing deteriorate in the State of Illinois. There's many jobs involved and I...I don't think any of us argue with that which the Ag. Premium Fund supports. So, this is my only concern. I would appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 2044 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? (Machine cutoff)...the record. On that question, the Ayes are 35, the Nays are 16, 4 voting Present. Senate Bill 2044 having received the required constitutional majority is declared passed. 2051, Senator Jones. Senate bills 3rd reading, Senate Bill 2-0-5-1, Mr. Secretary.

SECRETARY:

Senate Bill 2051.

(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. This amendment is...this amendment was debated thoroughly yesterday and I'll go over it briefly again. What it does is adopts a modified doctrine of the joint and several liability and...it...joint and several liability would only apply to those defendants who are equal to or more than fifty percent at fault. Also it has...incorporated...in here is the Not-for-Profit Sports Liability Limitation Act, and what that does is exempt those persons from...from being sued who are participating in non-for-profit sports. This is more or less the Little League amendment and it also...is incorporated in here is the...the waiver that is abolishing the joint and...wait a minute...it...it...it abolishes the portion that is related to...local units of government having to waive their...their liability and their immunity as it relate to insurance. So these three portions are incorporated in this piece of legislation, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

The amendment that you put on the bill, or whoever put it on for you, said it deletes the language that requires an insurance company to waive immunities that are available to the county or local government. So, in other words, are you saying in this...this amendment that the insurance can cover itself well and...I don't quite understand it. I thought you said you were going to help local governments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yeah, actually what it does is that under this amendment the insurance companies can use the immunities that local governments have, as it stands right now, they cannot.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President, Ladies and Gentlemen of the Senate, if we're going to protect the local governments, I don't think we should take away some of their rights that they have already under the Statutes. I'm going to speak against this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Senator Jones, I don't think your bill is a bad bill, but I do want to point out some hypocrisy based on some of the rhetoric from the other side. When is negligence not negligence? I guess it isn't negligence if you're doing something for nothing. Now, you can be a Little League coach and have

a five-foot nine-inch fast ball thrower who can't hit the side of a wall and beans a kid and that's fine...and almost kills her, that's not negligence. The point is that negligence is always negligence, but what you're trying to do is redefine it because you know there are some abuses in that system that might impact on some other people, and you don't want it to impact on people who do things for charitable or for no compensation reasons. The law should be the law for everybody. A victim is a victim and ought not to be...matter where that person is injured or what the cause of that injury is. The fact of the matter is, negligence is negligence and yesterday we got brutalized time after time about our indifference to victims. Now today you're wiping out a whole category of people who can become victimized, because you're now defining the law as saying, you don't have any rights at all, Jack, 'cause you can't be a victim 'cause we don't recognize them. Shame, shame, shame.

PRESIDING OFFICER: (SENATOR DEMUZIIO)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I think there was a little bit of confusion from Senator Geo-Karis' remarks. We are not taking away in any...in any form whatsoever certain benefits that municipalities had; in fact, by this bill we are expanding them. Let me just try to explain it a little bit. Under the existing law, a municipality cannot be held liable for ordinary negligence if they are self-insured. You have to prove willful and wanton negligence, a higher standard; but the law presently says that if you go out, city and you buy insurance, by buying the insurance you waive the protection of the wilful and wanton standard and if the claimant can prove that the city was just ordinarily...negligent, the insurance company must pay. That's the existing law. What Senator Jones' bill does is to say that wilful and wanton is

the only standard under which a city can be held liable whether they have insurance or not. That's what the amendment says, that's...I put that amendment on yesterday in...in Senator Jones' absence. So that what you're doing is expanding the protections available to your municipalities under this bill compared to the existing law. I won't get into the question regarding Senator DeAngelis but merely to say that there are many categories of functions; paramedics, we give them a certain status; peer review committees in the Medical Society, we give them a certain immunity; here, we're giving the Little League operators a certain immunity. There's nothing unique about that and I think that Senate Bill 2051 deserves your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? For a first time, Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I was glad to have that explanation by Senator Berman, but I think he was only addressing the...the volunteer organizations, were you not, Senator? Or let me...let me pose the...pose a question, if I may. The...as the bill was originally introduced, what it did was...was give the immunities in the Act to governments whether or not they had insurance, and then you deleted that provision and put something else back in. And I guess my question is whether or not that was put back in. Okay...okay. I...and I would like...I'd like to just make this point, if I may, there are a lot of bills flying through here that create all kinds of self-insurance pools and funds and all that, and I...and...and a lot of stuff that could be considered anti-insurance legislation and...and, frankly, I understand that very well. But I'm not sure what the future is going to hold for protecting governments in Illinois, you know, whether we really can do it through all these pool

mechanisms or not; but unless we pass something like this provision, we're going to effectively eliminate all private insurance from writing coverage for governments in Illinois. Now to some extent the insurance companies have done that to themselves, and I understand that, and I...I'm mad at them too for that, but...if, in fact, you are giving some...some of those immunities to the insurance companies, then I...I believe that that will have the effect of bringing some of them back into the market, and...and so to the extent that you're doing that, I think you're doing a...a right thing here.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

I...listening to Senator Berman's explanation, then I'll stand corrected because if the...all I wanted to be sure is that the local governments are more protected by this bill than not more protected and he assures me it is.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Jones may close.

SENATOR JONES:

Yeah, thank you, Mr. President. In response to the other part of the bill as it relates to the Little League, for example...as the law now stands...and many of us do these things, like I'll sponsor a lot of Little League baseball teams and just being the sponsor as it stands right now, I can be...be liable for such. So we're talking about will...so...but we're talking about wilful and misconduct on...on the part as it relate to this amendment. It does not...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Wait a minute...wait a minute. Senator...Senator DeAngelis, Senator Jones was closing. Senator Jones.

SENATOR JONES:

...it does not deal with...it...it deals with wilful misconduct as well, they are not immunized in this piece of legislation. So I think it's a very good amendment. If we are to take care of those persons like myself and others who want to do things to help people then I don't think we should be liable as such, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 2051 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 question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 2051 having received a...a constitutional majority is declared passed. 2052, Senator Berman. Senate bills 3rd reading is Senate Bill 2-0-5-2, Mr. Secretary.

