

84TH GENERAL ASSEMBLY

REGULAR SESSION

July 2, 1985

PRESIDENT:

The Senate will come to order. Reading of the Journal, Mr. Secretary.

SECRETARY:

Thursday, June the 20th, 1985 and Friday, June the 21st, 1985.

PRESIDENT:

Senator Rupp.

SENATOR RUPP:

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

PRESIDENT:

You've heard the motion as placed by Senator Rupp. Is there any discussion? If not, all in favor indicate by saying Aye. Opposed Nay. The Ayes have it. The motion carries and it's so ordered. Resolutions. Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. I move that reading and approval of the Journals of Monday, June 24th; Tuesday, June 25th; Wednesday, June 26th; Thursday, June 27th; Friday, June 28th; Saturday, June 29th; Sunday, June 30th and Monday, June...July 1st, in the year 1985, be postponed pending arrival of the printed Journals.

PRESIDENT:

You've heard the motion as placed by Senator Rupp. Is there any discussion? If not, all in favor indicate by saying Aye. Opposed Nay. The Ayes have it. The motion carries and it's so ordered. Messages from the House.

SECRETARY:

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

Mr. President - I'm directed to inform the Senate the House of Representatives has refused to recede from their Amendments 1, 2 and 3 to Senate Bill 461.

A like Message on 481 with Senate...House Amendments 3, 4, 5 and 7.

A like Message on 879 with House Amendments 1 and 2.

And a like Message on 982 with House Amendment 1.

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

Mr. President - I'm directed to inform the Senate the House has refused to adopt the first Conference Committee report and...on Senate Bill 1165 and have requested a second Conference and the Speaker has appointed the members on the part of the House.

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

Mr. President - I'm directed to inform the Senate the House of Representatives has refused to adopt the first Conference Committee report on House Bill 809 and requests a second and the Speaker has appointed the members on the part of the House.

PRESIDENT:

Senator Rupp has moved that the Senate accede to the request of the House for the appointment of those Conference Committees. All in favor of the motion indicate by saying Aye. Opposed Nay. The Ayes have it. The motion carries. It's so ordered. Resolutions.

SECRETARY:

The following resolutions are either congratulatory or commendatory.

Senate Resolution...425, by Senator Degnan and all Senators.

Senate Resolution 426, by Senators Topinka and Zito.

Senate Resolution 427, by Senator Lemke and all Senators.

Senate Resolution 428, by Senators Lemke, Rock and all Senators.

Senate Resolution 429, by Senators Keats and Kustra.

Senate Resolution 430, by Senator Kustra.

Senate Resolution 431, by Senator Kustra.

Senate Resolution 432, by Senator Newhouse and all Senators.

PRESIDENT:

Consent Calendar.

SECRETARY:

Senate Resolution 433, by Senators Smith, Philip, Collins.

Senate Resolution...and others.

Senate Resolution 434, by Senator Keats.

PRESIDENT:

Executive.

SECRETARY:

And Senate Joint Resolution 85, by Senator Vadalabene and all Senators, and it's congratulatory.

PRESIDENT:

Consent Calendar. Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, a point of information. Can you tell us, Mr. President, I hear a rumor that we're going to be here today and adjourn and come back Monday. Is that true?

PRESIDENT:

That is...

SENATOR GEO-KARIS:

The reason I'm asking you is because some of us don't want to be put out of our hotel rooms or...what are we going to do?

PRESIDENT:

Well, I have discussed earlier this morning with Senator Philip my thought that the Senate will conclude its work today, perhaps later today but today, and then we will go home under an adjournment resolution calling for us to return October the 2nd, and I have spoken also to the Speaker and to

the Governor to that effect. (Machine cutoff)...Fawell, for what purpose do you arise?

SENATOR FAWELL:

I would like to have Senator Macdonald as lead sponsor with me as hyphenated on Senate Bill 796.

PRESIDENT:

All right. The lady seeks leave to have Senator Macdonald shown as lead sponsor of Senate Bill 796. Leave granted? Leave is granted. Resolutions.

SECRETARY:

Senate Resolution 435 offered by Senator Vadalabene.

And Senate Joint Resolution 86 offered by Senators...Lechowicz, Rock, Philip and a group of Senators whose names have been marked on a roll call.

PRESIDENT:

Executive. Senator Fawell, for what purpose do you arise?

SENATOR FAWELL:

Would you also put Senator Geo-Karis on as a...hyphenated sponsor of 785, I'm the prime sponsor. Senate Bill 785, I'm the lead sponsor.

PRESIDENT:

All right. The lady seeks leave to show Senator Geo-Karis as a hyphenated sponsor of Senate Bill 785. Without objection, leave is granted. (Machine cutoff)...Hudson, for what purpose do you arise?

SENATOR HUDSON:

Thank you, Mr. President. While we're standing at ease here momentarily, I thought it might be a suggestion to you, it might be helpful in a way, something perhaps we haven't thought about before to resolve this whole thing, but maybe you and Senator Philip could go to the House leaders if they remain intransigent over there and seemingly in...at an impasse forever. Maybe you could suggest that we bring in

the Red Cross to help them negotiate...their differences over there or wherever they may be, and I, for one, would be willing to put on a blindfold along with some others and we could be transported to some intermediate...point, Lincoln, Illinois or wherever, and then perhaps bust on home so that we could be with our families. You know, just...just something like that so that we hostages here in the Senate could be...could be allowed to go home. I...it might be an act against international obstrepancy or whatever we want to call it.

PRESIDENT:

Senator Hudson...

SENATOR HUDSON:

...just a suggestion.

PRESIDENT:

...couldn't...couldn't agree more, and all you have to do if you don't believe it is look at the House Calendar. The...virtually the entire budget sits on the House Calendar under Republican sponsored bills and the House Minority Leader refuses to call them. Senator Joyce, for what purpose do you arise?

SENATOR JEREMIAH JOYCE:

Well, I think that Senator Hudson must have been sleeping the last few weeks. If Senator DeAngelis is in his office or near his speaker, he has assumed that name Rambo we've been calling him all Session, and keeping with President Regan's off the cuff remarks, maybe we could send Senator DeAngelis over to the House. Where's Rambo?

PRESIDENT:

Senator DeAngelis, you have just been volunteered. (Machine cutoff)...Vadalabene, for what purpose do you arise?

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. In lieu of your announcement, it looks like most of us are

going to be home on 4th of July, and I have the suggested address on Independence Day and they're going like hotcakes. Would you please come over and get one?

PRESIDENT:

All right. We will begin on the Order of Conference Committee Reports on the regular Calendar and then there is also prepared already a Supplemental Calendar No. 1, and as the reports are filed, we will continue to run supplemental Calendars. At the conclusion of the regular Calendar and Supplemental 1, we will then take a Recess for lunch and probably a couple of additional hours to afford the conferees on the budget an opportunity to construct those reports. All right. Page on 3 on the Calendar, on the Order of Conference Committee Reports, 62, Senator Kustra. On the Order of Conference Committee Reports, page 3 on the regular Calendar, House Bill 62. Mr. Secretary.

SECRETARY:

First Conference Committee report on House Bill 62.

PRESIDENT:

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. The only thing which Conference Committee Report 62 does is amend some language in the School...Code dealing with the lease of school property. And, basically what it does is add the word "land" to already existing language allowing...school buildings to be leased. As I understand it, this is for the purpose of new...school district and something they want to do. As far as I know, this is has been signed off and agreed to by all parties and I would ask for your favorable consideration.

PRESIDENT:

Is there any discussion? Is there any discussion? If not, the question is, shall the Senate adopt the Conference

Committee report on House Bill 62. 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. The Senate does adopt the Conference Committee report on House Bill 62 and the bill having received the required constitutional majority is declared passed. 123, Senator Dawson. 312, Senator D'Arco. I beg your pardon, Senator Berman. On the Order of Conference Committee Reports on House Bill 123, Mr. Secretary.

SECRETARY:

First Conference Committee report on House Bill 123.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

I would ask for leave to handle this for Senator Dawson. Mr. President, House Bill...Conference Committee report on House Bill 123 does several things. The...the bill...elements in the bill are four in number, let me...mention them to you. Number one is a separate appropriation for grants for students attending one of the thirty-nine business schools that are approved by either the Board of Higher...Education or the Board of Education, and that must be accredited by a national accrediting...organization which is approved by the State board. That's the proprietary schools and was in...included in the bill...handled by Senator D'Arco that passed out of the...Senate. The grant is limited to a thousand dollars including the requirement of a separate appropriation not to exceed ten percent of the regular Illinois State Scholarship Funds. Second is authorization to the Chicago Board of Education regarding powers granted to the board to enter into joint ventures as to its real estate. It separates the budgeting and levying process of the Chicago Board of Edu-

cation, and allows for DuPage County, the elementary districts with an enrollment of less than eight hundred students, the Board of Education may initiate a referendum to...to transfer accumulated building fund monies to their education fund. I'd be glad to respond to any questions, ask the approval of Conference Committee Report No. 1 on House Bill 123.

PRESIDENT:

Discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President. Senator Berman, it is correct, and I guess you said it but I was busy here, this contains the proprietary schools within it, and how many...what...what are you talking about in terms of dollars here? Is it a formula?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Yes. This is the proprietary school plug in to the Scholarship Commission. There are restrictions on that. The grant may not exceed one thousand dollars. The total appropriation may not exceed ten percent of what we give to the regular allocation, and the...and it must be a separate appropriation for this proprietary function. It's similar to the provisions of Senate Bill 1358 sponsored by Senator D'Arco.

PRESIDENT:

Further discussion? Senator Kustra.

SENATOR KUSTRA:

Does this have the support of the independent colleges and universities, the association?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Yes, I made that specific inquiry at the time of...passage of Senator D'Arco's bill and I...I reasked that question again and the answer is yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Berman may close.

SENATOR BERMAN:

Roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall the Senate adopt the first Conference Committee report on House Bill 123. 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? Have all voted who wish? Take the record. All right. On that question, the Ayes are 32, the Nays are 18, 2 voting Present. Conference Committee report is not adopted and the Secretary shall so inform the House. 312. House Bill 312, Mr. Secretary.

SECRETARY:

(Machine cutoff)...Conference Committee report on House Bill 312.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. This is the...this...this is the bill that contains the situation where an interpreter is hired by the court in a juvenile proceeding, and the State does reimburse the county for the cost of the interpreter in that proceeding. It also contains the provision that a...any order compelling a news media produce information is a final appealable order. It also contains the provision raising the court reporter's salaries from thirty-two...2-5-0 to...from thirty-two 2-5-0 to thirty-three 2-5-0 in FY '87, and to thirty-seven 2-5-0 in FY '88. This bill passed out of

this Chamber and the only difference in this Conference Committee report is the provision providing that the news media information would be a final appealable order in juvenile court proceedings, and I ask that we adopt Conference Committee Report No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Watson.

SENATOR WATSON:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Watson.

SENATOR WATSON:

As you mentioned, this particular Conference Committee report contains the language in regard to salary increases for court reporters. Be quite honest with you, I...I don't know much about court reporting and I'd like to know why someone who is a court reporter should receive a maximum salary of thirty-six thousand two hundred and fifty dollars beginning July 1st, 1987. Exactly what kind of expertise do these people have to...to generate that kind of salary?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

Well, I...I don't know if you've ever been in a courtroom but a...a court reporter is a very professional individual and it requires tremendous skill to...for the court reporter to put down all of the proceedings that are going on in the courtroom without missing any words that may be important in an appealable order of the trial. Their function is extremely important to the whole process of the legal system and they definitely...it is not easy to become a court reporter. Their schooling is very rigorous. Their examination procedure is very rigorous and they have to be certi-

fied by the State and by the county where they practice, and it's...so it's a...it's a very difficult job and concomitantly their salary should be commensurate with the skill they profess as court reporters.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Thank you. What are the educational requirements of a court reporter? What do they have to do to...to...to become one?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

It's a two-year specialized class of rigorous study in order to qualify to become a court reporter.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

One other question. There was a bill that Senator Netsch sponsored that tied their particular salary increase to a court reporters, and I can't recall who else we're raising along with court reporters because whoever it was was tied to their particular salary. So we got another group that's going up along with court reporters...Senator Netsch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, further discussion?...Senator Netsch.

SENATOR NETSCH:

Just to answer Senator Watson's question. It was the bill that authorized an administrative assistant...or administrative secretary, I think it was called, for the chief judge of each circuit in the State. So that would be...I think, in fact, it was nineteen people who were involved in that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you, very much. In answer to what a court reporter has to do and what skill it takes, the main skill it has to take is they have to be extremely proficient at...at taking records at great speeds. They are tested and, very frankly, that's probably the most difficult thing that they have to do. Not only that but quite often...I mean, they have to stay there if...from the beginning to the end of the trial, and if the trial stretches out until late in the evening, they must be there with the jury in order to take the...the final orders, and...it's...it is a difficult job.

PRESIDING OFFICER: (SENATOR DENUZIO)

Further discussion? Senator D'Arco may close.

SENATOR D'ARCO:

Well, I don't...I don't want you to confuse this bill with the bill for the administrative clerk...with the Office of the Supreme Court...the administrator of the Supreme Court. This is a bill that passed out of this Chamber before. This is a permissive legislation. Let me emphasize that, we're not...we're not preempting the home rule authority from...passing an ordinance to provide for an increase in their salaries. It's up to the local county where these court reporters are situated for them to decide to vote for a salary increase or not. So we're not mandating anything by this bill. I think we should emphasize that. The other provisions of the bill are good, workable. This provision is good, workable. The bill is in good shape, we've passed all these provisions out before. Arthur Berman is nodding in agreement here. Mr...(Machine cutoff)...Ladies and Gentlemen of the Senate, go for it.

PRESIDING OFFICER: (SENATOR DENUZIO)

The question is, shall the Senate adopt the first Conference Committee report on House Bill 312. 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 37, the Nays are 18, none voting Present. The Senate does adopt the first Conference Committee report on House Bill 312 and the bill having received the required constitutional majority is declared passed. Senator Watson, for what purpose do you arise?

SENATOR WATSON:

What was the constitutional majority? How many?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Thirty-six.

SENATOR WATSON:

Let's verify it then...I'd like to...call for a verification.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SECRETARY:

The following voted in the affirmative: Berman...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco, for what purpose do you arise?

SENATOR D'ARCO:

You know, I don't mind verifying a roll call, but I know that there's...you know, Conference Committees are going on at this time and people are off the Floor and it's really...doesn't say much, you know, for certain people on that side of the aisle when we're all trying to get our job done and work diligently to get it done. And I just, you know, have to say that maybe...I wouldn't do something like that to a fellow colleague of mine because...that's true, that's true. I wouldn't do that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The Secretary will read the affirmative roll.

SECRETARY:

...Carroll. Chew. Collins. D'Arco. Darrow.
Davidson...Dawson. DeAngelis. Degnan. Demuzio. Dudycz.
Dunn. Fawell. Geo-Karis. Hall. Holmberg. Jones. Jeremiah
Joyce. Jerome Joyce. Keats. Kelly. Kustra. Lemke. Luft.
Marovitz. Netsch. Newhouse. Poshard. Rupp. Sangmeister.
Savickas. Smith. Vadalabene. Welch. Zito.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson, do you question anyone who voted in the affirmative? Senator Watson.

SENATOR WATSON:

Senator...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Pardon...

SENATOR WATSON:

...there he is. Dawson. Senator Dawson.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dawson on the floor? Senator Dawson is...Senator Dawson is in...in back of the Chamber.

SENATOR WATSON:

Marovitz. Senator Marovitz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz here? Senator Marovitz on the floor?
Senator Marovitz. Strike his name.

SENATOR WATSON:

Senator Hall.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson, I am told that there is a...

SENATOR WATSON:

I understand. They're in appropriation's Conference Committees.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Do...do...

SENATOR WATSON:

...so that's fine. We'll leave Hall on.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right.

SENATOR WATSON:

Senator Keats.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR WATSON:

O'Daniel.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator D'Arco, for what purpose do you
arise? Senator D'Arco.

SENATOR D'ARCO:

I'm informed Senator Marovitz is talking to the Governor
about Build Illinois.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right.