SECRETARY:

Senate Bill 2052.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you. If you liked the last bill, you'll love this one. The genesis of this bill are repeated calls that I received that I'm sure are duplicated by each one of you from people and businesses that have said to you that they've had...liability insurance policies for years and years, and they never had a claim and, suddenly, they're either not renewed or their premiums go through the ceiling. This bill says, let me read it to you, it's very short. It says, "After a...after a policy of insurance has been in...effect...in effect or renewed for five or more years and no claim has been filed against such policy, the company that

issues that policy may not cancel or nonrenew such policy or increase the premium of such policy by more than ten percent except under the following conditions" and these conditions are very important, "if any of the following occur, this prohibition about nonrenewal or a ten percent increase doesn't apply. "Number one, nonpayment of premium. Number two, the...the policy was obtained through...material misrepresentation. Three, any insured...violated any of the terms and conditions of the policy or," and this is the key one, ladies and gentlemen, "number four, the risk originally accepted has measurably increased." Now, what that's...means is this, simply put, I take out a policy on my car, I have my policy for five years, I'm the only driver, nothing has changed. I've been paying those premiums, there's never been a claim, they can't refuse to renew me and they can't increase me by more than ten percent; but suddenly, I apply to them and I've got my teenage daughter that wants to drive my car. This bill doesn't affect that. They can refuse to renew me, they can refuse...they can cancel me or they can up me by two hundred percent because the risk has increased. That's what this is about. This is what your...your constituents complain about. I...I urge an Aye vote on 2052.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President...this...all...this sounds great, you know, and the idea that we're going to protect people but one of the things I think you might be fostering by this is an awful lot of four-year term policies. Is it...suppose we have a policy, does it have to be five consecutive years? If we have it and drop it for one year and then take it, do we get another four years where we can cancel? And then when you limit the increase in the premium to ten percent would you also consider an amendment limiting

the losses...the increases in losses to ten percent? Don't you think that would be...if you're going to limit one end of it, how can you possibly not consider limiting the other side of it? It's just...it's a...it's a...it's a double thing...there are two things. In order to pay the losses, we have to have the premiums, and if the premiums only go up ten percent then let's put a limit on the increase in the losses to ten percent. Don't you think that would be fair?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Berman.

SENATOR BERMAN:

No.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Rupp. Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you, Mr. President. I noticed the sponsor was laughing and enjoying himself as he presented this...this amendment...or this bill...this...ranks right up there, Senator, with the amendment you put on yesterday that would roll back prices to the 1984 level. I was thinking as you were kidding about it and I was watching...I heard somewhere...something to the effect that when I make a joke, it's just a joke...when the Legislature does it, it becomes a law; and I think this is a prime example of that...the problem, of course, with this is that had this been in effect when the...when the liability crisis hit Illinois, we would have had massive nonrenewals of insurance policies. Now, we didn't have that this time, we had...we had a lot of nonrenewals but they were not massive, they were not across the board and, believe me, we would have had that because the problem was that insurance company underwriters in writing liability insurance were pretty uneasy about writing anybody. Now if you had a law like this on the books, the first thing they would have done would be to go through and see who they

couldn't get off...who they couldn't nonrenew and, of course, that would have been anybody that had been insured more than five years; but believe me, if they had any anybody who had been insured less than five years, they would have immediately nonrenewed those policies. But, anyway, we're on a roll here. I guess...I guess this is the day to punish the insurance industry but, for goodness sakes, don't expect that this is really anything that is going to work to the benefit of consumers.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Berman may close.

SENATOR BERMAN:

Well, I...I appreciate the comments of the last speaker but let me tell you, I am very serious with this bill and the people that call me are serious about it. And when you talk about that there have been a lot of nonrenewals but they haven't been massive, let me tell you, if I'm not renewed, that's massive. If you're not renewed, that's massive, because we're talking about one on one. If a guy can't get...if my businessman in my community can't get renewed and he hasn't had a claim for five years, that's massive to that businessman and that's the kind of complaints I hear about. And I'm saying by this bill and I hope that your Aye vote says the same thing, that when the insurance companies set their premiums which they have the right to do without limitation and they've been doing that for five years and there hasn't been a claim, there's an obligation established between that insurance carrier and that insured and this bill says they've got...they can make a reasonable profit, they set the amount of the premiums, they can even make ten percent which means over a five-year period, they can increase the premiums fifty percent and there hasn't been one claim paid on that policy, they've got to keep me in force. That makes sense to everyone of your voters, I hope it makes sense

to you. I ask an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The questions is, shall Senate Bill 2052 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? Have all voted who wish? Take the record. On that question, the Ayes are 29, the Nays are 27, none voting Present. Senate Bill 2052 having failed to receive the required constitutional majority is declared lost. 2053, Senator Jones. Senator Davidson, for what purpose do you arise?

SENATOR DAVIDSON:

I would respectfully ask the President and the members to please start the time clock so we don't go over the debate. We got...still a long way to go yet this evening and I would respectfully ask, let's start the time clock we have in the Senate rules so everyone will have the same advantage.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, thank you, very much, for the suggestion. We'll take it under advisement. We've been attempting to do that all day but there are certain members that...on the Order of Senate Bills 3rd Reading is Senate Bill 2053, Mr. Secretary.

SECRETARY:

Senate Bill 2053.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

...thank you, Mr. President and members of the Senate. Senate Bill 2053 creates the Illinois Insurance Development Act. It authorizes the director of the Department of Insurance to enter into the reinsurance contract for classes of...which...for which insurance has been determined to be

unavailable. This...this bill attempts to address one of the major causes of insurance unavailability, the restricting foreign...market...insurance market...reinsurance market, that is, the Lloyd's of London who...refuse to reinsure...certain classes of risk of business. This bill will offer reinsurance to both small businesses as well as local units of government. The director of the Department of Insurance will determine the eligibility for reinsurance under this Act and the director will be required to appoint a nine-member advisory board. Ladies and Gentlemen of the Senate, one of the major...give me a little order.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Well,...just...just a moment.

SENATOR JONES:

Ladies and Gentlemen of the Senate,...

PRESIDING OFFICER: (SENATOR DEHUZIO)

...just...just...just...just a moment, Senator Jones has asked for some order, we can be quiet. Senator Jones, you may proceed.

SENATOR JONES:

Yeah, thank you, Mr. President. During the testimony that we heard before committees...before our respective...Insurance Committee and the Committee on the Affordability and Availability of Insurance, one of the problems that the industry testified to was that the reinsurance market was drying up, especially the Lloyd's of London and others. They were not reinsuring certain risks in the United States. So after hearing that testimony over and over again, we felt that here in Illinois we can solve that problem. It would not cost the taxpayers one dime, the premiums will set up the fund, the director will appoint the nine-member advisory board and we're talking about classes of risk that must have insurance; for example, day care in Illinois, which find it very, very difficult to get insurance and because they

can't reinsurance. So it is our obligation within...in the State of Illinois to make that available to the people of this great State. So this is what this bill does. It creates the Illinois Insurance Development Act. It creates the Act wherein small businesses as well as local units of government would have an opportunity to be insured and this sets up the Reinsurance Act, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The clock is on. Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. I'll talk fast. First place, there has not been a real need demonstrated that we need a pool in this. There is already in the Department of Insurance a voluntary market assistance program and that has been responding...exceptionally well and those are the reports we have. I would like to ask the sponsor a question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Rupp.

SENATOR RUPP:

Would you explain Section 10, please, which is right on the bottom of the...page 9 of your bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Senator, I believe you are...you're...you're pretty swift and I believe you are a little ahead of me, you talking about the next bill. This bill only contains six pages. I'll get to that bill next.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rupp.

SENATOR RUPP:

Fine, thank you, I'll wait.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Some questions of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Schuneman.

SENATOR SCHUNEMAN:

Senator,...you are apparently by this bill putting the State of Illinois into the reinsurance business, as I...as I read this. Would this reinsurance be available to insurance companies in...in...who might be interested in writing risks in Illinois? Is...is that your concept?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Correct, but when you said...when you said they're putting the State into the business per se we're not using any State dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, whose dollars are you going to use, Senator?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

This would come from the premiums.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Oh, I guess I didn't understand that. Well, that's where they all come from, Senator, is from the premiums ultimately. But what...what this bill seeks to do now,...you say that...that you're going to set up a reinsurance company that will provide reinsurance for those risks or for those classes of insurance which are not available in Illinois. Now, the classes of insurance that are not available are primarily in

the area of pollution. No insurance companies today that I know of want to insure pollution hazards. They think it's too...entirely too risky and they're not willing to...to risk their...their money to provide that insurance. Many companies...most companies, in fact, aren't willing to insure day-care centers because of the problem of...of the sexual abuse that came to light. Many companies won't provide long...long-haul trucking insurance. I can go on and on with the list and...but the list would be only those kinds of liability insurance that insurance companies consider to be absolutely the worst risk, those are the ones that are not available in Illinois. Now you're going to set up a reinsurance company operated by the State of Illinois to provide reinsurance for the very worst risks in the State, for the...for the most hazardous risks that there are in the State, that's what would come to your pool. What you're seeking to do here is something that Lloyd's of London has said, no, we don't want to do. American General Reinsurance Company has said, no, we don't want...we can't afford to do that and every other...major reinsurance company operating in the United States has withdrawn from these markets, but now Illinois...the State of Illinois and government employees and bureaucrats and all of the...all the rest of that are going to run a reinsurance pool. You know, we're whistling Dixie here. This...I know what you're trying to respond to 'cause I heard those same comments, but...sorry, this isn't going to work.

END OF REEL

REEL #8

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rupp.

SENATOR RUPP:

...thank you, Mr. President. Since this fund, Senator Jones, is going to operate basically on a cash basis, what's going to happen is that it's going to create a large unknown and unfunded liability for the State and for future generations of taxpayers. Now this proposal sunsets in 1989 and what will happen to those claims that have not yet been finalized or yet reported? We are putting the State into a situation where we might be called on down the lane fifteen to twenty years to come up with some payments on this thing. There's absolutely no limit as to what we're doing and to what exposure we're placing the taxpayers of the State of Illinois. So to say that it's not going to cost anything is a little bit wrong.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Jones may close.

SENATOR JONES:

Yes, thank you, Mr. President and members of the Senate. If this legislation was law today, many of the carriers who...who claim they cannot get the reinsurance or the...the reinsurance from the foreign markets, this bill will induce them to come back into the State of Illinois and do business. The legislation has a three-year sunset provision in there. And I listened to my very distinguished colleague Senator Schuneman, who so adequately and so skillfully tried to influence the Body that this bill is going to insure all the very, very bad risks in the State of Illinois. That is not the case. As he said and I said and other members said, the problem that we seem to have in the reinsurance area is that

certain markets cannot be reinsured. Truckers have been driving along these highways for many, many years, truckers have been driving and never had an accident before, as Senator Berman pointed out, but all of a sudden, they can't get any insurance. There has been no drastic increase in accidents as far as truckers are concerned, there have been no drastic increase as far as suits are concerned, but all of a sudden they decided they don't want to write that business anymore. There has been no drastic suits and awards as it relate to day-care...centers, but yet and still the market decided...insurers decided they wanted to pull out of the market. By the very nature of these businesses...by the very nature of these businesses to operate they must have insurance. We are not creating a tremendous liability for the people of this State that the future...generations will have to pay for. The...the director of the Department of Insurance will enter into contracts for reinsurance for these risks that the director has determined cannot get insurance on the normal market. And so, with that, Mr...Mr. President and members of the Senate, I ask for a favorable vote along these lines, 'cause if we want to solve the problem, we must make it available to those persons who need insurance and this will induce the insurance companies to come into Illinois and write business and we will not have the crisis that we currently have. I ask for a Yea vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall Senate Bill 2053 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 question, the Ayes are 28, the Nays are 27. Senate Bill 2053 having failed to receive the required constitutional majority is declared lost. 2054, Senator Jones. Senate bills 3rd reading is Senate Bill 2054, Mr. Secretary.

SECRETARY:

Senate Bill 2054.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Thank you, Mr. President. Senate Bill 2054 creates the mandatory assigned risk pool. It requires all property and casualty insurers to participate in the pool and creates a board of directors to administer the plan. The purpose of this bill is to deal with the availability problem in the State of Illinois. It will require all insurance carriers licensed to do business in the State to participate in the pool based on their volume of business in the property and casualty line. Currently, the Department of...of Insurance has a volunteer program along this line, and the insurance carriers are...are participating on a voluntary basis, but the problem is that it's voluntary. We do not have enough persons participating...enough of the carriers participating wherein those persons who need insurance can go get insurance. So, by establishing this law, the...the director of the Department of Insurance will establish a nine-member board of directors, will require the board to submit to the director a plan for its operation, and whereby the availability problem that currently exists in the State of Illinois, which the...is currently being operated on a voluntary basis, if it's good on a voluntary basis, then it should be good on a mandatory basis, and therefore, this bill is introduced to solve that problem, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator...Rupp.

SENATOR RUPP:

Thank you, Mr. President. One of the questions that I

have, this bill requires that the entire Act is repealed three years after it becomes law. Now, suppose I put a policy in there two years from now, two and a half years from now, what happens? The Act is going to...you know, they're going to act, but it's not going to be able to cut it off at a certain time like that. But if it goes out...three years after it becomes law, what's going to happen to the claims that are pending? What's going to happen to the policies that are still in force? Then the other question, I'll ask both of them, Mr. President, if I might, at the same time, is your Section 10 which is on page 9...actually, you say this...how much is this going to cost the State of Illinois? It's going to cost us a lot because what Section 10 does, and it's a little bit astounding, that it permits the insurance company to deduct from their tax liability any assessments which they have to pay to this pool. That's a tremendous exposure that we have, have any idea how much...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

...I...I can't give you a figure on that because that is dependent upon how many will participate in the pool,...and actually what the assessments are. But...but on the first...on your earlier statements as such as it relate to what's going to happen to the policies that are written, the policy will always remain in effect, there is no liability to the State as such. And...only thing the bill does is, after a three-year period, they'd no longer have to participate in the pool but the policies that's written by those carriers who are participating in the pool will remain in effect.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

...thank you, Mr. President. I...we've...we've all heard

an awful lot about insurance and tort liability today and...and I just got a promise out of somebody. They...they told me that if I wouldn't speak very long on this bill, they'd vote against this bad bill, so I'm not going to speak very long. It's a bad bill, vote against it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

That's one way to do it, I guess. I think I see the scenario here, Mr. President. I believe that...and I've heard on this Senate Floor from various individuals that the insurance industry is such a lucrative market and such a lucrative thing that what we're doing is regulating this industry to the point where everybody is going to get out of it, and now the State of Illinois will get into the business and they're going to be the ones that are going to...benefit from the lucrative profits from the insurance industry. I think...I think...I think I see what's happening here, and I...I guess we're going to just underwrite our total General Revenue Fund by...by the profits from such things as we see here today. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Jones may close.