SENATOR D'ARCO:

And if you believe that, I'll tell you another one.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Watson, do you request the presence
of anyone else? Mr. Secretary. On that question, there were
35 Ayes, 18 Nays, none voting Present. The Conference
Committee report is not adopted. All right. The sponsor
requests postponed consideration. 809, Senator Poshard.
House Bill 809, Mr. Secretary. All right. Senator Poshard.

SENATOR POSHARD:

Thank you, Mr. President. I move to accept the Confer-
ence Committee Report No. 2. Basically, it adds language
making the language of the...

SECRETARY:

This is the second Conference Committee report on House

Bill 809.

PRESIDING OFFICER: (SENATOR DENUZIO)

All right. Let's clarify something for the record here. On House Bill 809, Conference Committee reports, your Calendar reflects it is the first report; in fact, it is the second report. I am told that the Senate adopted the first report. The House rejected the first report; therefore, House Bill 809 that we...that is before us now is the second Conference Committee. Senator Poshard.

SENATOR POSHARD:

Thank you, Mr. President. I move to accept Conference Committee Report No. 2. It adds language simply making the language of the first Conference Committee a little more specific. Last year a provision was added to the Civil Administrative Code authorizing the State to enter into an agreement with a municipality to construct a transportation structure in the vicinity of Collinsville to be leased back to the Department of Central Management Services and this additional language just makes that specific to the Collinsville site, and I'd ask for your approval.

PRESIDING OFFICER: (SENATOR DENUZIO)

All right. Any discussion? If not, the question is, shall the Senate adopt the second Conference Committee report on House Bill 809. 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. The Senate...the Senate does adopt the second Conference Committee report on House Bill 809 and the bill having received the required constitutional majority is declared passed. 851, Senator Lemke. House Bill 851.

SECRETARY:

House Bill...first Conference Committee report on House

Bill 851.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

Well, what this bill does is simply corrects a...a change, they left off the...in the original bill we passed, left off the effective date. It just said, "this law shall become effective." It doesn't...the...they...they also added Senate Bill 372 that passed out of here on the Agreed Bill List and was lost in the shuffle on the...when the House adjourned. That was...for an...an affidavit of inheritance filing. I think it's a good bill. I ask for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? If not, the question is, shall the Senate adopt the first Conference...the first Conference Committee report on House Bill 851. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, 1 voting Present. The Senate does adopt the first Conference Committee report on House Bill 851 and the bill having received the required constitutional majority is declared passed. 971, Senator Barkhausen. 9-7-1, Mr. Secretary, House bill.

SECRETARY:

First Conference Committee report on House Bill 971.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Yes, Mr. President and members, House Bill 971 increases the penalties for theft of property where a defendant has had prior convictions for certain offenses. We had added certain amendments dealing with other provisions of the Criminal Code in the Senate and the House resisted them. So, we

reluctantly agreed to drop those amendments and now ask for passage of the basic...original bill embodied in this Conference Committee report.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any discussion? Any discussion? If not, the question is, shall the Senate adopt the first Conference Committee report on House Bill 971. 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. The Senate does adopt the first Conference Committee report on House Bill 971 and the bill having received the required constitutional majority is declared passed...1027, Senator Welch. Senator Welch on the Floor? 1103, Senator Lenke. House Bill 1567, Senator Watson. House Bill 1-5-6-7, page 4, Conference Committee reports, Mr. Secretary.

SECRETARY:

First Conference Committee report on House Bill 1567.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. House Bill 1567 sponsored by myself and Senator Degnan originally involved and still involves the distribution of...and the...the fines...a four dollar surcharge on each forty dollar fine imposed by the local court. What we're trying to do here is simply identify that circuit clerks have a problem in saying, well, so much money goes here, so much money goes there, this simply says four dollars on every forty dollars of fine imposed or a fraction thereof will go towards the Driver's Education Fund, the...Violent Crime Victims' Assistance Fund and the Criminal Conviction Surcharge Fund. This is not an increase in the...in the rate at all, but it's just a matter of trying to

clarify and simplify it so that the circuit clerks and the county level won't have any problems. Senate Amendment No. 1 which is still on the legislation is a technical amendment. Senate Amendment No. 2 was a clarification amendment in regard to the deducting of the gross amount of fees by the state's attorney, the sheriffs and various other county officials; and then what we added in regard to the Conference Committee was actually House Bill 245 which was sponsored by Representative Ewing, and what this particular legislation does is...is simply state that...it provides for the distribution of the proceeds of all fines received by the court in cases where there is a combination of law enforcement personnel involved. Now, what happens is, we've got several various law enforcement groups that are involved in a...in an arrest, and the court in the past has been the ones who dictate where that revenue would go. What we are doing is simply establishing where that revenue goes. I know of no opposition at this particular time and be glad to answer any...any questions.

PRESIDING OFFICER: (SENATOR DENUZIO)

Any discussion? Any discussion? If not, the question is, shall the Senate adopt the first Conference Committee report on House Bill 1567. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are 1, none voting Present. The Senate does adopt the first Conference Committee report on House Bill 1567 and the bill having received the required constitutional majority is declared passed. 1950. House Bill 1950, Mr. Secretary.

SECRETARY:

First Conference Committee report on House Bill 1850.

PRESIDING OFFICER: (SENATOR DENUZIO)

Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President and members of the Senate. I move that the Senate adopt the first Conference Committee report on House Bill 1850. It deals with a couple of problems in DuPage County; one, flooding, the other was a towing problem with respect to abandoned vehicles. If there's any questions, I would suggest that they be addressed to Senator Fawell; otherwise, I move for the adoption of first Conference Committee Report No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Have all...any discussion? If not, the question is, shall the Senate adopt the first Conference Committee report on House Bill 1850. 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 58, the Nays are none, none voting Present. The Senate does adopt the first Conference Committee report on House Bill 1850 and the bill having received the required constitutional majority is declared passed. House Bill 2113, Senator Karpel. House Bill 2113, Mr. Secretary.

SECRETARY:

First Conference Committee report on House Bill 2113.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpel.

SENATOR KARPIEL:

Thank you, Mr. President. Conference Committee 1 on House Bill 2113 simply returns the bill to its form as...that it took in the Senate, and the bill says that...or will allow people who have a physician's order to use a life jacket while swimming in a pool. I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Yes she will. Senator Geo-Karis.

SENATOR GEO-KARIS:

Is the therapist bill on that bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpziel.

SENATOR KARPIEL:

No, it is not.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall the...shall the Senate adopt the first Conference Committee report on House Bill 2113. 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. The Senate does adopt the first Conference Committee report on House Bill 2113 and the bill having received the required constitutional majority is declared passed. Senate Bill 98, Senator Fawell. Senate Bill 98, Mr. Secretary.

SECRETARY:

First Conference Committee report on Senate Bill 98.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

Thank you, very much. This is a...amended version of a...Education and Registration Act, Administration Act for the licensing of the psychologists, and it...it takes care of a situation to take care of Northwestern...University of Illinois and Northwestern University. I'll answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

Senate adopt the first Conference Committee report on Senate Bill 98. 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 48, the Nays are 5, 1 voting Present. The Senate does adopt the first Conference Committee report on Senate Bill 98 and the bill having received the required constitutional majority is declared passed. 449...is there leave of the Body to go back to the top of the page and pick up House Bill 1027 before we leave the page? Leave is granted. Conference Committee reports, top of page 4, is House Bill 1027, Mr. Secretary.

SECRETARY:

First Conference Committee report on House Bill 1027.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This bill contains three bills which previously passed out of this Chamber into the other Chamber. Number one, the original provision in the bill concerning the creation of a parent-teacher advisory committee on discipline. Two other bills supported is that no teacher shall receive a deduction from his salary because of absence of a teacher...from a teacher institute if such absence is due to illness or if he's on personal leave. Third one was that...the district shall not be considered in determining the employment compensation promotion or transfer of noncertified employees as passed by the Committee on Elementary and Secondary Education. Be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Any discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President, Ladies and Gentlemen

of the Senate. There are two components of this bill that are good; unfortunately, there's one that's...that's bad. I tried to improve this bill as some of you may recall some days ago...some weeks ago...some days ago, I guess, to include...the entire State but I believe the residency issue is a very serious one and, for that reason, would have to oppose this Conference Committee report.

PRESIDING OFFICER: (SENATOR DENUZIO)

Further discussion? Senator Welch, you wish to close?...Senator...all right. The question is...Senator Dudycz.

SENATOR DUDYCH:

Senator Welch, can you tell me why...page 2, it says, "The provisions of this amendatory Act of 1985 relating to residency within any school district shall not apply to cities having a population exceeding five hundred thousand...inhabitants." Why this piece is in?

PRESIDING OFFICER: (SENATOR DENUZIO)

Senator Welch.

SENATOR WELCH:

The will of the Elementary and Secondary Education Committee was to put that provision in, Senator.

PRESIDING OFFICER: (SENATOR DENUZIO)

Senator Dudycz.

SENATOR DUDYCH:

...unanimously?

PRESIDING OFFICER: (SENATOR DENUZIO)

Senator Welch.

SENATOR WELCH:

Very few bills that I have have passed unanimously, Senator Dudycz.

PRESIDING OFFICER: (SENATOR DENUZIO)

Senator Dudycz.

SENATOR DUDYCH:

I still don't understand. Why is Chicago excluded if this has some very important points in it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

I'd be glad to defer it to one of the fellows who are really interested in that issue because it not one that I'm that concerned about. If Senator Berman would like to answer that, that's fine.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Welch seeks leave to...to yield to Senator...Senator Berman.

SENATOR BERMAN:

Thank you. Senator Dudycz, let me give you a little bit of the background. The...this bill was introduced apparently at the request of some downstate educational interests who were concerned as to the possibility of some downstate districts imposing residency requirements. Many times we have situations that arise in downstate districts that do not apply to Chicago, and one...that's one reason why you have a separate section of the School Code that applies only to Chicago, Article XXXIV. Now, in Chicago, because of the vastness of the size of that city with the population of over three million people, the City Council of the City of Chicago and the School Board of Chicago saw fit that they enacted a certain residency requirement because they felt that it...they would not be prospectively at the time that they adopted it unduly limiting the access to quality teaching personnel. If downstaters feel that they have to have the flexibility of moving between communities, that would be their option. The City of Chicago felt that their present status was such that that's the way they wanted to keep it. That's the genesis of the exclusion for Chicago and I would suggest that if those of you from downstate wish to have the

flexibility, you vote for the bill; if you don't want it, you don't vote for the bill but keep Chicago's problems out of it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. WBBM-TV has...requested permission to film the proceedings. Is leave granted? Leave is granted. Senator Berman, you want to start over? Further discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in opposition to this Conference...Committee report. You can...you can tell we're down to the closing hours because we have rapped into this report at least one bill, the contents of it...one bill that has failed on the first time around, and it's...there's an attempt being made to...to resurrect it. I think that what we ought to do is to reject this Conference Committee report and ask for a second report that would eliminate some of the chaff here. There are some good things here that...could be put into a second Conference Committee report. So let's reject this report.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Dudycz, my apologies, I...I thought you were concluded. Senator Dudycz indicates he was not. Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. No, I just wanted to add to Senator Berman that there may be some of us...where did he go?...there may be some of us in Chicago that would also like some of that flexibility that downstaters are requesting.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis, the timer is on.
SENATOR GEO-KARIS:

...would you please yield for...will the sponsor yield

for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Which one?

SENATOR GEO-KARIS:

Understand...sponsor...I'm sorry...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis, Senator Welch indicates he will yield.

SENATOR GEO-KARIS:

All right...all right. Thank you. I understand...is Amendment 2 in there...is that...is there amendment that states that the provisions of this bill are not applicable to Chicago?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

The...well, once again, the provisions as to noncertificated employees are not...applicable to Chicago.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

In other words, are you...all I want to know is that if people want to teach in the Chicago schools, do they have to live in Chicago?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

I am told the answer is yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman, perhaps you could clear up this point.

Senator Berman.

SENATOR BERMAN:

No, that...that's not the case. There was a residency requirement passed by the city that was adopted by the Chicago board and I'm not sure of the date, but that was...a

year or two or so ago and that was prospective only. You have a substantial number of people that teach in the Chicago public schools that were hired prior to that rule. They live outside the City, this...they're not affected one way or the other, and that's been part of the discussions between the union and the Chicago board. Again, I would urge that that really is not the subject matter of this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. WAND-TV, Decatur requests permission to videotapes the proceedings today. Is leave granted? Leave is granted. Sorry, again, Senator Berman. Further discussion? Senator Fawell.

SENATOR FAWELL:

Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield.

SENATOR FAWELL:

You said in the original remarks that this was applicable to any county five hundred thousand and over. Is that right or is...are you talking about a million? Five hundred thousand does not just include Chicago.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Pardon me, Senator, it does say cities...it says cities having a population exceeding five hundred thousand, so it would be Chicago.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the...the question is, shall the Senate adopt the first Conference Committee report on House Bill 1027. 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? Have all voted who wish? Have all

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voted who wish? Take the record. On this question, the Ayes are 34, the Nays are 24, none voting Present. The Conference Committee report is not adopted. The Secretary shall so inform the House and Senator Welch requests a second Conference Committee. All right. Bottom of page 4, Senate Bill 653, Senator Smith. Conference Committee report, Senate Bill 653, Mr. Secretary.

SECRETARY:

First Conference Committee report on Senate Bill 653.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and...Gentlemen of the Senate. I stand to accept the Conference Committee's report on Senate Bill 653. The original bill mandated new employees to sign statements indicating their knowledge of their responsibility to report, and the Conference Committee merely clarified that with this report the Department of Children and Family Service will supply upon request rather than to just...and...and this will help them to lower their costs considerably. I move for adoption and your consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? If not, the question is, shall the Senate adopt the first Conference Committee report on Senate Bill 653. 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. The Senate does adopt the first Conference Committee report on Senate Bill 653 and the bill having received the required constitutional majority is declared passed. 796, Senator Fawell. Bottom of page 4, Senate Bill...796, Mr. Secretary.

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SECRETARY:

...first Conference Committee report on Senate Bill 796.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

I would like to yield to Senator Macdonald, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Macdonald.

SENATOR MACDONALD:

Yes, earlier this morning Senator Fawell made me the lead sponsor of Senate Bill 796. I have conferred with President Rock on how to handle this because we...we have really no objection to this report, but I would like to ask for a No vote because we want to add Senate Bill 1245 to this and need another Conference Committee...to do that. So, I...it is not that I object to or anyone objects to the Conference Committee report, but we would like to get it in a second Conference Committee to add Senate Bill 1245 that went out of here on the Agreed Bill List.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. You've heard the request. Senator Fawell has moved to concur. Senator Macdonald requests a negative vote for a second Conference Committee. The question is, shall the Senate adopt the first Conference Committee report on Senate Bill 796. Those in favor indicate...those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Take the record. Have all voted who wish? Take the record. On that question, the Ayes are 15, the Nays are 20, 2 voting Present. The...the Conference Committee report is not adopted and...and Senator...Fawell has requested a second Committee of Conference. Page 5, Senate Bill 847, Senator Weaver...page 5, Senate Bill 847, Mr. Secretary.

SECRETARY:

(Machine cutoff)...Conference Committee report on Senate Bill 847.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. I'd move that the Senate do adopt the first Conference Committee report. Basically, this bill changed the membership on the commission from...up to...fifteen members instead of thirteen. The...Amendment No. 4 created the County Correctional Facilities and Court-house Assistance Program authorizing IDPA to issue forty-year bonds in the amount not to exceed two hundred and fifty million to be paid off by the counties authorizing...a tax levy and also includes a backdoor referendum. Is there...any questions, I'd be happy to try and answer them.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? Senator Darrow.

SENATOR DARROW:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Darrow.

SENATOR DARROW:

A number of us have had our counties build jails over the last two or three years. We are paying a higher rate of interest than would be available under this program but it would be my understanding there's no way for the counties that have already constructed jails to take advantage of this program. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver.

SENATOR WEAVER:

Well, I'm not sure but what you couldn't...pay off the bonds and come back with a new issue. I'm not an attorney, Senator Darrow, and I can't tell you exactly whether that

would be. But there are provisions here for lease agreements through IDFA. Whether or not in your bond authorization that's allowable, I can't tell you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Darrow.