SENATOR JONES:

It amazes me as I listen to the opponents on the other side of the aisle when they state their objection to this piece of legislation. This bill simply codifies what the director of the Department of Insurance is currently doing. If it is good on a voluntary basis, then it's good on a mandatory basis. If...if the program is working...if the program is working as good as they say it's working, then we will not have all these businesses out here trying to get insurance. We would not have truckers, we would not have day cares out here trying to get insurance. On the voluntary

basis one can be out of business by the time some insurance company voluntarily decides they want to insure them. So this bill, Senate Bill 2054, which creates the Illinois Lifeline Liability Insurance Pool Act, all it does it...it expand on the assigned risk pool to include property and casualty, and if you're concerned about those businesses in your community who testified before this committee and...and the House committee as it relate to the availability of the insurance, then you would...support this legislation. If you support what Director Washburn is attempting to do, then you would support this legislation. And so I ask for a Yea vote on 2054.

PRESIDING OFFICER: (SENATOR DEHUZIO)

The question is, shall Senate Bill 2054 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 question, the Ayes are 29, the Nays are 27, none voting Present. Senate Bill 2054 having failed to receive the required constitutional majority is declared lost. 2074, Senator Marovitz. On the Order of Senate Bills 3rd Reading is Senate Bill 2074, Mr. Secretary.

SECRETARY:

Senate Bill 2074.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. This is the bill that was the work product of the Department of Public Health and the Governor's AIDS Interdisciplinary Advisory Council. It provides for written informed consent before submitting to a test for the virus,

SB 2076
3rd Reading

for anonymity by using a pseudonym or code name for the person tested, allows for testing in the absence of written informed consent in certain specific incidents, intentional violations of the confidentiality, the provisions of the Act carry with it a Class B...misdemeanor. The important thing that the council and the Department of Public Health discovered is that it's crucial that an atmosphere of anonymity and confidentiality be protected so that people...are willing to come in and be tested and be counseled at the same time. This is the only way that we can get the information and...and education necessary to the high risk group, the...the IV drug users and the gay population. Only with confidentiality will they come in. I know this is a sensitive subject, but this is the work product of the medical community, the scientific community and the Governor's council and the Department of Public Health, and I would appreciate your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 2074 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 question, the Ayes are 56, the Nays are none, none voting present. Senate Bill 2074 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 2076, Mr. Secretary.

SECRETARY:

Senate Bill 2076.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, this bill expands the definition of unfit person to include an unmarried father who fails to establish paternity or make a reasonable effort to contribute financially for the birth or raising of the child. I might tell you that the Illinois Department of Public Aid is for this bill. And it also provides for evidence required for a father to overcome the presumption of intention to forego parental rights. And I...I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Jones, can we break up that...caucus on the Republican side. Discussion? If not, the question is, shall Senate Bill 2076 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 question, the Ayes are 55, the Nays are 1, 1 voting Present. Senate Bill 2076 having received the required constitutional majority is declared passed. Page 14, 2077, Senator Geo-Karis. Senate bills 3rd reading, is Senate Bill 2077, Mr. Secretary.

SECRETARY:

Senate Bill 2077.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the...Senate, this bill amends the Adoption Act to provide for the elimination of the requirement of obtaining a consent to the adoption of a child from the father of a child born out of wedlock if the father has failed to maintain or attempt to maintain contact with the child or the person having custody of the child or pay for the birthing cost and provide for natu-

ral support of the child. I move for a.....a favorable roll call. It's supported by the Department of Public Aid, and...I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall...Senator Hall.

SENATOR HALL:

Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates she will yield. Senator Hall.

SENATOR HALL:

Senator Geo-Karis, what does it mean, "has failed to maintain or attempt to maintain contact with the child...and other provisions"?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

It means that...once he has been informed of being the father of the child which is born out of wedlock, and he has knowledge of the...residence of the child and doesn't do anything about it, and he's...he is the father, have been informed of being the...the father of the child...which was born out of wedlock, he doesn't do anything about it; in other words, he has to be notified and he has to have the knowledge of the residence of the child.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...further discussion? If not, the question is, shall Senate Bill...I beg your pardon, Senator Newhouse.

SENATOR NEWHOUSE:

Senator, I...I think I agree with what you're trying to do, but is there a court determination?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

...if I may quote from the bill...yes,...it would have to be a court determination,...definitely.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right. Senator Newhouse.

SENATOR NEWHOUSE:

Then, in effect, the court would make...would...would...would hear evidence and make a determination that this father was neglectful of whatever it was that's required. Okay.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? If not,...the question is, shall Senate Bill 2077 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 question, the Ayes are 56...57, the Nays are none, none voting Present. Senate Bill 2077 having received the required constitutional majority is declared passed. 2081, Mr. Secretary. Senate Bills 3rd reading, 2081.

SECRETARY:

Senate Bill 2081.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. This is a...an effort by the banking associations to provide and create a risk retention trust for the purpose of providing property and casualty insurance coverage, director and officer liability coverage, such things for their association member banks. This will be allow their...the associations to do this. We do this, of course, for the...municipalities, they have this opportunity to do so now. As you all know, the...the insurance crisis

has hit the banking institutions, and we're just going to allow their associations to set up this...risk retention trust. Be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? The question is, shall Senate Bill 2081 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. (Machine cutoff)...voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 2081 having received the required constitutional majority is declared passed. Senate bills 3rd reading is Senate Bill 2082, Mr. Secretary.
SECRETARY:

Senate Bill 2082.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Nedza.

SENATOR NEDZA:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill would allow each election authority in Illinois to appoint a precinct board of administration for each precinct within its jurisdiction for the registration and canvassing of voters and to assist with the preparation and...and the conduct of elections. There was an amendment to the bill...the bill is permissive, but there's an amendment to the bill that took the county clerks out of the bill and a request by the Illinois Press Association to advertise for the positions in at least one newspaper of general circulation in whatever county would adopt this...this form. This is the same bill that keeps getting bogged...that this Body passes out and gets bogged in the House of Representatives. We passed it in '79, '80, '85, and with your assistance, once again in '86 to see if we can get...off of dead center

and...have them adopt this. Any questions, I would ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Discussion? Senator...Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR DEMUZZIO)

He indicates he will. Senator Fawell.

SENATOR FAWELL:

This is all this bill is going to be and it's going to stay in its pristine form, right?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Nedza.

SENATOR NEDZA:

This is what it is, Senator.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Fawell.

SENATOR FAWELL:

As minority spokesman on this committee, I would like to assure the members of our committee, of our side, that this is a...a good bill and we should be for it.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

The question is, shall Senate Bill 2082 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 question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 2082 having received the required constitutional majority is declared passed. 2084, Senator D'Arco. On the Order of Senate Bills 3rd Reading is Senate Bill 2084, Mr. Secretary.