SENATOR DARROW:

Well...to the bill...I...I...I read our analysis rather carefully and I question that we would be able to do that in the number of counties that have recently constructed jails. I would like to see...I think this bill is an excellent idea; however, I think a number of us will not be able to take advantage of it. I would like to see a second Conference Committee report go back and try to broaden it a little bit so we could help all the counties in Illinois. And along those lines, I would point out to the members that what we're doing is the authority is going beyond their usual practice of being involved in private economic development. We're also allowing to use bond money to...for maintenance costs, so it's...it's not just for the buildings. And lastly, there's a backdoor referendum. Those things you ought to consider. If you aren't for this bill, I'd like to see it go back, and I'd like you to consider putting on a...an amendment to help all the counties. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Poshard. Try it now.

SENATOR POSHARD:

Thank you, Mr. President, I rise in support of this bill. One of the most pressing problems that we have in...in my part of the State, at least, are the building or refurbishing of jails to meet the State mandates. We have several counties in the lower part of my district that are at least talking about, at this point, of even suing the State because there's no way that they can raise the necessary property taxes that they need to get the jails up to par.

This would enable them at least to look at some borrowing capabilities to...to meet those State mandates, and I rise in support of it, I think it's a good bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Sangmeister.

SENATOR SANGMEISTER:

Well, as I look at this bill, I...unless I'm reading it wrong, it's a...it's a...it's a public building commission at the State level is what it amounts to. And I don't know...obviously, the counties are not going to be paying this with rent from the inmates so it's going to have to come from property taxes by that one percent levy with...admittedly, there is a backdoor referendum on it, but I think the thing I object to mostly is it's not just for jails because it states right in the...Conference Committee report, of course, that it's also for expanding correctional facilities and courthouses. I think it's awfully broad. I don't particularly care for the concept and I would urge we defeat the Conference Committee report on 847.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Netsch.

SENATOR NETSCH:

Could I address a question to the sponsor? This is...I'm not particularly hostile to the idea of taking care of this problem, I'm just curious about the particular funding mechanism that is proposed in the Conference Committee report. You are using a State agency, which I think, as Senator Darrow's question pointed out, normally is available for various kinds of economic development projects and normally has revenue bonding authority not general obligation authority. Was there any consideration given to authorizing the counties to issue General Obligation Bonds for this particular purpose, assuming that many of them did not have adequate authority under existing law? That's the first part of

the question. And the second part is, was there any attempt to compute the difference in rate that would be...interest rate that would be paid in comparing county level General Obligation Bonds and a State level revenue bond, a State agency revenue bond? 'Cause that's fairly important in terms of the long-term cost.

PRESIDING OFFICER: (SENATOR DENUZIO)

Senator Weaver.

SENATOR WEAVER:

Well, Senator Netsch, I presume that with the authorized levy enacted by the county board to back up the bonds over a period of years, that there would be a savings maybe with the full faith and credit of...of this quasi State authorized funding mechanism. But this is just an alternate way of trying to help some of the...particularly the small downstate counties in financing that which is mandated by the State in...basically the county jails, et cetera. It's...it's not intended to supplant the Public Building Commission or any other means of financing county buildings. But this is just another way, another vehicle on which maybe some of the smaller downstate counties without great assessed valuations could economically finance these facilities.

PRESIDING OFFICER: (SENATOR DENUZIO)

All right. UPI has also requested leave of the Body to take still pictures. Is leave granted? Leave is granted. Senator Netsch.

SENATOR NETSCH:

I...I'm just trying to understand how it works, Senator Weaver,...a...the...the State authority, and I think it's IDFA, isn't it, would actually issue the bonds. They would retire the bonds with what I assume are equivalent to lease rentals paid by the county for whom the bonds are actually being issued. They...so that from the point of view of IDFA they are a revenue bond; that is, they're project funds that

are going to be available to retire the bonds. The county in order to get enough money to be able to pay the rentals to the State which has issued the bonds would impose this property tax. I think...is...is that an accurate way of describing how it works?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver.

SENATOR WEAVER:

IDFA may issue forty-year revenue bonds not to exceed two hundred and fifty million. Now, the counties may levy a property tax not to exceed one percent of the equalized assessed valuation to pay for these so-called loans, it's kind of a lease-purchase type payed off through...through the levy of one percent of the equalized valuation of the county.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Then...if my understanding is correct then, just back really to my original question or the second part of my original question. Was there any...attempt to determine which kind of bonding would be likely to produce the most favorable interest rate? And the reason why I ask that question...well, I think it's a relevant question, as part of the...our understanding of this bill. Typically, revenue bonds...pay a higher interest rate than General Obligation Bonds. On the other hand, you are here dealing with a State level agency versus county general obligation, and to be perfectly honest, I'm...I'm not positive how the equation would come out, that's why I'm asking the question. Was there any attempt to determine whether, in effect, we're going to be paying an interest penalty for engaging in what I admit is a very creative form of financing?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver.

SENATOR WEAVER:

I think basically, Senator Netsch, with the ability to float that large an issue and with the backing that this issue has and with the revenue stream from the taxation throughout the State, certainly would tend to support a lower interest rate if several communities were in the...in the...bond...into these bonds and had sufficient back payment to...to support them. I...I think maybe the...the bigness of the issue may tend to help lower the interest rate available for some of these small counties that have problems issuing revenue bonds at a reasonable rate. That's the intent.

PRESIDING OFFICER: (SENATOR DENUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, I rise to speak in favor of the bill. I can tell you that I have polled my people in my area and I...they really want monies available to build their jails. And in...in my particular county, we are short of jail space and we have had to rent units from Peoria to put our prisoners in there. It...the...the bonds that the Illinois Development Finance Authority would be issuing are revenue bonds...or forty-year revenue bonds, and there is a...a referendum if five percent of the eligible voters petition for it, as far as the property tax not to exceed one percent and could be much less than one percent. I speak in favor of the bill because there is need to...to build more jails, believe it or not, in our State.

PRESIDING OFFICER: (SENATOR DENUZIO)

Further discussion? Senator Rigney.

SENATOR RIGNEY:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DENUZIO)

Indicates he will yield. Senator Rigney.

SENATOR RIGNEY:

I want to understand about this tax rate. I can't believe my ears when I heard you say and I also read it in my staff analysis that the tax rate would be one percent. Is that correct, one percent?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver.

SENATOR WEAVER:

Not to exceed one percent.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rigney.

SENATOR RIGNEY:

Okay, not to exceed one percent. I hope everybody...you know, this is the second day of July and maybe we're not paying attention this morning, but let's put that down in terms that everyone can understand, that's a dollar on a hundred. That's a lot of money. Ordinarily we don't allow rates of this kind for local units of government in most areas; in fact, the county rate that we approved yesterday, on the average for all county expenses will allow now about thirty cents on a hundred. And here we're talking about a dollar on a hundred. So we're talking about a substantial rate that does not have to be approved in any way by the voters of the particular county that are affected. I would point out to you there are two other ways to build court-houses and to build jails. We can do it the general obligation way, by referendum in that particular county. This is a...the plan that we've had in our laws for many, many years. I guess probably twenty, thirty years ago the General Assembly gave the counties the right to have a public building commission at the local level. They can get around a referendum that way by the subterfuge of the lease system but it amounts to taxation without a referendum, and now here we go with still a third plan, still another way to get around the

voters of that particular county. I, frankly, don't know of any legislation that's been introduced in this Session that would give a dollar of taxing authority per hundred without referendum. I think by far this is the...the most serious impact in...in that particular area. So I hope everyone is paying attention and thinking about what you're doing here as far as overall authority for county government.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Poshard for a second time.
Senator Poshard.

SENATOR POSHARD:

Yes, forgive me, Mr. President for rising a second time. A quick question from Senator Weaver. Is there anything...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver. Senator Poshard.

SENATOR POSHARD:

...is there anything in this bill to prohibit several counties going together for application for these...revenues?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver.

SENATOR WEAVER:

No, it says that one or more counties may be eligible. Counties must prove financial need to the authority and plans for these constructional facilities must meet the Department of...Corrections' standards. Multi-counties.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...further discussion? Senator Weaver may close.

SENATOR WEAVER:

Well, thank you, Mr. President. There's been some concern here. Number one, any county by resolution of the county board may do this. There's a backdoor referendum with five percent of the eligible voters petitioning for that referendum within thirty days after the county board's decision to impose the tax. It's...we're just trying to

create...an easier way and a less expensive way for many of the particularly downstate small counties to implement that which they've been mandated by the State Department of Corrections to do and the Federal Government. There's, I think, sufficient safeguards, and I would appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall the Senate adopt the first Conference Committee report on Senate Bill 847. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 18, the Nays are 31, 2 voting Present. The Conference Committee report is not adopted. Senator Weaver, you requested a second Conference...and the Secretary shall so inform the House. 1287, Senator Dudycz. 1-2-8-7, Mr. Secretary.

END OF REEL

REEL #2

SECRETARY:

First Conference Committee report on Senate Bill 1287.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCH:

Thank you, Mr. President. Senate Bill 1287 as is now...is known as the Sexual Abusers of Children Treatment Act. It raises the penalty for indecent solicitation of a child from a Class A misdemeanor to a Class 4 felony. What the Conference Committee did was add in Senate Bill 1262, sponsored by Senators Rock and Keats, creating the Sexual Abusers of Children Treatment Act for Department of Children and Family Services to develop a model demonstration...project. The project is to evaluate, treat and counsel persons charged with the sexual offenses against minors under the age of eighteen. This is based upon a proposal submitted to DCFS by the Isaac Rape Center and it is being set up in order to determine if such a treatment program can help reduce child molestation and allow for better decisions on treatment and prosecution of offenders. Senate Bill 1262 passed the Senate 58 to nothing and was tied up in the House. I move that the Senate adopt Conference Committee Report No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate adopt the first Conference Committee report on Senate Bill 1287. 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 55, the Nays are none, none

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voting Present. The Senate does adopt the first Conference Committee report on Senate Bill 1287 and the bill having received the required constitutional majority is declared passed. Supplemental Calendar No. 1...Supplemental Calendar No. 1, House Bill 1392, Senator Netsch. Supplemental Calendar No. 1, House Bill 1392, Mr. Secretary.

SECRETARY:

First Conference Committee report on House Bill 1392.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. House Bill 1392 was designed to clean up some of the matters that were left unresolved in the Parentage Act that was passed last Session. Most of them were literally clean-up provisions...some...some sections that were inadvertently left out and a few cases in which it was felt that there were not references to the...the right law and that it all should be incorporated. Most of what is in the Conference Committee report was in the amendments that the Senate put onto House Bill 1392. There have been some change...changing around of the order of provisions, but as...as I say, most of it is...was in the version that we passed out of here. There are two substantive changes, one of which I think is really quite minor; it authorizes those individuals who are emancipated under the Emancipation of Mature Minors Act to sign the consent proceeding forms to declare parentage, that was not otherwise authorized. Probably the...the most substantive provision, however, is one that deletes the so-called laches provision that had been inserted into the Act before it was passed last year. This is laches that would, in effect, change the running of the Statute of Limitations. The deletion of this has been recommended and agreed to by a very large number of groups that are interested in the Parentage Act, and I think in the judg-

ment of most of us is really quite essential in order to comply with both statutory and, in a sense, constitutional mandates at the Federal level. I would be happy to answer any questions; if not, I would move for adoption...I'm sorry, approval of Conference Committee Report No. 1 to House Bill 1392.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, it is...is on the adoption. Senator Berman.

SENATOR BERMAN:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates she will yield. Senator Berman.

SENATOR BERMAN:

We had discussed the...the language that would allow both sides to assert an affirmative defense if a suit for parentage or child support were brought after the two years had lapsed. I thought that was a Senate amendment. Is that provision still in the bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

The answer is yes. There is still in...I'm reading from...let's see, it's Section 1...Section 6A, I'm sorry, the...the language is "Failure to bring an action within two years shall not bar any party from asserting a defense in any action to declare the nonexistence of the parent and child relationship." That language is still there.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Netsch, do you wish to close? Question is, shall the Senate adopt the first...the first Conference Committee report on House Bill 1392. 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. The Senate does adopt the first Conference Committee report on House Bill 1392 and the bill having received the required constitutional majority is declared passed. Senate Bill 14, Senator D'Arco. Senate Bill 14, Mr. Secretary.

SECRETARY:

First Conference Committee report on Senate Bill 14.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. What we did was to remove an amendment to this bill that we thought was necessary but it's not, and in...what we have now is the original bill without any...any amendments as it passed the Senate and there is no problem with the bill and I would ask that we adopt Conference Committee Report No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? If not, the question is, shall the Senate adopt the first Conference Committee report on Senate Bill 14. 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. The Senate does adopt the first Conference Committee report on Senate Bill 14 and the bill having received the required constitutional majority is declared passed. Senate Bill 17, Mr. Secretary.

SECRETARY:

The first Conference Committee report on Senate Bill 17.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. Senate Bill 17 was originally

my expungement bill and the people who are involved in criminal history record information had a problem with the wordage and we changed expungement into a record that becomes sealed as opposed to expunged, and we also put in the bill the creation of the Criminal History Record Information Act, and we also put in the bill another Senate bill that passed this Chambers and that was to prohibit paramilitary training with the intent to act unlawfully in furtherance of civil disorder. This is a necessary bill because the local police can't get into these paramilitary camps that are being created around Illinois and in the country in order to effectively eliminate these kind of individuals from our society. The bill does all of those things and I don't know of any opposition and would ask that we adopt Conference Committee Report No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator Kelly.

SENATOR KELLY:

Yes, a question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield, Senator Kelly.

SENATOR KELLY:

Senator D'Arco, on your entire concept,...you're trying to expunge the tenure records of the individuals. What type of crimes are we...are we eliminating?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

Well, it only applies to Class A misdemeanors. It originally applied to Class 4 felonies but that was eliminated because we thought that was a little too much, so we just provide that if you commit a Class A misdemeanor, and I think it's a little redundant but, you know, that's all you can get out of this Chamber, sometimes.

SB 447
1st C.C.R.

PRESIDING OFFICER: (SENATOR DENUZIO)

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Thank you, Mr. President and members of the Senate. I would add in regards to that particular provision that originally came in as a felony and then we amended it in committee to change to misdemeanors only, that is a provision that was recommended by the Supreme Court. They specifically recommended that we allow for that for misdemeanors and misdemeanors only. So pursuant to Supreme Court recommendation, that is what we're doing; and I also want to emphasize that the...the paramilitary portion of this bill, which is extremely important, the bill did not get called in the House, it passed here without any opposition, it prohibits paramilitary training with the intent to act unlawfully in the furtherance of civil disorder, and in view of the things and the events we're seeing around the world today, I think this an extremely...important part of the bill.

PRESIDING OFFICER: (SENATOR DENUZIO)

Further discussion? Senator D'Arco may close.

SENATOR D'ARCO:

Thank you, Mr. President. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DENUZIO)

Question is, shall the Senate adopt the first Conference Committee report on Senate Bill 17. 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. The Senate does adopt the first Conference Committee report on Senate Bill 17 and the bill having received the required constitutional majority is declared passed. Senate Bill 447, Mr. Secretary.

SECRETARY:

First Conference Committee report on Senate Bill 447.

SB 1294
Int. e.e.R.

PRESIDING OFFICER: (SENATOR DENUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 447 had an amendment in the House which I agreed with and passed out of the House, but I chose to not concur because there was an immediate requirement to add a provision that the court...Supreme Court said that we permit lawyers' affidavits, proof of evidence...not proof of evidence, proof of payment...House amendment took care of the second injury fund, but the Supreme Court required us to modify some of our language on provisions on the accident reports be filed by affidavit with the Industrial Commission.

PRESIDING OFFICER: (SENATOR DENUZIO)

Any discussion? If not, the question is, shall the Senate adopt the first Conference Committee report on...Senate Bill 447. 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. The Senate does adopt the first Conference Committee report on Senate Bill 447 and the bill having received the required constitutional majority is declared passed. Senate Bill 1294, Senator Schuneman. Senate Bill 1294, Mr. Secretary.

SECRETARY:

Senate Bill 1294, the first Conference Committee report.

PRESIDING OFFICER: (SENATOR DENUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I move that the Senate concur with...or adopt the first Conference Committee report on Senate Bill 1294. This is the Department of Insurance bill which raised the filing fees for insurance companies who are

required to file a variety of documents with the department. Those fees had not been increased for many years. The principal thing that the Conference Committee report does is establish a new fund within the department, it's called the Insurance Financial Regulation Fund and the Department will deposit into that fund the fees that are collected under this bill. There was some disagreement between the insurance companies and the department over this matter. The companies have removed their objection now since the department has agreed to a one hundred thousand dollar cap...as to the amount of money that can be kept within the department. I know of no opposition to the bill. I move for Senate concurrence.

PRESIDING OFFICER: (SENATOR DENUZIO)

Any discussion? If not, the question is, shall the Senate adopt the first Conference Committee report on Senate Bill 1294. 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...the...the Ayes are 57, the Nays are none, none voting Present. The Senate does adopt the first Conference Committee report on Senate Bill 1294 and the bill having received the required constitutional majority is declared passed. Supplemental Calendar No. 3...Supplemental...I'm sorry, Supplemental Calendar No. 2...Supplemental No. 2, House Bill 231, Senator Lemke. House Bill 231, Mr. Secretary.

SECRETARY:

First Conference Committee report on House Bill 231.

PRESIDING OFFICER: (SENATOR DENUZIO)

Senator Lemke.

SENATOR LEMKE:

What this Conference Committee report contains is...in addition to the other bill...a provision for Senate Bill 549

which passed here 58 to nothing which talked about criminal trespass to State land. Another bill was 691 in regards to corrections and the difference between the Department of Corrections and...and Department of...in counties in regards to transfer of prisoners and the other provision is Senate Bill 164, the parent's right to recover from a drug pusher which passed here 59 to nothing. I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? Senator DeAngelis...Senator Maitland. Senator DeAngelis.

SENATOR DeANGELIS:

Yeah, a question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator DeAngelis.

SENATOR DeANGELIS:

Senator Lemke, could you please reexplain what you just said and tell me if you're putting in some bills in here that either failed or the House chose not to hear them.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

...the bills that we're putting in here are bills that when the House abruptly adjourned, they all went down the tube. It's not because they didn't vote on them. They were on...they were on a order of special business to be heard but they never got to them, and so these bills never failed in the...in the House.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Further discussion? Senator Dudycz.

SENATOR DUDY CZ:

Senator Lemke, can you explain page 5, thirty-five thousand days per county per year?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

That...that's the bill that Senator Carroll had that passed here 45 to 10. What that does is allows Cook County to get two-thirds for...of the counties to...to get their transfer fees from the Department of Corrections. It was a deal we made with Department of Corrections because of some provisions they have in the bill that they want that they have given up their objections to that provision. So, it's been put in this bill as a compromise.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion?...if not, the question is, shall the Senate adopt the first Conference Committee report on House Bill 231. 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 41, the Nays are 14, 1 voting Present. The Senate does adopt the first Conference Committee report on House Bill 231 and the bill having received the required constitutional majority is declared passed. House Bill 1292, Senator Berman. House Bill 1292, Mr. Secretary.

SECRETARY:

House Bill 1292, the first Conference Committee report.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. House Bill 1292 does only one thing. There was some questions as to whether respiratory therapy was in this bill. It is not. The bill does...the Conference Committee report merely recedes from Senate Amendment No. 1 so that the bill...the Conference Committee report merely provides that the...it prohibits a nursing

home...facility from withdrawing resident funds except for returning them to the resident or to another person entitled to request them or to make other payments authorized by the resident. I move the adoption of Conference Committee Report No. 1.

PRESIDENT:

There any discussion? There any discussion? If not, the question is, shall the Senate adopt the Conference Committee report on House Bill 1292. 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 58 Ayes, no Nays, none voting Present. The Senate does adopt the Conference Committee report on House Bill 1292 and the bill having received the required constitutional majority is declared passed. 1763. On the Order of Conference Committee Reports, Supplemental No. 2, is House Bill 1763, Mr. Secretary.

SECRETARY:

First Conference Committee report on House Bill 1763.

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. The bill is the one that authorized the Department of Transportation and the Department of Rehabilitation Services to provide for the license...or the installation of vending facilities at rest stops on both State and interstate highways to be operated by licensed...excuse me, blind vendors. Senator Nedza had put an amendment on which somehow confined it to privately owned vending machines and...and we all agree, we didn't understand what his amendment was intended to do and so we have now removed it. We've also made it clear that where the...there is not a licensed blind vendor who requests to operate one of the sites, that previously the law...the bill had provided

that the department shall contract for the operation of that site by a private contractor and the funds then ultimately go into the...that fund which helps to carry on the Licensed Blind Vendor Program. We've now made it clear that the department may contract for that conduct of the...or the operation of the vending facilities at a...by a private contractor but doesn't have to, and that's obviously so that it has discretion if there is not an appropriate one available. I would move the approval and adoption of Conference Committee Report No. 1 to House Bill 1763.

PRESIDENT:

Is there any discussion? Any discussion? Senator Schaffer..

SENATOR SCHAFFER:

If the Senator would yield. I, like most of us, drive a...a great deal on our State highways and I happened fairly recently to stop at the Funks Grove stop which is, I guess, our newest, biggest, fanciest stop. I was chagrined to notice that the washroom had been thoroughly vandalized, holes punched through walls, just really...it's very discouraging when one knows how much we paid for those walls how bad that place had been torn up, and I have to admit I would kind of like to have a Coke machine or someplace there to get a Coke or...or what have you, but are we not...are we requiring...if we're going to have somebody on...on hand making money, are they going to be under any obligation to help us keep those washrooms clean, to...you know, if we're going to do this, there ought to be something...some public service in terms of keeping those operations. We don't leave people there and, frankly, our rest stop record in this State is much less than I wish it would be. The...the ones we have are not all that well maintained and we don't have many of them. If we're going to have vendors there, I believe they ought to be involved in the...in...in keeping the washrooms

clean, seeing that the appropriate supplies are on hand and keeping an eye on the vandalism. I think that is probably the only justification for putting a vendor in a position where they will compete with other private enterprise type operations up and down the highway. I'm concerned unless those type provisions are in this idea that we are going to create something that will make it impossible for us. I...I once complained to the former transportation secretary about the...a small rest stop on one of the roads I drive on and that the grass hadn't been cut, there was garbage all over. You know what their answer was? They put big cement blocks and they just closed it. Now, that's not my idea of progress, that's not what I had in mind. I just wanted the garbage picked up. If we're going to do this, Senator, will these vendors be involved? Are they going to sit by and watch vandals tear this place up? Will they clean the washrooms? I mean, if we're going to have a free enterprise kind of operation or something that competes...you got an answer?

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Thank you. I think you may not have heard my...my opening statement. The...this authorization has to do with the licensed blind vendors and so there...obviously, their responsibilities would be considerably limited by that. The...the only provision in the bill that deals with that, I think, makes it clear that the responsibility for maintaining the rest stops...remains that of the Department of Transportation, and the bill does say the Department of Transportation may not charge the operators of the vending facilities for any portion of the cost of rest...rest area maintenance or oversight services provided by its employees prior to the effective date of this Act and the department shall not require the vending machine operators to perform any

services other than those related to servicing and operating the approved vending machines. I think under the circumstances you would recognize that that is totally appropriate. I'm not disagreeing with your basic comment that the department apparently is not doing its job in making sure that the facilities are maintained, but I don't think it would be appropriate to put that mandate on the licensed blind vendors.

PRESIDENT:

Senator Schaffer.

SENATOR SCHAPFER:

Well, maybe it's just an idea we ought to think about. I...you know, I...I...you know, it's almost impossible to stand on the Floor of the Senate and talk against the blind, but I...I...I have...can't help but picture this...this guy sitting there at Funks Grove when Hell's Angels arrive with their seventy-eight motorcycles, but I guess it wouldn't matter with that crew whether you had perfect vision or not. I still think...we all know the vending...that we all know that our rest areas are a disgrace. Maybe one way we could get more and better rest areas is to emulate what is done in other State which is to have a free enterprise component on those areas but to make those people also responsible for maintaining decent, clean washroom facilities and emergency phones and that sort of thing. If we do this, I have an ugly feeling we are cutting our throat for any kind of meaningful program in the future.

PRESIDENT:

Further discussion? Senator Joyce.

SENATOR JEROME JOYCE:

Yes, well, speaking...Mr. President, speaking to Senator Schaffer's point, I think we could put the...the fellow that we've just...you know, put him in...the fellow in a wheelchair with a crossbow in there to take care of them,

have the...

PRESIDENT:

Any further discussion? Senator Netsch, you may close.

SENATOR NETSCH:

Well, the...where it is privately contracted out, where there is not an available licensed blind vendor who seeks a particular spot, then it seems to me that can be done and appropriately should be done, but I...again, I would just suggest, Senator Schaffer, that there are certain...practical limitations to the obligation for oversight that you can impose on those who would be operating the vending machines. I don't think there's any objection to what is authorized here. I think your problem should be separately addressed. I would seek your support of Conference Committee No. 1 to House Bill 1763.

PRESIDENT:

All right, the question is, shall the Senate adopt the Conference Committee report on House Bill 1763. 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 49 Ayes, no Nays, none voting Present. Senate does adopt the Conference Committee report on House Bill 1763 and the bill having received the required constitutional majority is declared passed. If I can have the attention of the membership, with leave of the Body, we'll move to the Order of Motions in Writing. I understand that there have been three motions in writing filed to reconsider votes by which Conference Committee reports were not adopted. Two of the messages have already left the Senate, so there's one remaining motion, Mr. Secretary.

SECRETARY:

Motion in writing. Having voted on the prevailing side, I move to reconsider the vote by which Conference Committee

No. 1 on House Bill 123 failed. Signed, Senator Welch.

PRESIDENT:

All right, Senator Welch has moved to reconsider the vote by which House Bill...the Conference Committee report on House Bill 123 was not adopted. All in favor of the motion to reconsider indicate by saying Aye. Opposed Nay. The motion carries and the question before the Senate is the adoption of Conference Committee report on House Bill 123, Mr. Secretary.

SECRETARY:

First Conference Committee report on House Bill...

PRESIDENT:

Senator Dawson.

SECRETARY:

...123.

PRESIDENT:

Senator Dawson.

SENATOR DAWSON:

Mr. President and Ladies and Gentlemen of the Senate, I wish to concur with the second Conference Committee report on House Bill 123...Conference Committee No. 1, excuse me. Conference Committee Report No. 1 adds to the social work group pilot project authorized by the bill and passed by the Senate and the House. Two of the four provisions are part of the CB legislative program while...another affects the elementary district in DuPage County which was added by Representative Hoffman, and the fourth provision includes within the definition of an institution of higher learning grant...nationally accredited proprietary institutions for resident students. Such assistance may not exceed one thousand dollars and that was from Senate Bill 1358. Ask for a favorable roll call.

PRESIDENT:

Any discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. I rise in support of this Conference Committee report, of course, because of the proprietary scholarship and I understand, I think, the issue; I understand, I...I believe, the reason for people supporting it or either...or rejecting it...I guess it's more of a philosophical thing with many of us than anything else. People were in my office tempting to persuade me to support this provision and I...I guess my concern...first of all, the...proprietary schools are for-profit schools. You...you need to understand that initially. Secondly, and I understand the kind and types of students that the proprietary...schools help, but keep in mind, they can access JTPA funds, those funds are available, they can access PEL Grants, those are grants paid to...to the individuals.

PRESIDENT:

Senator Dawson, for what purpose do you arise?

SENATOR DAWSON:

I was just informed that the House did not concur on this and they're going for a second Conference Committee. Go to second Conference Committee, Mr. President, okay?

PRESIDENT:

All right, then Senator Dawson's motion is to adopt the Conference Committee report on House Bill 123 and after that motion fails, he will request a second Conference Committee. Question is, shall the Senate adopt the Conference Committee report on House Bill 123. Those in favor 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, there are 23 voting Ayes, 10 voting No, 5 voting Present. The Conference Committee report is not adopted and the Secretary shall so inform the House and Senator Dawson requests the appointment of a second Conference Committee.

Senator Jones, for what purpose do you arise?

SENATOR JONES:

Yeah, thank you, Mr. President. Are the boxcars on the train loaded yet?

PRESIDENT:

No. Senator Smith, for what purpose do you arise?

SENATOR SMITH:

Thank you, Mr. President and members of the Senate. I stand on a point of...perfect privilege. I don't think that the lovely wife of our new legislator, Senator Poshard's wife, has ever been officially introduced to this Body, and I'd like for Jo Poshard, who is the power behind the throne there, to please stand and let's give her a hand.

PRESIDENT:

Will our guest please rise and be recognized. Welcome to Springfield. Senator Vadalabene, for what purpose do you arise?

SENATOR VADALABENE:

Yes, thank you, Mr. President and members and on this side of the aisle, there's a caucus in the President's Office immediately. A caucus in the President's Office immediately and I think we can get our work done pretty quickly.

PRESIDENT:

All right, that request is in order. Democratic Caucus immediately in the Office of the President. In the meantime, as Senator Philip and I earlier discussed, we will stand in Recess until the hour of three o'clock. We are still awaiting paper work. We have effectively completed our Calendars. So, the Senate...Senate will reconvene...will reconvene at three o'clock. Senate stands in Recess.

RECESS

AFTER RECESS

PRESIDING OFFICER: (SENATOR SAVICKAS)

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 has refused to recede from their amendments to the following Senate bills and request a first Committee of Conference and the Speaker has appointed the members on the part of the House:

Senate Bill 134, 174, 458, 459, 460, 464, 467, 468, 453, 471, 473, 475, 480, 483, 925 and 1379.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Degnan moves that we accede to the House's request. Any discussion? If not, the motion carries. Senator Fawell, for what purpose do you arise?

SENATOR FAWELL:

A...a point of personal privilege. I just asked the Pages if they would hand out a copy of what the proposed curriculum for the Illinois Science Academy is to everybody. I've gotten several phone calls about it and I thought, perhaps, this information might be useful to all the members, so this is the proposed curriculum that has been set by the various scientists and educators from Fermi Lab.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Karpiel, for what purpose do you arise?

SENATOR KARPIEL:

Thank you, Mr. President. I would like to change the sponsorship of...Senate Bill 1303 from Senator Donahue to...and make it Senator Karpiel.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Donahue is shaking her head indicating agreement. Is there discussion? Is there objection? If not, the motion carries. On your desk we have Senate Supplemental Calendars No. 3 and 4, and we will now start with Supplemental No. 3. (Machine cutoff)...Supplemental No. 3, Conference Committee reports. We'll start with House Bill 123.

SECRETARY:

House Bill 123, second Conference Committee report.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Dawson.

SENATOR DAWSON:

Mr. President and Ladies and Gentlemen of the Senate, I wish to concur with Conference Committee...second Conference Committee report on House Bill 123. This time we have deleted the fourth provision that was included definition of an institution for higher learning. Grant purposes nationally accredited proprietary institutions has been removed out of that and I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall the Senate adopt the Conference Committee report on House Bill 123. 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 47, the Nays are none, none voting Present. The Senate does adopt the Conference Committee report on House Bill 123 and the bill having received the required constitutional majority is declared passed. House Bill 360, Senator Sangmeister.