SECRETARY:

Senate Bill 2084.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. What this says is...it says that all trusts...it applies specific provisions of all trusts regarding mergers in succession of trusts to those created before 10/1/73 and also to all land trusts created before 10/1/73. It also provides that bank holding companies that merge and consolidate trust making subsidiaries...do not have any problem in creating a new trust making subsidiary if a new bank holding company buys or acquires the stock of a former bank holding company. It also provides that mergers and consolidations be transferred from the Trust and Trustees Act into...the...the Trust Companies Act. And I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Keats. Senator Keats on the Floor? Senator Keats on the Floor? If not, the question is, shall Senate Bill 2084 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 question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 2084 having received the required constitutional majority is declared passed. 2-0-8-6, Senator Degnan. 2-0-8-8, Senator Savickas...Senator Savickas. On the Order of Senate Bills 3rd Reading is Senate Bill 2-0-8-8, Mr. Secretary. There will be no demonstrations.

SECRETARY:

Senate...Senate Bill 2088.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Mr. President, Ladies and Gentlemen, the bill I am about to present to you will provide to the State approximately twenty-seven million new dollars. The bill I would present to you would replenish the decreasing agricultural fund by thirteen and a half million dollars. The bill I would present to you would replenish the decreasing funds given to the various civic centers by thirteen and a half million dollars. The bill I would present to you would provide needed jobs in depressed areas such as...Peoria and Cahokia Downs. And I have secured a commitment from the Cahokia Downs area to spend over seven million dollars to rehabilitate Cahokia Downs, create nine hundred new jobs, and various ancillary and contractual services. I have...secured a commitment in the depressed area of Peoria where a new facility would be constructed in the approximate sum of fifteen to eighteen million dollars and which would also provide the needed nine hundred new jobs and contractual services. The bill I present to you protects existing tracks and allows them the privilege, if you will, to continue their commitment to the horse racing industry. The bill I present to you would provide new dollars for the horse breeding industry which they cannot now provide themselves, which includes the thoroughbred and standardbred horses. The bill I present to you would create a new industry in Illinois, an industry which is the fifth largest spectator sport in the country. The bill I present to you would offer a new recreational facility. But, ladies and gentlemen, unfortunately, the opponents to this bill have provided much misinformation to you. You received a handout or a few handouts today on your desk that states that as many as fifty thousand greyhounds and a hundred thousand jackrabbits are killed each year by

this sport. In the last ten years there have only been two hundred and thirty-five thousand greyhounds registered in the United States. In 1985 alone, there were only twenty-seven thousand two hundred and twenty-four greyhounds born and registered in the United States. If the figures you received were correct, the greyhounds would be extinct. According to the handouts that were presented, there would have to have been over six hundred thousand greyhounds born in the last ten years and this is absurd. The dogs chase artificial lures on the tracks and I can't find no facts to support the loss of a hundred thousand rabbits do to this sport. I think this figure was pulled out of a hat. The biggest killer of greyhounds is canine...virus and cancer, and the biggest killer of all dogs is the humane society. The Illinois Department of...Conservation or Hunter Harvest survey statistics estimate that one million three-hundred thousand rabbits were killed by hunters with their dogs in 1983 and that these statistics are increasing each year with this year's estimates considerably higher. Additionally, over four hundred and fifty thousand racoons and another million three hundred thousand squirrels were shot to death by hunters using dogs, not greyhounds because greyhounds aren't allowed to hunt in Illinois, using dogs to track and corner them. And as many of you know, when they go coon hunting, the dogs track them, put them in a tree, shine the light in their eyes, blind them, and the hunter shoots them to death. According to Doctor Bramwell of the Department of Agriculture, the humane society and animal shelters destroyed eight hundred and sixty-four thousand cats and dogs in Illinois and 20.1 million of these same animals nationwide in 1984. You may be interested to know that these helpless animals are killed by decompression chambers and carbon monoxide poisoning after only seventy-two hours of begging for their lives in a shelter. And this is the same society that calls this bill

inhumane. The bill I present to you prohibits the use of live lures in training of the greyhounds, and last year we passed Senate Bill 86, and we passed it 59 to nothing, which makes it a Class IV felony and a fifty thousand dollar fine to allow greyhounds to chase any live lure. And it seems strange that this State sold over three hundred and thirteen thousand five hundred and fifty-seven hunting licenses for seven dollars and fifty cents each authorizing the killing of small animals such as rabbits, racoons and squirrels, to mention a few of the...animals. We talked to the number one greyhound trainer in the United States and he uses what is called a jack-o-lure system which is similar to a fishing reel set up to run the dog three hundred yards towards an artificial lure on the end of it. All states that have greyhound racing use artificial lures. These accusations are mentioned in generalities but I have yet to see any names of anyone using these types of methods to kill these animals. The bill I present to you requires that anyone who owns or trains dogs that race in Illinois, whether he or she is present or not, must be licensed in the State by the Illinois Department of Agriculture. Because of the many misconceptions, I would like to give this Body an opportunity to be fair, to be deliberate, and to be well-advised. And I will delay presenting this matter to you until you have had an opportunity to verify the truthfulness of the opposition. I will within the near future bring this matter to you for a full and complete debate. And now, Mr. President, I would take the bill out of the record.

PRESIDENT:

All right. Take it out of the record, Mr. Secretary. Ladies and gentlemen, on that note, I think we ought to revert to the recalls, get...so that our...our clerical folks can get home early tonight. And then we have some housekeeping matters, Messages from the House. Let me just advise

you, if I can have your attention. I've spoken with Senator Philip. The plan is to come in at nine o'clock tomorrow morning, start immediately where we left off, Senator Berman assures me that his first bills are relatively noncontroversial, and we will go right on through and finish hopefully by noon. The schedule will be altered for next week. We will come in only one day, and that day is Wednesday. The House will only be in one day next week. They're in a perfunctory in Rules Committee on Wednesday. We will come in only on Wednesday. The Rules Committee will meet at eight-thirty tomorrow morning. There are less than a hundred bills in the Rules Committee at this moment. If some are felt to be of an emergency nature, we'll try to post them for next week or some of them for next week. Senator Vadalabene also has a motion on a noncontroversial...resolution to appoint the committee to write the explanation of the proposed Constitutional Amendment. Sam, why don't we do that right now. Senator Vadalabene, with leave of the Body,...

SENATOR VADALABENE:

Yes, thank you, Mr. President and members...

PRESIDENT:

Senate...Senate Resolution, what's the number, Sam?

SENATOR VADALABENE:

Senate Joint Resolution 154. I have discussed this with the chairman of the Executive Committee, Senator Sangmeister, and with the minority...spokesman, Senator Schuneman, and they have agreed that...to move that the Committee on Executive be discharged from further consideration of Senate Joint Resolution 154 and that the rules be suspended for the immediate consideration of Senate Joint Resolution 154.

PRESIDENT:

All right. Senator Vadalabene has moved to discharge the Committee on Executive from further consideration of Senate Joint Resolution 154 for the purpose of its immediate con-

sideration and adoption. All in favor of the motion to discharge indicate by saying Aye. All opposed. The Ayes have it. Senate Joint Resolution 154 is discharged. Now before the Body is Senate Joint Resolution 154, Senator Vadalabene.
SENATOR VADALABENE:

Thank you, Mr. President and members of the Senate. The State Constitution requires that the General Assembly prepare a brief explanation and arguments both for and against any proposed Constitutional Amendment. Senate Joint Resolution 154 creates a joint committee to prepare such explanations and arguments for and against the Constitutional Amendment for the veteran's property tax exemption which will be presented to the voters in the November 1986 Election. And I would appreciate a favorable vote.