SECRETARY:

We have the first Conference Committee report on House Bill 360.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGMEISTER:

Senate Bill...or House Bill 360 has encompassed in it a number of the bills that did not pass over in the House such as the exclusionary rule, although it's been worked over and amended. It also has in it a reworking of the Aggravated Battery Statute was a requirement that was requested over in the House eliminating all the exceptions to the aggravated bat-

tery and making them aggravating factors in considering the offense instead. I'll try to answer any questions, if not, ask for a favorable roll.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, I am rising on this bill, pointing out that I did sign the report but also to say as...or to repeat what Senator Sangmeister just mentioned, that the bill does include within it the lowering of penalties from aggravated battery to battery for certain so-called status offenses; that is, battery that's committed not necessarily causing great bodily harm but battery which is directed towards certain kinds...classes of individuals or committed in certain ways. So, some of you might be wary of approving a report that is reducing the severity of...of punishment for this class of crimes...I signed the bill because it does include within it the...some...the good faith exception and other strengthening of criminal laws in some other areas. Also, I'm told that the...the report contains the measure that we earlier debated increasing the...the threshold level for felony theft from a hundred and fifty to three hundred dollars which is a matter that we debated here before and that was defeated and which the Illinois retail merchants opposes. So, for those two reasons, that is, the aggravated battery provisions and the retail theft provisions, you may want to be wary of voting for this.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Sangmeister, you wish to close?

SENATOR SANGHEISTER:

Well, what Senator Barkhausen has said is true, is in the bill. We're not misrepresenting anything; however, this is a...I think a fine revision to Chapter 38 of the Criminal

Code and would ask for your approval.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall the Senate adopt the Conference Committee report on House Bill 360. 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? Have all voted who wish? Take the record. On that question, the Yeas are 28, the Nays are 4, 18 voting Present. The Senate does not adopt the Conference Committee report and the Secretary shall so inform the House...Senator Sangmeister, are you seeking a second Conference Committee to be created? Senator Sangmeister seeks leave of the Body to have a second Conference Committee appointed and the Secretary shall so inform the House. House Bill 1072, Senator Etheredge.

SECRETARY:

Second Conference Committee report on House Bill 1072.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is a...an agreed Conference Committee report. What it does is to establish something to be called the Illinois Foreign Language Project that would over the course of the...the next year determine ways in which foreign language instruction in Illinois schools could be encouraged and accomplished by means of programs conducted after school, on Saturdays and on summer vacations. I would move that the Senate adopt this Conference Committee Report No. 2.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator D'Arco.

SENATOR D'ARCO:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR D'ARCO:

Senator Etheredge, there was originally two academies that were floating around in this bill. Now, what happened to the second academy? Is that still in here or...or has that been deleted from this bill?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Etheredge.

SENATOR ETHEREDGE:

No. When this bill...when the first Conference Committee report came before this Body just before the...the deadline on Sunday night, it...it failed. It...and so there...we no longer have any...foreign language academies, they're gone. What we...now have is a foreign language project. No academies at all.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Well, what...what happened to the academy...you mean the downstate academy isn't in here as well as the...academy for Chicago? They're both gone?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Etheredge.

SENATOR ETHEREDGE:

That is correct. There are no more academies.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator D'Arco.

SENATOR D'ARCO:

What is a foreign language project? What does that mean?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Etheredge.

SENATOR ETHEREDGE:

I think a great many people have an interest in encour-

aging foreign language study here in Illinois in our schools, and initially, it was thought that maybe the best way to accomplish...that would be by means of the academies, but we just couldn't get enough...a majority of the members of both the Senate and the House to support that idea, so it has been determined that one small, initial step that we might take...in this General Assembly is to establish this project that would...enable some people who know something about the subject to...to study the issue and then come back to us at a later time with some recommendations.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Well, is there an appropriation for this project?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Etheredge.

SENATOR ETHEREDGE:

It is my understanding that there is a...an appropriation of...I believe, forty-two thousand dollars for this.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall the Senate adopt the Conference Committee report on House Bill 1072. 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 51, the Nays are none, none voting Present. The Senate does adopt Conference Committee Report No. 1 to House Bill 1072...I'm sorry, the second report to House Bill 1072 and the bill having received the required constitutional majority is declared passed. House Bill...1801, Senator Barkhausen. House Bill 497, Senator Denuzio. House Bill 1111, Senator Coffey. House Bill 1165, Senator Joyce. I'm sorry, Senate Bill 1165, Senator Joyce. Thank you, Senator DeAngelis, for bringing that to my attention. I'm glad that you're wide awake and ever

watchful.

SECRETARY:

Senate...Senate Bill...second Conference Committee report on Senate Bill 1165.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President, I think. This bill is the environmental toxicology bill that we passed through this Senate early this year and never got called in the House and it was just now passed on a concurrence of seventy votes in the House...what was the vote here? Yes, it was 52 to nothing, it passed this Senate earlier this Spring. Be happy to answer any questions if there are any.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Is there discussion? If not, the question is, shall the Senate adopt Conference Committee No...Report No. 2 to Senate Bill 1165. 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. The Senate does adopt the Conference Committee Report on Senate Bill 1165 and the bill having received the constitutional majority is declared passed. House Bill 1345, Senator Luft...I mean, Senate Bill 1345, Senator Luft.

SECRETARY:

First...first Conference Committee report on Senate Bill 1345.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Machine cutoff)...Luft.

SENATOR LUFT:

Thank you, Mr...President. I would move that we adopt the first Conference Committee report on Senate Bill 1345.

It has five provisions incorporated in the bill. One of those provides for meal breaks for noncertified employees of an educational system if they have worked seven and a half...continuous hours. Secondly, it provides that the residency within a school district shall not be considered in...employment, I think that's already passed out of the Senate once. Thirdly, that there shall be no deduction from salary because of absence from a teachers' institute or equivalent educational experience if there is...if the teacher is on sick leave, and it also incorporates the proprietary student assistance program. Once, again, I would move for the adoption of Conference Committee report on Senate Bill 1345.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall the Senate adopt Conference Committee Report No. 2 to Senate Bill 1345. Those in favor will vote Aye. Those opposed vote Nay. The voting is open...I'm sorry,...Senator Etheredge, for what purpose do you arise?

SENATOR ETHEREDGE:

Well, Mr. President, I had my light on. I wanted to ask a question about the...about the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Well, why don't we just take this off the board and start over and let him ask his question. Yes, erase this...Senator Etheredge, I'm sorry, but the...I did not notice your light at the end there.

SENATOR ETHEREDGE:

Will the...will the sponsor yield?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR ETHEREDGE:

I see...I just received a...a copy of the Conference Committee report, and I noticed it has no Republican

signatures on it, so I have...want to make sure that I understand what it is that we are voting on. Would...would the sponsor please walk through this one more time?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Luft.

SENATOR LUFT:

The bill provides meal breaks for noncertified employees if they have worked seven and a half continuous hours. Got that one? The meal break has to be thirty minutes, that's page 1, lines 30 through 34.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Etheredge.

SENATOR ETHEREDGE:

Let's...let's look at page 3, I want to make sure that I understand what...this is the proprietary student assistant...assistance program. Is...would you...describe this program? Is this the same program...or the same amendment that we had voted on earlier on Conference Committee report on 123? Is the program...

PRESIDING OFFICER: (SENATOR SAVICKAS)

...Senator D'Arco indicates he'll answer that question.

SENATOR D'ARCO:

Thank you, Mr...thank you, Mr. President. Senator Etheredge, this is the same proprietary program we voted on in 123 and this is the same proprietary program that I discussed with you, and I think there was some confusion on both sides of the aisle concerning the merits of this particular proposal. This is the same proprietary program that passed out of this Chamber as well. I've discussed it with my colleagues on both sides of the aisle and I don't see anything wrong with it, there's nothing hidden in it. It's simple and straightforward and I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Yes, I understand your explanation, then this...this is an identical program to the one that we dealt with before...there is a separate line item. It does not represent a raid on the...on the State Scholarship Commission...Program...very good. Thank you, very much.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Netsch.

SENATOR NETSCH:

A...a question of the sponsor. As I understand it though, and I...I...I'm just looking through the Conference Committee report on House Bill 123. That was...the Proprietary Assistance Program was deleted from the Conference Committee report that I believe was just voted on a few moments ago, whoever the sponsor of this is. Isn't that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. Senator Netsch,...you are in fact correct. The proprietary program is presently in Senate Bill 1345, it was deleted...it was deleted.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Kustra.

SENATOR KUSTRA:

Well, thank you, Mr. President. Then...I will let the sponsor correct me if...if I'm wrong, but I was listening to what Senator Etheredge was asking the sponsor, and on the subject of whether or not this is a drain on the program, it seems to me, that once you allow proprietary school students to qualify for this program, that's going to affect the amount of dollars available for students in nonproprietary schools. So there is no question in my mind that while this

may be a good idea for proprietaries, it's not a good idea for students attending nonproprietary schools.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you, very much. I...I have one of these proprietary schools in...in my district, Bell and Howell just put into Rye Institute. That is a school that offers a four-year course. It cost fifty-five hundred dollars apiece, the graduates are snapped up as soon as they graduate from places like Fermi Lab, Argonne Lab,...Bell Lab. These...the...the proprietary schools we are talking about have to be certified by the State Board of Education. We are not talking about every barber college being automatically able to tap into this. My understanding is, there is a limited few right now that can tap into it. I think this is a good amendment and I think we ought to get on with our business.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question...Senator D'Arco.

SENATOR D'ARCO:

Well, to answer Senator Kustra and the other people...I mean, we've argued this bill about four times. The separate line item appropriation, there is no money in the present budget for proprietary schools, and the most that...that can be appropriate...appropriated can never exceed ten percent of the ISSC budget. For Fiscal '86, there is no appropriation at all and the total amount of the scholarship can never exceed one thousand dollars. Now, we've argued this bill before, I don't know how many times in this Chamber. These kids that turn out to be computer programmers, they turned out to be the skilled work force of our country. It's great to be an academia but the people that do the work in our country are the people that are trained in the skills that

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run the society we live in, folks. Now, this is a good bill, we passed it out before, and I heartily recommend it for your consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall the Senate adopt the Conference Committee Report No. 1 to...Senate Bill 1345. 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 40, the Nays are 13, none voting Present. The Senate does adopt Conference Committee Report No. 1 to Senate Bill 1345 and the bill having received the constitutional majority is declared passed. Senator Demuzio has returned to the Floor from wherever and he wishes to go back to Senate Bill 497.

SECRETARY:

Senate Bill 497, the first Conference Committee report.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Yeah, thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 497 I was asked to make a...an accommodation relevant to the adoption of a social worker's program on this particular bill. I had spoke with the chairman of the committee to which the bill went and was informed that the...the proposal did not reach a successful conclusion in his committee. As a matter of fact, the bill was not even called. Several other members had asked that I not become necessarily involved with this proposal, and as such, I am moving to adopt Senate...the first Conference Committee report on Senate Bill 497 would simply and totally would...concur with House...both House amendments. This bill was a bill that started out to be a very simple bill that said that a grain dealer to whom a license had been issued

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prior to the effective date of the Act need to...needed to comply with at least a fifty thousand dollar net worth, it's currently twenty thousand. The House added an amendment requiring the Federal licensed warehouses also to comply with the provisions of this State law and allow the existing warehouses to be grandfathered in into the new provisions. That is all this bill does and I would move to concur with the first Conference Committee report on Senate Bill 497.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Yeah, thank you, Mr. President. Just to clear the record, I was the sponsor of that bill and I chose to hold it because there was a similar bill in the House. That bill did get out of committee in the House and rather than have duplicate legislation, I tried to...tried to keep the process less cumbered up.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall the Senate adopt Conference Committee Report No. 1 to Senate Bill 497. 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. The Senate does adopt Conference Committee Report No. 1 to Senate Bill 497 and the bill having received the constitutional majority is declared passed. Senate Bill 1111, Senator Coffey.

SECRETARY:

Senate Bill 1111, the...first Conference Committee report.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Coffey.

SENATOR COFFEY:

Thank you, Mr. President and members of the Senate. I

stand in...in support and ask you to support Conference Committee Report No. 1 on Senate Bill 1111...it really puts...the Conference Committee report is the initial bill on 1111 from the Secretary of State's Office. That bill passed out of here 53 to...to nothing. We also include in that Conference Committee report 1082...Senate Bill 1082 that passed out of this Body. It deals with the...making it illegal for any persons to intentionally remove or have removed a salvaged or rebuilt...notation from a vehicle title by washing it in any way through any other jurisdiction with the intent to sell the vehicle, and...there's a second provision that we added in there which it says that a local authority may require that any persons who files a request for installation of traffic signs pay for the cost of such traffic signs. This is in...in private subdivisions, it does not include the City of Chicago, and I'd ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall the Senate adopt the Conference Committee Report No. 1 to Senate Bill 1111. 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. The Senate does adopt Conference Committee Report No. 1 to Senate Bill 1111 and the bill having received the required constitutional majority is declared passed. House Bill 1801, Senator Barkhausen.

SECRETARY:

House Bill 1801, the first Conference Committee report.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, the Conference Committee report on House Bill 1801 does exactly what the original bill

did. It was held up in the House because it was thought that it might be a vehicle for some...something the Administration wanted for the Department of Central Management Services. They didn't need it for that purpose and so the bill is back in its original form. Again, it...it basically mandates DCCA to do two things which it is more or less now doing; one is in its future economic planning to consider the occupational needs of the State, the other is to establish within the department what essentially already exists, a commission on science and technology which, as I say, basically exists in the form of the existing high technology task force. The bill is signed...or the report has been signed by all members of the Senate. I know of no opposition and...and urge adoption of the...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall the Senate adopt the Conference Committee Report No. 1 to Senate Bill 1801. 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. The Senate does adopt Conference Committee Report No. 1 to Senate Bill 1801 and the bill having received the constitutional majority is declared passed. Senator Fawell, for what purpose do you arise?

SENATOR FAWELL:

I think you better check, it's a House bill...you got Senate bill up there.

PRESIDING OFFICER: (SENATOR SAVICKAS)

I'm...I'm sorry, he has Senate bill marked. Mr. Secretary, that's House bill. That's House Bill 1801 that has received the constitutional majority and is declared passed. On Senate Calendar Supplemental No. 4. Before we...proceed to Senate Calendar Supplemental No. 4 we have...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 has refused to recede from their amendments to the following Senate bills and request a first conference and the Speaker has appointed the members on the part of the House:

Senate Bill 328, House Amendment 1.

Senate Bill 472 with House Amendments 1 through 14, 16, 19, 21, 22, 24, 28, 30, 31, 32, 33, 35, 37, 38, 39, 41, 43 through 49, 50 through 55.

476, 1, 2, 3 and 5 through 13.

893, House Amendment 2.

...454, House Amendments 1 and 2.

451, House Amendment 2.

And 452, House Amendments 1 and 2.

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

Mr. President - I am directed to inform the Senate the House of Representatives has refused to adopt the first Conference Committee report on House Bill 313 and request a...or 312 and request a second conference. The Speaker has appointed the members on the part of the House.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall the Senate accede to the request of the House and that a second Conference Committee be appointed on the bills just read. Senator Lenke moves that the Senate do accede to the request of the House and a second Conference Committee be appointed. Those in favor signify by saying Aye. Those opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. On Senate Calendar Supplemental No. 4, we have House Bill 1412, Senator Darrow.

SECRETARY:

House Bill 1412, the second Conference Committee report.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Darrow.

SENATOR DARROW:

Thank you, Mr. President. This Conference Committee...the first Conference Committee was rejected in order to put an immediate effective date in it. What this legislation does is provide that if you are soliciting advertising for a fireman or policeman's magazine you have to be registered with the Attorney General. In the event you aren't, it's a violation. The first violation would be a Class A misdemeanor, second violation or subsequent violation would be a Class 4 felony. Originally the bill was rejected because it...it made it just a straight Class 4 felony. I'd be glad to answer...any questions; other than that, I'd ask for the adoption of the Conference Committee.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis. Senator DeAngelis.

SENATOR DeANGELIS:

I'll...I'll wait till after the bill is over with.

PRESIDING OFFICER: (SENATOR SAVICKAS)

And the question is, shall the Senate adopt Conference Committee Report No. 2 to House Bill 1412. 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,...57, the Nays are none, none voting Present. The Senate does adopt Conference Committee Report No. 2 to House Bill 1412 and the bill having received the required constitutional majority is declared passed. House Bill 1924, Senator Watson.

SECRETARY:

House Bill...1924, the first Conference Committee report.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. House Bill 1924 in the Conference Committee Report No...is it...is it No. 2 or No. 1?

SECRETARY:

No. 1.

SENATOR WATSON:

Okay, No. 1. The original language remains and that was to convey land in the metro-east area, the Metro-East Sanitary District from the Department of Conservation. They...we're getting land from the Metro-East Sanitary District and in...exchange for land from the Department of Conservation...a switch...change...a trade. Next is a technical amendment...Senate Amendment No. 1 was technical...Senate Amendment No. 2 was one in which Senator Luft and Dunn were involved with and that authorized Central Management Services to convey a certain parcel of...of ground for three hundred dollars an acre. The problem was that...that currently the...the evaluation of the ground is such that it can't even be sold and so we're changing it to three hundred dollars an acre, and Senate Amendment No. 3 provided land exchanges in Monroe and Mason Counties. This passed out of the...the Senate with no objection at all and then a Conference Committee was reported to...or asked for because...to add this additional language. The language in the Conference Committee...the new language attempts to provide and enforcement mechanism to hold liable a sanitary district which intercepts or impedes percolating waters under the service of its land for any purpose and which causes injury to adjoining property. The district shall be liable for civil damages for injury to the adjoining land, and apparently, case law is the only point of authority on this issue and dates back to the late 1800's. This was put in by Representative Tate to...involved in a problem in...in the Decatur area in which

a sanitary district came in and is, I guess, causing a considerable amount of problem with wells and other water supplies in a particular area. Part number two amends the Sanitary District Act and it removes a population requirement of over ninety thousand and resets the population requirement at over one hundred thousand before a board of trustees with a membership of five persons can be created. A population of up to one hundred thousand is...entitled to a three-member board of trustees. This amendment clears up a problem which exists in the Aurora Sanitary District. I'd be glad to answer any questions...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall the...is there discussion? If not, the question is, shall the Senate adopt the Conference Committee Report No. 1 on Senate Bill...or House Bill 1924. Those in favor 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. The Senate does adopt Conference Committee Report No. 1 on House Bill 1924 and the bill having received the required constitutional majority is declared passed. House Bill 1947, Senator Hudson.

END OF REEL

REEL #3

SECRETARY:

House Bill 1947, the first Conference Committee report.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President, members of the Senate. I would move to concur with the first Conference Committee report, House Bill 1947. What the Conference Committee did was two things really. It added the provisions of...it added provisions which amend the Emergency Medical Service Systems Act to add due process provisions to the Act. And secondly it recreates the Medical Determination Board to serve an advisory capacity to the director of Public Health on strictly medical issues. And that was necessitated by the inadvertent repeal of the board by another bill which had been sent to the Governor. And unless there are questions, I would again move for the adoption of this ruling.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Karpiel.

SENATOR KARPIEL:

...no, after this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall the Senate adopt Conference Committee Report No. 1 on House Bill 947. 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...54, the Nays are 1, none voting Present. The Senate does adopt Conference Committee Report No. 1 to House Bill 1947 and the bill having received the required constitutional majority is declared passed. House Bill...2445, Senator Topinka. Sena-

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HB2445
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tor Karpel, for what purpose do you arise?

SENATOR KARPIEL:

Thank you, Mr. President. Having voted on the prevailing side on Senate Bill...House Bill 360, I'd like to move to reconsider the vote on...by which that bill failed.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator, why don't we entertain that motion, we're almost finished with the Calendar. Senator Topinka.

SECRETARY:

House Bill 2445, the first Conference Committee report.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President, Ladies and Gentlemen of the House...of the Senate, I almost did it again on my last day. Okay. House Bill 2445 corrects the technical problems with Senate Amendments 1 and 2; it also allows the Department of Insurance to issue corrective orders for health maintenance organizations. It's identical to the provisions of Senate Bill 1296 which was Senator Rupp's bill. It is an HMO bill, it's the Department of Insurance's bill. I know of no opposition.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall the Senate adopt Conference Committee Report No. 1 to Senate Bill...or to House Bill 2445. 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. The Senate does adopt the Conference Committee report to House Bill 2445 and the bill having received the required constitutional majority is declared passed. Senate Bill 254, Senator Luft.

SECRETARY:

Senate Bill 254, the first Conference Committee report.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. I would move that we adopt the first Conference Committee report on Senate Bill 254. The bill as amended in the House provides for a two-cent reduction in the sales tax exemption on ethanol products. It also has a reciprocity agreement in it and it also provides that the exemption only is applicable to ethanol made from cereal grains. It also has a clause in it that simply says if any part of this bill is ruled unconstitutional, it does not affect the rest of the bill. And I would move for the adoption of...first Conference Committee report on Senate Bill 254.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is...is there discussion? Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much. Question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR MAROVITZ:

In...in...in reference to the reciprocity issue, would that mean that those out-of-state would have to pay the tax and those in-state would not have to pay the tax?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Luft.

SENATOR LUFT:

If their state had the same tax exemption as we did, they wouldn't have to. Senator, this is an agreed bill between all parties. We passed the bill out of here yesterday, this simply had for the two cents. This bill is being passed so we can check the constitutionality of the reciprocity agreement.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch.

SENATOR WELCH:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR WELCH:

Senator Luft, it seems like we passed about six or seven bills dealing with ethanol in the last couple of weeks, what have we passed and is this any different or is this the same bill?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Luft.

SENATOR LUFT:

The exemption is the same, the two cent. This bill has something different. One, the reciprocity agreement which is designed to test the constitutionality of the concept itself in the State of Illinois. And this bill also provides for the exemption to apply...only to ethanol that is made from cereal grain. The...the other bill that we...passed just had the two-cent exemption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Welch. Senator Joyce.

SENATOR JEROME JOYCE:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR JEROME JOYCE:

Yes, you said this is agreed upon by all parties, does that include the Governor? Is he going to sign this one?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Luft.

SENATOR LUFT:

He...wasn't at the party.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JOYCE:

Well, is somebody going to talk to him about this? Otherwise we're just going to take off...put back on the two cents, and...hurray for the big oil companies and the hell with the rest of the world, huh?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Luft.

SENATOR LUFT:

I don't think it's any secret that I have three ethanol plants in my district, so, obviously I'm not...that excited about taking this two cents off but those industries in my district along with the other ethanol companies in the State of Illinois have agreed to this concept and I am bound by that agreement.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Marovitz for the second time.

SENATOR MAROVITZ:

I'm sorry to rise for the second time, but just to indicate...those in the Body, in...in reference to the...to this bill and be it agreed or not agreed on the reciprocity issue, this is the bill that the Attorney General of the State of Illinois as well as the Attorney General of other states have ruled to be unconstitutional. An Attorney General's Opinion has been issued that this bill is unconstitutional, that the provisions within this bill are unconstitutional, I'm just stating that for the record.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in support of this bill. There...it...it's

true, we've dealt with this topic a number of times, but I think what we have before us is the...is the result of a lot of discussion. In regard to the point made by the...previous speaker, there is a reciprocity clause in this piece of legislation and I can only tell you that there are a number of states, there are about seven states, that...presently have reciprocity written into their laws. I don't see why we can't write a reciprocity provision which will stand the test of...of the courts. So I rise in support of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR LUFT:

Thank you, Mr. President. Senator Marovitz, apparently you didn't get the message. I told you this was an agreed bill and it was part of the design. The state of Ohio in a circuit court ruled that reciprocity was, in fact, constitutional. There are reciprocity agreements in the State of Illinois. I have seen the letter that our Attorney General wrote saying that they thought that it was unconstitutional, but there has been no Attorney General's Opinion issued on reciprocity. That is why we are passing this bill to try to get an Attorney General's Opinion in the State of Illinois to see if, in fact, it is legal. So I would hope that we would pass the bill. Thank you, very much.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is...

SENATOR LUFT:

Or adopt the Conference Committee report.

PRESIDING OFFICER: (SENATOR SAVICKAS)

...the question is, shall the Senate adopt the Conference Committee report on Senate Bill 254. 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 48, the Nays are 9, none voting Present. Senate Bill 254...the Senate does adopt the Conference Committee report on Senate Bill 254 and the bill having received the required constitutional majority is declared passed. Senator Vadalabene, for what purpose do you arise?

SENATOR VADALABENE:

Yes, thank you, Mr...President, on a point of personal privilege. Bev, this is Sam, will you hold the kid for awhile, I'm getting tired.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Looks just like you, Sam. Senate Bill 796, Senator...Philip.

SECRETARY:

...second Conference Committee report on Senate Bill 796.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He's not here. Senate Bill 984, Senator Smith.

SECRETARY:

First Conference Committee report on Senate Bill 984.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I stand to accept the Conference report on Senate Bill 984 which originally passed the Senate on an Agreed Bill List, and it requires the Department of Children and Family Services to visit at least three times a year to facilities that care for children. And then when it reached the House, they put an amendment on it and asked us to decrease our visitations to one time once a year. I understand that the department is already making visits once a year to these facilities, but it is not in the law, it's not on the books, not on status...on...in the Statutes. I also understand that the Federal Government through licensures visit the facili-

ties at least once every other year. I think...and I have been given a lot of static because they said that once a year was not enough, but I think a half a loaf is better than no loaf at all. And I think that if we can get this on the books this will solidify the security of these young people. I have talked with the director, Gordon Johnson, and he said that his monies are being increased and new people are being hired and they will be able to as time goes by to increase the visitation. I stand here this afternoon not to cause any discord but I think one step is better than no step at all. And I'm asking the...this august Body if you will concur with me on accepting the Conference report of one legal visit once a year with the understanding from the Department of Children and Family Services that the visits will be increased. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Collins.

SENATOR COLLINS:

Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR SAVICKAS)

She indicates she'll yield.

SENATOR COLLINS:

Yeah, Mrs...Smith, once this law is...is passed, who...does it affect anyone except the...the Department of Children and Family Services?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Smith.

SENATOR SMITH:

Senator, I'm still Senator Smith instead of Mrs. Smith, I'm still Senator, thank you. That's all right, darling. I would like to say this does affect the children who are in foster homes as well as those away institutionalized.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

What about private agencies?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Smith.

SENATOR SMITH:

Private agencies are to be visited as well as other...the foster homes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Yes, well, now on...on...on the merit of...of...of the issue. I rise in...and...and very strong, and I hate to do this, very strong opposition to the Conference Committee report for several reasons. One is because there has been a tremendous increase over the past several years of the number of incidents involving sex abuse and other types of problems in relationship to day-care facilities and...and day-care homes and group homes as relate to children throughout the State and not just in the State of Illinois but across this country. There are several things going on right now, one is a total look at and a revision of the licensing standards and monitoring standards of these facilities to ensure that there are adequate safeguards to...to minimize the possibility of those incidents occurring to the children across this State. The other reason is because I think I know a little more about this subject, I spent a lot of my life helping to put together and build and even help to develop the current standards of which they are operating under. The licensing standards right now has in it which is in effect law...no, we do not have on the Statutes visitation rights in terms of monitoring of these centers because I think it would be far more damaging for us to in...in...invade that area and just simply say that there must be a minimum of one visit a year. Not only the Department of Children and Family Services but

there are other proprietary agencies and non-profit agencies who also licensing under their social service license these facilities. We do not want these people to take...an out and say that because you have mandated in the Statute that we make at least one visit that they visit these facilities only once a year because they need staff or they want to cut back on staff and...and say that they have met the minimum standards of this State. I think that will be a very serious mistake. Now I know that...we have passed many bills of...of Mrs. Smith's...Mrs. Smith is a hard working...Senator Smith, rather, is a hard working Senator, but this is one time that I have tried to and some of us have tried to explain to Mrs. Smith that this is a very dangerous precedent to set, to intrude upon. I think that we ought not to...to...to...to...to...to invade in this area and...and particularly due to the fact that there are right now negotiations and a...and a...and a new standards are being set, and once we codify that one visit into the State laws, it will be probably less than the minimum standards that will come out in the new licensing and...monitored manual. And I think we would be doing the children of this State an injustice. So I would just prevail upon you that we do nothing, that we defeat this Conference Committee report and we do nothing at all.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Donahue.

SENATOR DONAHUE:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

She indicates she'll yield.

SENATOR DONAHUE:

Senator Smith, does this...if...if this bill passes, does this in any way preclude the Department of Children and Family Services from...from investigating these day-care cen-

ters or what have you more than one time a year?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Smith.

SENATOR SMITH:

Thank you. No, Senator, it does not; in fact, they want to do more.,,they want to do more.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Donahue.

SENATOR DONAHUE:

I...well, I think that's the point of this Conference Committee. I would move to concur or to support it, because DCFS can visit these homes any number of times that they want to. All we're doing is saying one time a year at least, but they can do it more than once and I would move that we adopt this.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer.

SENATOR SCHAFFER:

Senator Smith, our staff analysis says that after July 1, 1986, that there's a requirement for two visits a year. Is that in this Conference Committee?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Smith.

SENATOR SMITH:

...Senator Schaffer, I understand that in the Conference report it does state two but one is under licensure. One is the official, but she...I've just been informed here that she said one by...that's the Federal Government licensure, the Federal Government. But I only know and...oh, I've just been informed that there's only one visit but there...may be more than one...there may be more than one.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer.

SENATOR SMITH:

And I conferred...I did confer with Director Gordon Johnson and this is what he stated.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer.

SENATOR SCHAFFER:

Well, I...looking at our analysis, I guess I can understand why...what...what you mean. It...we went from two to three and then we went back to two is what it amounts to. Are these facilities also facilities that would be under the regulatory power of the Department of Public Health and the Department of Mental Health?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Smith.

SENATOR SMITH:

I imagine so. The day-care homes, the day-care centers, the group homes and foster homes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer.

SENATOR SCHAFFER:

Well, my only point on this is, the Department of Children and Family Services has a small number of wards spread out throughout the mental health system who are in facilities that are monitored...almost hourly by other departments. And I...I guess my...my principal reservation is that I would prefer to have the department visit those facilities that need to be visited daily and not force them to visit facilities that are being visited and regulated by other agencies. I...I...it occurs to me we could be dissipating the inspectors on a frankly perfunctory...stay in compliance with the law so you don't get sued, kind of walk in the building and...and walk in and out kind of thing and that's kind of ridiculous. I guess I have...I...in my area there's no problem and I've always said if it isn't broke, don't fix it; so no one has told me there's a problem, so I'm not prepared to

come up with a solution.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and members of the Senate. I have mixed emotions over whether or not to support this because I know both Senator Smith and Senator Collins are very sincere in trying to do something about this problem, and I know Senator Collins has a strong background in this area. But at the same time, I interpret it, it says at least once. And to me, and I'm not an attorney, that would mean you could visit it ten times or twenty times in a year or on a daily basis, there would be nothing to preclude it. By not having it in there, they could very well not be visiting...at all. And in many cases, according to my conversation with Senator Smith, they are not being visited and that's why she wants it in there, that there's at least a visit. One of my concerns about losing our visitation commission was that there wasn't visits being made or they would not make them to...various institutions in other areas. But I don't see anything...and it's the...the lawyers and the department that's going to interpret this, it's not going to be the staff and it's not going to be the caseworkers, and it's very clear, it says at least once.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Newhouse.

SENATOR NEWHOUSE:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

She indicates she'll yield.

SENATOR NEWHOUSE:

Senator, this is the bill we discussed this morning?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Smith. Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. I rise reluctantly on this bill, but I'd like to just repeat what our conversation was because it's...it may be important. What we have here is a measure to mandate that the department do x-y-z, which means that the department has to have the staff to do x-y-z, which removes from the director a certain amount of flexibility that he has. Now it seems to me it might be a better course of action to have a reporting mechanism back to this Body so that we'll know what was being done in terms of inspections. The difficulty we have is that while there presently exists staff sufficient to do this one time a year, it may mean a reallocation of the time that staff is used. If we go to two times, three times a year, then it means that extra staff would have to be required to do that. Ordinarily this wouldn't mean very much to me, except if one has to choose between an inspectional service and direct service to children, I think we'd all prefer to have the time allocated to the direct service to children. Now, this conundrum may never arise, it may never arise; but if it does arise, then what we have is a director on the horn of a dilemma. The director must then decide how to allocate these resources that he does have. If then he's mandated to do x-y-z, such as have inspectionals...inspections where perhaps none are needed, then it means that's taken away from the children's direct service. We had this conversation this morning, I want to get that into the record. It seemed to me a...a good deal more simple not to clutter up the books with this legislation but, on the other hand, to still have some kind of a report back mechanism so that the end objective would be achieved, and I'd hope that we would do it that way.