PRESIDENT:

All right. Senator Vadalabene has moved the adoption of Senate Joint Resolution 154 to set up the committee to write the explanation for the Constitutional Amendment. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, 1 Nay, none voting Present. Senate Joint Resolution 154 is adopted. Senator DeAngelis on a similar motion on a resolution. Senator DeAngelis.

SENATOR DeANGELIS:

Yes, I would like leave to...

PRESIDENT:

Wait a minute now...

SENATOR DeANGELIS:

...to...

PRESIDENT:

All right. Senator, ...why don't we wait till we get there, we're not there yet, okay? Then...at that moment, we'll do it...properly. All right, if I can have your atten-

SB 916
Recalled

tion, you have a copy of the recall list, there are only one, two, three, four...four bills involved. So if we can ask your indulgence and your attention, we can handle this with some dispatch, I hope. On the Order of Senate Bills 3rd Reading, Senate Bill 916, Senator Lemke seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of amendments. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 916, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Lemke.

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

...is that the amendment that changes the word "make" to "may"?

SECRETARY:

Right.

SENATOR LEMKE:

We're going to withdraw that amendment, I understand that's...we don't need this amendment.

PRESIDENT:

Withdraw that one. Amendments, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Lemke.

PRESIDENT:

Senator Lemke, on Amendment No. 2.

SENATOR LEMKE:

Is that amendment SDS84S916PAM2SM?

SECRETARY:

Yes, sir.

SENATOR LEMKE:

Okay, this is a punctuation...technical amendment, I ask for its adoption.

PRESIDENT:

Senator Lemke has moved the adoption of Amendment No. 2 to Senate Bill 916. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

Amendment No. 3, by Senator Geo-Karis.

PRESIDENT:

Senator Philip, with leave of the Body, will handle that for Senator Geo-Karis.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. What this amendment does, it places the...administrative authority over the Illinois Homeowners Mortgage Counseling Law in the Illinois Homeowners Emergency Assistance Law in the Department of Financial...Institutions instead of DCCA. Move its adoption.

PRESIDENT:

Senator Philip has moved the adoption of Amendment No...what, Mr. Secretary?

SECRETARY:

3...Amendment No...I'm sorry.

PRESIDENT:

Amendment No. 3 to Senate Bill 916. All in favor of the adoption indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

Amendment No. 4, by Senator Lemke.

PRESIDENT:

Senator Lemke on Amendment No. 4.

SENATOR LEMKE:

What Amendment No. 4 does is...is an amendment that the Department of Revenue suggested, that says, "Funds of the Homeowner Emergency Assistance Revolving Fund from the income

tax generally...in for the taxes of unemployment benefits."

I think it's a good amendment, and I ask for its adoption.

PRESIDENT:

Senator Lemke has moved the adoption of Amendment No. 4 to Senate Bill 916. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1629 is still a hold, Senator Lemke? 1741. On the Order of Senate Bills 3rd Reading, Senate Bill 1741. Senator Philip seeks leave of the Body to return that bill to the Order of 2nd Reading for the purpose of Tabling motion...or a motion of some sort. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 1741. Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate...by way of explanation, we acted a little precipitously when we had moved to Table Amendment No. 5 thinking it was technically incorrect, we have learned that we were wrong. Therefore, I would move to take from the Table Amendment No. 5 for purposes of then passing...or adopting Amendment No. 5.

PRESIDENT:

All right. Senator...Senator Carroll has moved to take Amendment No. 5 from Senate Bill...1741 from the Table for the purpose of consideration of its adoption. All in favor of the motion to take from the Table indicate by saying Aye. All opposed. The Ayes have it. Now before the Body is Amendment No. 5 to Senate Bill 1741. Senator Carroll.

SENATOR CARROLL:

And I would move that we do adopt Amendment No. 5. This

was a...an EPA project, we were taking funds from something that needed not be reappropriated and spending it on another project. I would move its adoption.

PRESIDENT:

All right. Senator Carroll has moved the adoption of Amendment No. 5 to Senate Bill 1741. Is there any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The Amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. On the Order of Senate Bills 3rd Reading is Senate Bill 2204. Senator Dudycz seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of amendments. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 2204, Mr. Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Dudycz.

PRESIDENT:

Senator Dudycz on Amendment No. 2.

SENATOR DUDYCZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Amendment No. 2 clarifies the language being added in Section 14 of the Act which allows a licensed agency to continue to operate for a period of sixty days after the unexpected loss of the licensed agent in charge. This amendment makes it clear that such allowance shall not be made if the loss of the agent in charge is the result of disciplinary action taken by the department. It also deletes added language which originally specified that anyone found to be working as an employee of an unlicensed agency would be guilty of a Class A misdemeanor. That section has been

deleted completely. And it specifies the process for hiring and registering emergency employees who have not previously obtained permanent employee registration cards from the department. And I ask for your favorable consideration.

PRESIDENT:

Senator Dudycz has moved the adoption of Amendment No. 2 to Senate Bill 2204. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

Amendment No. 3 offered by Senator Dudycz.

PRESIDENT:

Senator Dudycz on Amendment No. 3.

SENATOR DUDYCYZ:

Thank you, Mr. President. Amendment No. 3 corrects and clarifies the language being added to Section 28 of the Act which waives the twenty-hour firearm training course for those employees who are also employees of a law enforcement agency. The...Amendment No. 3...specifies that employee...or clarifies that the employee is also employed as a law enforcement officer as defined in the Illinois Police Training Act, and I ask for your favorable consideration.

PRESIDENT:

Senator Dudycz has moved the adoption of Amendment No. 3 to Senate Bill 2204. Is there any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Are there further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Messages from the House.

SECRETARY:

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

Mr. President - I am directed to inform the Senate

the House of Representatives adopted the following joint resolutions, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Joint Resolution 201 and 202, both congratulatory.

PRESIDENT:

Consent Calendar. Messages from the House.

ACTING SECRETARY: (MR. FERNANDES)

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

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

House Bill 1459, 2529, 2587, 2828, 2864, 2937, 3025, 3043, 3072, 3078, 3089, 3182, 3200, 3222, 3261, 3290, 3300, 3340, 3349, 3394, 3422, 3431, 3480, 3512, 3518, 3550, 3551, 3552, 3555, 3573, 3574, 3584 and 3585.

PRESIDENT:

Resolutions, Mr...Senator Lemke, for what purpose do you arise?

SENATOR LEMKE:

The purpose of changing the sponsorship of House Bill 3058 from my name to Senator Degnan's name.

PRESIDENT:

All right. The gentleman requests leave to...to change the sponsorship of House Bill 3058, show Senator Degnan as the Senate sponsor. Without objection, leave is granted. Resolutions, Mr. Secretary.

SECRETARY:

Senate Resolution 932 offered by Senator Kustra, it's congratulatory.

PRESIDENT:

Consent Calendar.