PRESIDING OFFICER: (SENATOR SAVICKAS)

There further discussion? Senator Collins for the second time.

SENATOR COLLINS:

Yeah, I...I really hate to rise a second time on this, but I...if you just listen to what Senator Schaffer said, and we're not talking about DCPS, we're talking about proprietary agencies, we're talking about a...a...a...other social not-for-profit agencies which doesn't have anything to do with DCPS. And...and that's what this mandate will do, would actually cause more problems than it will do good; and if you heard Senator Schaffer he's...he's absolutely right.

PRESIDING OFFICER: (SENATOR SAVICKAS)

No further discussion, Senator Smith may close.

SENATOR SMITH:

Thank you, Mr. President, ladies and gentlemen. I merely want to say that you...my colleague said about proprietary agencies. I think if you make the first step, I think that then you can go further. My merely concern right now is getting on the books legally in the Statutes that at least one visit will be required, that these children will have some protection. There's a saying that my husband used to say, "For forms of government, let fools contest, what's best administered is best." And right now the best thing that we need to do is think in terms of these young people. The Department of Children and Family Services have given us their word that they will develop and give more visits, but what I want to do is to be protected by these...for these young children. I ask your favorable vote, please to concur with the Conference report. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall the Senate adopt Conference Committee Report No. 1 to Senate Bill 984. 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 21, the Nays are 30, 5 voting Present. The Senate does

not adopt the Conference Committee Report No. 1 and the Secretary shall so inform the House. Senator Smith, do you seek...Senator Smith also seeks a second Conference Committee be convened and the Secretary shall so inform the House. Senate Bill...796, Senator Philip. Senator Macdonald.

SECRETARY:

Senate Bill...796, the second Conference Committee report.

PRESIDING OFFICER: (SENATOR SAVICKAS)

I'm sorry, Senator Macdonald, I had just seen Senator Philip's name and I...sorry, I overlooked yours. Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. Senate Bill 796 embodies three administration bills. Senator Fawell was the chief...sponsor of 796 and she very graciously gave me the sponsorship so that she could accommodate me to get on my Senate Bill 1245 which was on both the Agreed Bill in the Senate and in the House and somehow was taken off and fell through the cracks over there. I'd like to say that Senate Bill 796...amends the Administrative Code to transfer from DCCA to the Department of Transportation the authority to...to study ways that we can use and conserve water resources and most particularly Lake Michigan water resources. This will allow the State to monitor the diversion of water from Lake Michigan more closely and as a part of a program to prevent diversion of Lake Michigan water to other regions of the country. This amendment was added to the House and I think we all know how important Lake Michigan is to Illinois and it...it is really a very important bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall the Senate adopt Conference Committee...No. 2 to Senate Bill 796. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have

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all voted who wish? Have all voted who wish? Take the record. On that question the Ayes are 53, the Nays are 1, none voting Present. The Senate does adopt Conference Committee report No. 2 to Senate Bill 796 and the bill having received the required constitutional majority is declared passed. For what...Senator Karpziel, for what purpose do you arise?

SENATOR KARPIEL:

Thank you, Mr. President. I would like to renew my motion of having voted on the prevailing side, I move to reconsider the...vote by which Conference Committee Report No. 1 to House Bill 360...failed.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Karpziel move to reconsider the vote by which House Bill 360...House Bill 360...the Conference Committee on House Bill 360...had failed. All those in favor indicate by saying Aye. Those opposed. The Ayes have it. The motion carries. Now, Senator Karpziel...on Conference Committee Report No. 1, Senator Sangmeister.

SENATOR SANGMEISTER:

Thank you, and thanks to Senator Karpziel for making the motion. I think when Senator Barkhausen rose in debate on this there was some misapprehension. There is nothing in this that the Illinois retail merchants are concerned about; they were the original bill, that has been stripped out. The matters that go into this again are the exclusionary rule which did not pass or was never heard over in the House is in here. The second item that is in here is that a third or subsequent time of conviction of DUI will be a Class 4 felon, the admissibility of blood test in the DUI, for the results to be admissible blood or urine samples must be taken in conformance with standards promulgated by the Department of Public Health. There is a provision in here concerning what the procedure will be and the admissibility of blood taken at

an emergency room. And item five does cut down the...the...in the area of aggravated battery there are fourteen...presently fourteen factors in there, we are reducing them down to...I believe it takes eight of them out of there. But all the eight that are being taken out are being placed in the general aggravating factor section of the Statute so that they will apply to all crimes. This is a compromise with the House and I think a reasonable one and would move for adoption of Conference Committee Report No. 1 to House Bill 360.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Karpziel.

SENATOR KARPIEL:

Well, having made the motion, it was my understanding that the...the problem with the retail merchants or...that language was out of here, now our staff tells us it is in there.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGHEISTER:

Well, I don't know how they come to that interpretation. Looking at the...the report itself, it says, "House Bill 360 will be further amended as following, on page 1 deleting the title and inserting in lieu thereof the following; an Act in relation to criminal law," et cetera.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sangmeister.

SENATOR SANGHEISTER:

Well, I've been advised by Republican staff, I don't see a Democrat here, that the way it is worded there is that possibility. They must have missed it in the House, they've already concurred in this...or adopted this Conference Committee report but...if that is true, all I can say to you is, I don't want to go forward with it either, and...I felt

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that the language I read took care of the situation, but staff tells me that No. 1 in here that says, "The Senate recedes from Senate Amendment No. 1," which took it out of there, puts it back in again. I don't read this stuff that easily and maybe if that's correct, we better hold it up.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Take it out of the record.

PRESIDENT:

If I can have the attention of the membership, I have just discussed the schedule with Senator Philip; those who wish to order some dinner, I suggest you do it, our intent is to work straight through. The Conference Committee reports are now being processed and filed. You have in front of you Supplemental Calendar No. 5. On Supplemental Calendar No. 5...and I would ask those within the...reach of my voice, particularly the appropriations folks up on sixth floor and the fifth floor, to please join us on the Floor. With leave of the Body, as Senator Philip and I discussed earlier, we will take as a special order of business the education reform and funding bills. So I would ask the membership to please refer to page 4 on the regular Calendar for Senate Bill 730, and on Supplemental Calendar...Calendar No. 5, the Conference Committee report on Senate Bill 893...and the Conference Committee report on 1267. With leave of the Body, they will be considered together. Senator Berman will seek leave to speak to them together and then we will call them right in a row, one, two, three, 730, 893, 1267. With leave of the Body, as a special order of business, we will revert to page 4 on the regular Calendar, consider the Conference Committee report on Senate Bill 730 and then go immediately to Supplemental Calendar No. 5 and consider the Conference Committee report on Senate Bill 893 and immediately thereafter the Conference Committee report on Senate Bill 1267. Leave having been granted, Conference Committee report on Senate Bill

730, Mr. Secretary.

SECRETARY:

First Conference Committee report on Senate Bill 730.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. First, procedurally, I would ask for leave to add Senators Holmberg, Newhouse, Maitland, Davidson and Etheredge as...hyphenated cosponsors to Senate Bill 730 and any others who wish to be added. These people are the Senate members of the Illinois Commission on the Improvement of Elementary and Secondary Education.

PRESIDENT:

All right. The gentleman seeks leave to add the...his comembers on the Commission on Excellence. Is leave granted? Leave is granted. Any other member who wishes to be added as a cosponsor, would you please let Carla know up here. Just put your name in and we'll get it accomplished.

SENATOR BERMAN:

Thank you...

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

...thank you, Mr. President, Ladies and Gentlemen of the Senate. I will address Senate Bill 730 first and then address 893 and 1267 if...if I may. Senate Bill 730 is a forty-seven point education reform piece of legislation which, I hope, completes nearly two years of study on...by the Illinois General Assembly and its members into the question of education reform. Following the national reports that began with "A Nation at Risk," this General Assembly adopted a joint resolution which created the Illinois Commission on the Improvement of Elementary and Secondary Edu-

cation. What is in Senate Bill 730 I would say represents about ninety percent of the recommendations of that commission. There have been numerous, and that is an understatement, numerous hearings that were held throughout the State of Illinois, a number of Committee of the Whole meetings that were held in this Senate, many, many hours, if not tens perhaps hundreds of hours, of conferences held with people representing all phases of the education community after this bill...or the initial bill regarding our reform package was introduced, and many hours of meetings in the past several weeks by the designated hitters as well as the...legislative leaders and the Governor. I will mention a number of the items that are in...that are included in Senate Bill 730.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman, can I stop you for a minute. UPI would like leave to waive...have still photos. Is leave granted? Leave is granted. Senator Berman.

SENATOR BERMAN:

We have addressed the question of education reform in several general categories and I will take us through them touching on what I consider are the highlights but certainly they are not every item that is in this bill. We have endeavored to put Illinois on a meaningful course of education reform. First, before I get into that, let me underline that every state in the country has undertaken in the past two years educational reform movements. Illinois has not had to do as extensive or expensive a program as have...had to be undertaken in many other states because basically our education program is one of the top in the nation, but being one of the top in the nation does not mean that there hasn't been room for improvement, and Senate Bill 730 and the two accompanying bills gives us the impetus and the funding to make those necessary improvements. We have addressed the issue of accountability of our school dis-

tricts. These...this bill requires that students be tested at grades three, six, eight and ten in the areas of reading, mathematics and language skills. The purpose of those required examinations which will be according to Statewide criteria but adopted by local school districts as they feel is most apropos to their students...the purpose of these tests is to eliminate social promotion and to make the high school diploma a meaningful document. We are requiring that establishment...school districts establish learning objectives for their students. We are requiring that each school district issue a report card that has been spelled out as to certain criteria in relation to local district criteria and criteria where...where appropriate for each particular school building in that district. We have also called and sunset for August 1, 1987, the existing general State Aid Formula in order for us in the next two years to evaluate not only other outside suggestions regarding a more equitable distribution of funding but how, with these reforms, we can commit ourselves financially to a broader and more equitable funding process. In the area of personnel reform we have instituted a requirement for a basic skills test for students that are in the junior year, for example, who are going to enter teacher training. We have required a bar examination type...test for teachers before they can become certified. Both of those criteria are in keeping with the upgrading of the professionalism of the profession of teaching. We have established an administrator's academy to improve the quality of evaluation and remediation which is being imposed upon administrators under this bill. We have mandated that there be teacher evaluations, and that bill has previously passed out of the General Assembly and is now on the Governor's Desk regarding a process of teacher evaluations, remediation and teacher dismissal for those who cannot qualify. We call for administrative recertification every five years and a pilot

program for performance pay for teachers. In the area of curriculum program reform, we have eased the physical education requirement for juniors and seniors in high school. Those who are involved in team sports and those who require specific special educational needs either as to high school remediation or college entrance can be excused from junior and senior participation in physical education. We have provided for reading programs, and I think that all of us recognize that reading is the cornerstone of any successful...learning experience both in the K through twelve grades and in the future. And this...reading program is an extensive program with a specific line item in the budgets that will be addressed later for not only reading and teachers aids for kindergarten through six but reading specialists for kindergarten through three that are specialists that will enable teachers to be better trained in the process of teaching of reading. We provide for the establishment of a math and science academy to stress the strength in those two areas of the State of Illinois. We provide for summer school grants for remediation as well as for the gifted students. We have provided for a rollback over a three-year period for the beginning entrance date...moving back from December to eventually September 1st for five year olds because studies have shown that the older a child is when they enter kindergarten the better able they are to have a successful schooling experience. We provide for permission for school districts to charge a fee for behind-the-wheel phase of driver's education, and we provide for birth to three pilot programs for the handicapped children among us. In the area of structural reforms, we have provided creation of...advisory councils in Chicago so that the people at the local school level will have a greater voice in determining the budget and...operational programs that are involved in their schools. We have in here a provision which we have debated

on this Floor several times regarding the study of and submission to the voters for consolidation of our downstate school districts, and we...further provide for contracts to be entered into with the Department of Alcohol and Drug Abuse to conduct programs in those critical areas regarding educating our children as to the problems involved in alcohol and drug abuse. There are two other items which I want to point out. One is a funding mechanism in a very critical area, a funding mechanism that addresses substantial money again into the schools that address the problems of special education with an increase to eight thousand dollars level for the pupil...Personnel line item in the...in formulary in special education. And we have in this bill the transportation reimbursement proposal for providing to children both in the public and in the nonpublic sector reimbursement with caps fifty dollars the first year, a hundred dollars the second year and a hundred and fifty dollars the third year for those children who are...who are not provided free public transportation in...in getting to school where they live more than a mile and a half away from their school...schools. Ladies and gentlemen, that is an outline of the forty-seven points that are in Senate Bill 730. I would be glad to respond to any questions. Let me...before we get to that, let me merely point out that in here are two tax proposals. One is the expanded message tax that deals with the interstate message transmission and authorizes the five percent tax on those interstate transmissions of messages. Senate Bill 893, which we will vote on after...Senate Bill 730, deletes the language that's in 730 that would have allowed...specifically allowed local home rule units to impose a corresponding five percent tax on interstate messages. So that with the passage of 730 and the passage of 893 the only tax imposed is on the interstate...transmission of messages without any new authorization to local dis-

tricts...home rule units. Also provided will be...the cigarette tax which is conditional upon the Federal Government allowing the repeal of that tax to go into effect on or about October 1. We have been assured by the President who has spoken with the Governor that it is not his intention to allow that tax to be reimposed. We are including that reimposition at the State level of that tax within Senate Bill 730. That generates approximately in the first year our estimates are of a hundred and sixty million dollars of new revenue. Let me tell...take you through for a moment that funding mechanism. We have provided approximately a hundred million dollars for school reforms, almost all of which are in Senate Bill 730 or the other bills that I've mentioned in our description, a hundred million dollars of costs in the first year for implementing these reforms. I believe and we have...consistently stated, many of us, that we were not going to pass the reforms unless the revenue to pay for them at the State level was included. Through the passage of Senate Bill 730 and the two bills that follow and the appropriation bill, which is Senate Bill 1070, we are living up to that commitment. We are not passing mandates that we are not funding. Also, we have provided in Senate Bill 1267 an optional funding formulary that addresses the needs of our elementary schools in those districts that find that they were receiving less money than they would have received if we had done nothing in the formulary changes and still appropriated at two hundred million dollars and that is the other element regarding funding. We have provided a total package, ladies and gentlemen, of two hundred million dollars...two hundred and eleven million dollars of general State Aid Formularies, we have provided a hundred million dollars of reforms with the additional appropriations of...retirement and other categorical programs. The total package, I am proud to say, is three hundred and seventy-nine million

dollars. That is a substantial commitment to fully funding the mandates, to fully funding the reforms and to moving education in Illinois forward so that our children are ready for the...latter decade of the Twentieth Century and can move into the Twenty-first Century with pride as to their capabilities. I'd be glad to respond to any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Etheredge, for what purpose do you arise?

SENATOR ETHEREDGE:

Yes, on a...a point of clarification, if I...if I might, as...as sponsor of 893. Reference was made to the message taxing authority of local...of...of home rule units, that should have been to...to municipalities. The home rule units can do whatever they please but the taxing authority on messages taxes did relate to municipalities.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. There are at least...twenty speakers. The Chair would acknowledge the presence of the Governor, welcome to the Senate; Ted Sanders from the State Board of Education, the Majority Leader from the House, Jim McPike; Jim Reilly, the Governor's chief assistant. Further discussion? Senator Etheredge. Senator Davidson, for what purpose do you arise?

SENATOR DAVIDSON:

Since you got twenty speakers, I move the previous question; so when you get done, you can shut it off.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well,...when we get there. Further discussion? Senator Etheredge. All right. Senator Poshard.