SECRETARY:

Senate Resolution 933 offered by Senator DeAngelis and it's congratulatory.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Yes, thank you, Mr. President. I would like to waive the appropriate rule for the immediate consideration of Senate Resolution 933, it's congratulatory and it is needed for this weekend.

PRESIDENT:

All right. Senator DeAngelis has moved to suspend the rules for the immediate consideration and adoption of Senate Resolution 933, a congratulatory resolution. All in favor of the motion to suspend indicate by saying Aye. All opposed. The Ayes have it. The rules are suspended. Senator DeAngelis now moves the adoption of Senate Resolution 933. All in favor of the resolution indicate by saying Aye. All opposed. The Ayes have it. The motion carries and the resolution is adopted. Resolutions, Mr. Secretary.

SECRETARY:

Senate Resolution 934 offered by Senators Berman, Carroll and all Senators. It's congratulatory.

935, by Senator Jones, it's congratulatory.

936, by Senators Jones, Chew, Collins, Smith and Newhouse. It's congratulatory.

Senate Resolution 937, by Senator Newhouse and all Senators is a death resolution.

PRESIDENT:

...Consent Calendar.

SECRETARY:

Senate Resolution 938, by Senator Carroll.

And Senate Resolution 939, by Senator Luft.

PRESIDENT:

Executive. Senator Carroll, for what purpose do you

arise, sir?

SENATOR CARROLL:

On Senate Resolution...what was it, 938?

SECRETARY:

938.

SENATOR CARROLL:

If that's the one...SDS84SR061/DM.

SECRETARY:

Yes, sir.

SENATOR CARROLL:

If I may, Mr. President, I'd like to waive the appropriate rules for immediate consideration and adoption. This amendment deals with Senate Bill 1699, the...commonly referred to as the CHIPS bill. What the agreement was between the parties...I don't want to say proponents and opponents, since now everybody is trying to work together on a solution to the problem of comprehensive health insurance, was that we would waive the appropriate Senate rules as to the deadline for consideration of that bill, create a Senate select committee as we had done with hospital cost containment, have that select committee meet over the summer, advised by a technical advisory panel made up of members of the insurance industry, consumer groups, Governor's Office, Department of Insurance, Department of Rehabilitation Services, Attorney General and others and report back to the General Assembly no later than November 15th, 1986, hopefully, with a solution on how to handle a comprehensive health insurance plan. That is the essence of the resolution. I would therefore ask that the rules be suspended for immediate consideration and adoption.

PRESIDENT:

All right. Senator Carroll asks leave of the Body to suspend the rules for the immediate consideration and adoption of Senate Resolution 938 incorporating the agreement

with respect to Senate Bill 1699. All in favor of the motion to suspend indicate by saying Aye. All opposed. The Ayes have it. The rules are suspended. Senator Carroll now moves the adoption of Senate Resolution 938. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 46 Ayes, no Nays, none voting Present. Senate Resolution 938 is adopted. Messages from the House.

SECRETARY:

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

Mr. President - I am directed to inform the Senate the House of Representatives adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Joint Resolution 203.

PRESIDENT:

With leave of the Body, Senator Demuzio will handle that for me. It's a congratulatory resolution sponsored by the Speaker which is sponsored by Senator Philip and I over here congratulating, I think, the Attorney General of Brazil. Senator Demuzio moves to suspend the rules for the immediate consideration and adoption of House Joint Resolution 203. All in favor of the motion to suspend indicate by saying Aye. All opposed. The Ayes have it. The rules are suspended. Senator Demuzio now moves the adoption of House Joint Resolution 203. All in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. Further business to come before the Senate? Any announcements? Any comments for the good of the order? Senator Hall, with pleasure, moves that the Senate stand adjourned until nine o'clock tomorrow morning. Please, if we can be on time, we'll get out early. Nine o'clock, 9:00 a. m., the Rules Committee will meet at eight-thirty in the Office of the President.

Nine o'clock tomorrow morning. The Senate stands adjourned.

03/04/88
15:32

STATE OF ILLINOIS
84TH GENERAL ASSEMBLY
SENATE
DAILY TRANSCRIPTION OF DEBATE INDEX

PAGE 1

MAY 22, 1986

HB-1473	FIRST READING	PAGE	2
HB-2073	FIRST READING	PAGE	2
HB-2552	FIRST READING	PAGE	2
HB-2687	FIRST READING	PAGE	2
HB-2927	FIRST READING	PAGE	2
HB-3044	FIRST READING	PAGE	2
HB-3371	FIRST READING	PAGE	2
SB-0916	RECALLED	PAGE	302
SB-1529	RECALLED	PAGE	44
SB-1562	THIRD READING	PAGE	3
SB-1565	THIRD READING	PAGE	4
SB-1581	THIRD READING	PAGE	5
SB-1589	THIRD READING	PAGE	18
SB-1602	RECALLED	PAGE	22
SB-1603	THIRD READING	PAGE	51
SB-1604	THIRD READING	PAGE	51
SB-1605	THIRD READING	PAGE	52
SB-1606	THIRD READING	PAGE	53
SB-1607	THIRD READING	PAGE	54
SB-1608	THIRD READING	PAGE	54
SB-1609	THIRD READING	PAGE	55
SB-1610	THIRD READING	PAGE	55
SB-1611	THIRD READING	PAGE	56
SB-1612	THIRD READING	PAGE	57
SB-1615	THIRD READING	PAGE	58
SB-1624	THIRD READING	PAGE	58
SB-1626	THIRD READING	PAGE	59
SB-1627	THIRD READING	PAGE	60
SB-1628	THIRD READING	PAGE	61
SB-1634	THIRD READING	PAGE	62
SB-1639	THIRD READING	PAGE	63
SB-1659	THIRD READING	PAGE	64
SB-1661	THIRD READING	PAGE	65
SB-1666	THIRD READING	PAGE	67
SB-1698	RECALLED	PAGE	23
SB-1700	THIRD READING	PAGE	67
SB-1709	THIRD READING	PAGE	70
SB-1728	THIRD READING	PAGE	72
SB-1733	THIRD READING	PAGE	72
SB-1734	THIRD READING	PAGE	73
SB-1735	THIRD READING	PAGE	73
SB-1736	THIRD READING	PAGE	75
SB-1737	THIRD READING	PAGE	76
SB-1738	THIRD READING	PAGE	76
SB-1739	THIRD READING	PAGE	77
SB-1740	THIRD READING	PAGE	78
SB-1741	RECALLED	PAGE	24
SB-1741	RECALLED	PAGE	304
SB-1742	THIRD READING	PAGE	79
SB-1743	RECALLED	PAGE	31
SB-1743	RECALLED	PAGE	45
SB-1744	THIRD READING	PAGE	79
SB-1745	THIRD READING	PAGE	80
SB-1746	THIRD READING	PAGE	81
SB-1747	THIRD READING	PAGE	81
SB-1748	RECALLED	PAGE	31
SB-1749	THIRD READING	PAGE	88
SB-1750	THIRD READING	PAGE	88
SB-1751	THIRD READING	PAGE	89
SB-1752	THIRD READING	PAGE	90
SB-1753	RECALLED	PAGE	32
SB-1754	THIRD READING	PAGE	90
SB-1755	THIRD READING	PAGE	91
SB-1756	THIRD READING	PAGE	91
SB-1757	THIRD READING	PAGE	92

STATE OF ILLINOIS
84TH GENERAL ASSEMBLY
SENATE
DAILY TRANSCRIPTION OF DEBATE INDEX

MAY 22, 1986

SB-1758	THIRD READING	PAGE	93
SB-1759	THIRD READING	PAGE	93
SB-1760	THIRD READING	PAGE	94
SB-1761	THIRD READING	PAGE	95
SB-1762	THIRD READING	PAGE	95
SB-1763	RECALLED	PAGE	33
SB-1764	THIRD READING	PAGE	96
SB-1765	THIRD READING	PAGE	97
SB-1766	THIRD READING	PAGE	98
SB-1767	THIRD READING	PAGE	98
SB-1769	THIRD READING	PAGE	99
SB-1770	THIRD READING	PAGE	100
SB-1771	THIRD READING	PAGE	100
SB-1772	THIRD READING	PAGE	101
SB-1773	THIRD READING	PAGE	102
SB-1774	THIRD READING	PAGE	102
SB-1775	THIRD READING	PAGE	103
SB-1776	THIRD READING	PAGE	103
SB-1777	THIRD READING	PAGE	105
SB-1778	THIRD READING	PAGE	105
SB-1779	THIRD READING	PAGE	106
SB-1798	THIRD READING	PAGE	107
SB-1804	THIRD READING	PAGE	109
SB-1808	THIRD READING	PAGE	110
SB-1809	THIRD READING	PAGE	111
SB-1814	THIRD READING	PAGE	112
SB-1815	THIRD READING	PAGE	116
SB-1816	THIRD READING	PAGE	117
SB-1822	THIRD READING	PAGE	118
SB-1825	THIRD READING	PAGE	119
SB-1826	THIRD READING	PAGE	120
SB-1834	RECALLED	PAGE	38
SB-1834	RECALLED	PAGE	48
SB-1838	THIRD READING	PAGE	121
SB-1841	THIRD READING	PAGE	122
SB-1846	THIRD READING	PAGE	122
SB-1848	THIRD READING	PAGE	123
SB-1861	THIRD READING	PAGE	127
SB-1871	THIRD READING	PAGE	129
SB-1873	THIRD READING	PAGE	129
SB-1875	THIRD READING	PAGE	141
SB-1910	THIRD READING	PAGE	143
SB-1912	THIRD READING	PAGE	144
SB-1913	THIRD READING	PAGE	152
SB-1915	THIRD READING	PAGE	155
SB-1917	THIRD READING	PAGE	156
SB-1921	THIRD READING	PAGE	157
SB-1925	DISCUSSED AND POSTPONED	PAGE	158
SB-1929	THIRD READING	PAGE	170
SB-1930	THIRD READING	PAGE	171
SB-1931	THIRD READING	PAGE	172
SB-1934	THIRD READING	PAGE	173
SB-1945	THIRD READING	PAGE	185
SB-1946	THIRD READING	PAGE	189
SB-1955	THIRD READING	PAGE	195
SB-1957	THIRD READING	PAGE	196
SB-1961	THIRD READING	PAGE	197
SB-1972	THIRD READING	PAGE	200
SB-1974	DISCUSSED AND POSTPONED	PAGE	200
SB-1985	THIRD READING	PAGE	209
SB-1991	THIRD READING	PAGE	215
SB-1992	THIRD READING	PAGE	221
SB-2000	THIRD READING	PAGE	221
SB-2002	THIRD READING	PAGE	239
SB-2003	THIRD READING	PAGE	241

03/04/88
15:32

STATE OF ILLINOIS
84TH GENERAL ASSEMBLY
SENATE
DAILY TRANSCRIPTION OF DEBATE INDEX

PAGE 3

MAY 22, 1986

SB-2006	THIRD READING	PAGE	242
SB-2008	THIRD READING	PAGE	244
SB-2018	THIRD READING	PAGE	245
SB-2019	THIRD READING	PAGE	247
SB-2020	THIRD READING	PAGE	248
SB-2022	THIRD READING	PAGE	249
SB-2025	THIRD READING	PAGE	254
SB-2037	THIRD READING	PAGE	255
SB-2038	THIRD READING	PAGE	261
SB-2042	THIRD READING	PAGE	262
SB-2044	THIRD READING	PAGE	266
SB-2051	THIRD READING	PAGE	270
SB-2052	THIRD READING	PAGE	275
SB-2053	THIRD READING	PAGE	279
SB-2054	THIRD READING	PAGE	285
SB-2074	THIRD READING	PAGE	289
SB-2076	THIRD READING	PAGE	290
SB-2077	THIRD READING	PAGE	291
SB-2081	THIRD READING	PAGE	293
SB-2082	THIRD READING	PAGE	294
SB-2084	THIRD READING	PAGE	295
SB-2088	THIRD READING	PAGE	296
SB-2088	OUT OF RECORD	PAGE	299
SB-2117	RECALLED	PAGE	40
SB-2191	RECALLED	PAGE	43
SB-2204	RECALLED	PAGE	305
SB-2294	RECALLED	PAGE	49
SR-0923	RESOLUTION OFFERED	PAGE	2
SR-0924	RESOLUTION OFFERED	PAGE	2
SR-0925	RESOLUTION OFFERED	PAGE	2
SR-0926	RESOLUTION OFFERED	PAGE	2
SR-0927	RESOLUTION OFFERED	PAGE	2
SR-0928	RESOLUTION OFFERED	PAGE	2
SR-0929	RESOLUTION OFFERED	PAGE	2
SR-0930	RESOLUTION OFFERED	PAGE	3
SR-0931	RESOLUTION OFFERED	PAGE	3
SR-0932	RESOLUTION OFFERED	PAGE	307
SR-0933	ADOPTED	PAGE	308
SR-0933	RESOLUTION OFFERED	PAGE	308
SR-0934	RESOLUTION OFFERED	PAGE	303
SR-0935	RESOLUTION OFFERED	PAGE	308
SR-0936	RESOLUTION OFFERED	PAGE	308
SR-0937	RESOLUTION OFFERED	PAGE	308
SR-0938	ADOPTED	PAGE	309
SR-0938	RESOLUTION OFFERED	PAGE	308
SR-0939	RESOLUTION OFFERED	PAGE	308
HJR-0203	ADOPTED	PAGE	310
SJR-0154	ADOPTED	PAGE	300

SUBJECT MATTER

SENATE TO ORDER - SENATOR DEHUZIO	PAGE	1
PRAYER - REVEREND JACK GLEN	PAGE	1
JOURNALS - POSTPONED	PAGE	1
MESSAGE FROM THE HOUSE	PAGE	1
MESSAGE FROM THE HOUSE	PAGE	3
INTRODUCTION OF GUEST - SENATOR DEHUZIO	PAGE	56
INTRODUCTION OF GUEST - SENATOR DAVIDSON	PAGE	238
MESSAGES FROM THE HOUSE	PAGE	306
MESSAGE FROM THE HOUSE	PAGE	310
ADJOURNMENT	PAGE	310