SENATOR POSHARD:

Thank you, Mr. Speaker. Ladies and Gentlemen of the Senate, I rise in support of this bill for several reasons. First of all, not the least of which, two hundred and eleven million new dollars in the general State Aid Formula. These

are badly needed dollars for education, raises in teachers salaries, special education reimbursement, vocational education. When you compare that two hundred and eleven million dollar increase with the average of fifty-five to sixty million dollar increases that we've received during the last several years, this additional money is welcomed in education. For years now traveling throughout my district I've listened to parents speak to me, these are the questions that they formulate; are our teachers being trained in a rigorous enough fashion to ensure that the people who are going into the classroom to teach our students are capable of doing the kind of job that they need to be doing? Are our teachers being evaluated on the job adequately? Do our principals know enough about the skills of teacher guidance and teacher evaluation and curriculum development in order to be able to do the job that they need to be doing in the classroom rather than counting lunch money or patrolling the halls? How can my child be measured against every other child in this State so that I can know that they're measuring up to the kinds of educational quality that I want them to have? Can you help my child who has fallen behind in math or reading or some other area who needs remedial help during the summer? Can you give more help to my gifted child that seems to be neglected in the regular classroom? These questions that I think every parent in this State has been asking for so long are being answered in this educational reform bill. They're being addressed and I think they're being addressed adequately. One other point that I should make, eighty-six million new dollars in educational reform measures for the schools, this is needed to address those questions. But one other point, I don't think anyone has stood on this Floor and more vigorously opposed the idea of school consolidation and reorganization than I have because I represent a lot of small rural districts. This bill allows each school district to

stand on its own, to decide for itself. The State cannot mandate consolidation of their district. The Legislature cannot mandate consolidation of their district. The large district next door cannot mandate consolidation of their district. The decision now lies in the hands of the people in that district, exactly where it should lie. And, therefore, I stand in support of this bill, I think it's a good bill and I think it should be passed.

PRESIDING OFFICER: (SENATOR DENUZIO)

All right, ladies and gentlemen, because there are so many speakers, we, in fact, will revert now to the timer. Senator Watson...Senator Maitland. Well, you can be...do you wish...do you wish to yield, Senator Watson? Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President. Because I'll be responding, I think, to a couple of questions a bit later, let me...let me just make a few comments...if I might. I really believe that this is a great day for education in Illinois. Senator Berman, I first of all want to commend you for your leadership on the commission. For nearly two years we traveled the State and sought ways to improve education in...in Illinois and from the very beginning it was a bipartisan effort. This effort transcended political boundaries and I think that's why we have arrived today where we are, and indeed I'm very proud to have been but a small part of that. The package contains not everything that all of us wanted for sure, but the package contains components that will indeed improve the quality of education in Illinois and I'm convinced of that. Some two weeks ago I had the opportunity to travel across the State in a one day fly-around with the Governor along with some other groups, some other legislators, about twelve in number. And in six cities of this State we made one final plea that in the closing days of

the General Assembly we needed their help. And since that time I've received phone calls, I've received letters, and the rest of you have also, urging us to keep that commitment that we had made nearly two years ago to improve the quality of education in Illinois and also to provide that other side of that equation, that necessary funding to pay for that quality. My colleagues in the Senate, we have that package before you tonight. It was not easy to arrive here, indeed it was not easy to arrive here, but thank God we have arrived and we need your support. One final point, and it came out loud and clear as we debated this issue in hearings across the State, you can legislate all you want to legislate, you can spend all the money you want to on education and that will help, but there's a component that you cannot legislate and that's parental and community involvement in education and we've gotten away from that. Time and time and time again, people who testified made that point to us. As we pass this package out of the General Assembly tonight and as the Governor makes his commitment and signs it, we have one more responsibility. We go back to our districts and we challenge those districts to do their part. I'm committed to do that, I hope you are. I urge support of this package.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right. Further discussion? Senator Watson.

SENATOR WATSON:

Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Oh, Senator Watson...AP has requested permission to take still photos. Is leave granted? Leave is granted. Senator...Watson.

SENATOR WATSON:

Thank you, Mr. President. Many of us on the Floor and Senator Poshard...referred to this...concerned quite a bit with reorganization and consolidation. We come from rural

districts and quite concerned and the people are from our area about the whole process and what's going to be forced down their throat. There is somewhat of a misconception, I believe, among the people of many of the districts as to what this is all about. And what we want to do, if you would beg deference of the Body here, is to read into the record the intent of this legislation. And I understand that Senator Maitland is...is ready to respond in this and I...first of all want, to...thank the...the sponsors...the principal sponsors, Senator Berman and Maitland and others who have shared our concerns and have been willing to work with us, those of us from the rural area and the smaller districts that are involved, in coming up with what we think is a...a workable solution to the reorganization problem as we see it. So, if I would...I'd like to address and ask Senator Maitland several questions that...which will be read into the record and which will clarify the intent.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland, are you ready to respond? Senator Watson.

SENATOR WATSON:

Thank you. What is the real intent of the School District Reorganization Act?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. Simply to require that a committee be created in each educational service region, three in Cook County outside Chicago, to take a look at school district structure and how it might be improved.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Does it mandate reorganization or consolidation of school

districts?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

It absolutely does not, the decision clearly rests with the voters in each and every school district.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Must a plan be submitted to the State committee?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President, yes, it does.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Does the plan have to provide for consolidation reorganization of school districts of the region?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Not...not really necessarily. If a committee feels that the district organization in the region is proper and...and defensible, the plan could indicate that no...no reorganization at all take place.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Can a State committee dictate what is in the plan?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

No, it cannot. The State committee's responsibility is

to assist the local committees in the development of the plan and possibly improve upon it with some of their expertise.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Can the State committee require that a plan be voted on by referendum?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

No, it...it really cannot. The State committee's responsibility is to...I'm sorry, no. Consultation on line 3 means that there must be an agreement between the State committee and the local committee, that's an absolute...absolute must. And...and if that is not agreed to, there will no referendum.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

If the first plan is voted down, must there be a second plan?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Well, again, not necessarily. Again, if the vote on the first plan would indicate agreement in part of the region for reorganization, the State committee could work with the local committee to develop a plan that would give those voters a chance to make the final decision.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

One final question. What happens if the voters reject the plan either the first one with no resubmission or the

revised plan?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

I believe, Senator Watson, that that...that really is...is clearly spelled out in...in...in the Act; but I would say to you that that's it, it's all over, there would be a...a...no other action and the committee would absolutely be...dissolved and that's, I think, very clear in...in the...in the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Watson.

SENATOR WATSON:

One...one other point. I would like to thank once again the sponsors of the legislation and Ted Sanders and all in cooperating with those of us from the rural area, and I appreciate it very much.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...it'll be in the transcript. Further discussion?
Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President, members of the Senate. I join with Senator Watson in expressing appreciation to the sponsors and to the superintendent and others in working with us in trying to find a solution to what we perceive to be a serious problem in the original House Bill 935. One of the problems that I think concerned us most was the fact that the bill provided some specific numbers that...apparently would be required in any new district that was formed under this reorganization plan. And I would ask Senator Maitland to look at page 6, line 27, where the bill says, "That each education service region or subregion in...formulating a reorganization plan shall comply with the procedures, standards and guidelines established by the State committee and shall

ensure that every plan...that under the plan, every school district will meet the following minimum criteria." And then it sets out the fact that unit districts must be of at least fifteen hundred students. Now that is a problem for a lot of the downstate districts. But the bill also says that...that they must meet that criteria unless a justifiable exception is stated. And my specific question to you, Senator, is, would a justifiable exception exist if the geographic area exceeds a certain number, for example, ninety or a hundred square miles? Would that constitute a justifiable exception?

PRESIDING OFFICER: (SENATOR DENUZIO)

Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President. Senator Schuneman, I would...I would...would probably...I think they will...will definitely address the issue of...of minimum size with respect to square miles. I would...would suggest that perhaps ninety square miles which would be slightly less than three townships would certainly be on...on the small side. But I would suggest to you that in a school district like Olympia, which happens to be my own school district, that school district has over two hundred square miles in it. The high school resides pretty much in the central portion of the district and probably the determining factor for the State board would be how long would children be on the bus, for example. And clearly spelled out in...in...in...in the State board policy is the fact that a child should not ride the bus for more than an hour. So, certainly, when they review a plan, if the configuration of a district is such that the school was too far from the home of the furthest students, that would be a...would be a means by which to determine not to approve it.

PRESIDING OFFICER: (SENATOR DENUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

So, you got to my second question, Senator, and just...I think we understand one another but a justifiable exception you think would exist then if a student would be required to be on a bus for more than one hour?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Yes...yes, that is correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Just one last question. Since some school districts lie in more than one education service region, would the State committee require cooperation between the two local reorganization's committees in trying to work out the problems of such school districts?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Yes, indeed, it would and...and that's clearly spelled out in the Act. It would require them to work in cooperation with other regional superintendents' districts to assure that if that configuration would be better served by bringing someone else in, they are required to work together.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you, very much...that answers some of my concerns and I'm going to be supporting this bill under these circumstances.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Karpel. The...the...the next...the order...lineup will be Karpel,

Lemke and Kelly. Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. I just have a...a question that I would like to ask the sponsor.

PRESIDING OFFICER: (SENATOR DENUZIO)

Indicates he will yield, Senator Karpiel.

SENATOR KARPIEL:

And more to put it on the record for legislative intent. On page 48 of the...bill, there...it mentions the bilingual program and that in cases where you do not have twenty or more students of the same language and you...now, what most of the school districts in my area do is provide a transitional program, ESL, and in...the language, the new language that's in this bill says, "But should a school district decide not to establish such a program, the school district shall provide a locally determined transitional program of instruction," which, of course, is what they do now, "which based upon an individual student language assessment provides content area instruction in a language other than English to the extent necessary to ensure that each student can benefit from...educational instruction. What is the intent on that piece of legislation that every child...okay...does every child have to have...for instance, in some of the districts, in Senator Favell's for instance, there's a...a lot of Asians and they're all of different...sects or dialects and they don't even understand each other. Do you have to have a...an individual teaching the instruction in all courses in that particular language?

PRESIDING OFFICER: (SENATOR DENUZIO)

Senator Berman.

SENATOR BERMAN:

No.

PRESIDING OFFICER: (SENATOR DENUZIO)

Senator Karpiel.

SENATOR KARPIEL:

Well, then could you explain exactly what they do need to do.

PRESIDING OFFICER: (SENATOR DENUZIO)

Senator Berman.

SENATOR BERMAN:

Yes, this...this language that you have read into the record is not the same program as the traditional...traditional transitional bilingual programs that we have funded and carried on for a number of years. This is a...much more flexible and individualized program because we are talking about those clusters of students or even singular student that doesn't add up to the number twenty where we provide a regular full-time course in transitional bilingual. There's flexibility built into this language so that the needs of the individual student to allow that student to benefit from English type instruction. Now that can include a...a person who understands the...dialect that you've referred to, that could come in on a part-time basis, that could give after hours or tutorial type help. It's based...it's triggered upon a individual language program that would be...individual student language assessment that would be tailor-made for that individual child who doesn't have a class of twenty to address his needs.

PRESIDING OFFICER: (SENATOR DENUZIO)

Senator Karpiel.

SENATOR KARPIEL:

Well, then they...they...for instance, the school district then still has to provide some...someone there at least part time or at some time that speaks that language. Can that person be a...a parent or a relative or just someone in that community that might speak that language? And, if so, it is just part time and does that person have to be paid?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

The answer is...there is nothing in here that indicates that that person need be paid. And as to the other parts of that question, there is total flexibility, it could be a parent, it could be part time, all of those things could be included in the individual student language assessment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right...Senate...further discussion? Senator Lenke.

END OF REEL

REEL #4

SENATOR LEMKE:

I just...you know, we had some problems develop which...over the message tax in regards to the intent of...the intent of this legislation in regards to the message tax. It was my idea that the five percent message tax was only supposed to be a State tax. There's been some question raised as to it being...also allowing local governments to put it on. Is that the intent of this legislation?...who? Senator Etheredge.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Etheredge.

SENATOR ETHEREDGE:

I'm sorry, but I would...if Senator Lemke would please repeat the question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

...just saying, there's been some questions brought by...various industries in my district one of them being Midway Airlines, which is a new striving airlines in the areas create a...quite of...few jobs in the area and they have the reservation center in the...in the City of Chicago. Okay? And my questions...and also it's brought out that this would also affect United Airlines who has a reservations here who has a great large message service that takes reservations, Eastern Airlines and Mississippi Valley. These are...you know, these are not small industries and they would have a...they would be affected by this message tax greatly, and I want to know if it's the intent of this legislation to just let the State collect the message tax and not the local

government, because...put a burden of about ten percent on them if you let the local government. Is the intent that this is only going to be a State tax or a municipal...tax too?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

It is not the intent of this legislation to let the municipalities to...to apply that tax and there are provisions included in Senate Bill 893 that would repeal those...those...take those words out of 730.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

The problem I have in comparing Senate Bill 720...730, I'm sorry, and Senate Bill 893 is the fact that Senate Bill 730 has an earlier effective date than Senate Bill 893. That in effect would allow the municipal governments under 730 to tax. What is the difference in the effective dates? Is it going to be the same thing or is there going to be a year before we get the tax repeal under 730...I mean, under 893?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Senator, if Senate Bill 893 is passed last and signed last, then it would effectively take those objectionable sections out of Senate Bill 730 and have precedence.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

But you understand in comparing the two bills, Senate Bill 893 has a later effective date, and I want to know when that bill is going to take effect. Is it going to take effect upon signing, and is 730 going to be signed and...and

a minute later, Senate Bill 893 signed so there is no lapse of time to get municipal...governments to allow them to make this tax?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Senator, the...the repealing sections contained in Senate Bill 893 do have an immediate effective date; the other sections have a later effective date.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

...do we have assurance by the administration that this bill is going to be signed at the same time as 730? Or are we going to wait to get it signed and then have local governments come in within that period before this bill becomes effective?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR LEMKE:

We want to know if these are immediately going to be...take effect?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke...

SENATOR ETHEREDGE:

...yes, Senator, we do have...

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator Etheredge.

SENATOR ETHEREDGE:

...yes, we do have those assurances that Senate Bill 893 will be signed after Senate Bill 730...immediately after.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

And...and Senate Bill 993 will not be amendatory vetoed in any effect, so will take affect later? We're...I'm worried about this additional tax. I do not want to chase business out of my district, especially Midway Airlines where...substantial large number of people in my district work.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Yes, Senator, we do have those assurances.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

Thank you, very much. I rise in support of this bill on those conditions. The only...my only reservations about this bill and everything else is the way the...a...a piece of major reform legislation in this State was handled and how it was presented to this Body ten minutes to twelve on the last day and something could slip by. That's the resentment and that's the resentment people have in my district towards educators, that they're always trying to sneak something by without the people's approval and without the people reading it first. And I hope in the future this Body when they put together a major reform legislation, especially concerning education, that they give the adequate time to the people's representatives to review this legislation. I do not think this type of legislation should be...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well,...

SENATOR LEMKE:

...whistled by in ten minutes before the deadline of Sessions, and I'm glad that there was a conference on some other matter and that we adjourned and we had time to look at this, because with this bill and with the amendments that are

coming in, my district will get more money and I think it's proper for me to vote for this. So I'm going to vote Aye.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. I've got a question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Kelly.

SENATOR KELLY:

Senator Berman, is the private school busing concept still intact in this bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

There is no busing provision in this bill. There is a formulary for pupil transportation reimbursement which applies to public school students as well as to private school students, that provision is in the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Okay. In Senate Bill 730, are there any taxes that are still left in this bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR KELLY:

...or is it all in the...in 893...

SENATOR BERMAN:

No, sir. This...Senate Bill...

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator Berman.

SENATOR BERMAN:

...Senate Bill...Senate Bill 730 has two specific taxes

in it, the message tax and the cigarette tax, both of those are...indicated that they are to be allocated for school purposes, that is the relevancy test and that is why they are included in Senate Bill 730 so that we are passing both the reforms and the funding within one bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Then you're telling me that this local tax...and I'd like to ask, since we do have our...our Governor and certainly the leaders, who actually placed that into this concept this local tax to begin with?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

My answer is, I'm not sure. There is...you know, we have been working on this for many weeks and as to where any of the specific language came from, I, as one, cannot tell you how it was put in or...or whose draft...we know that the...we know that that is where...where it appeared on June 30th, but I cannot tell you how...where...where that language came from.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Brief closing comment. Mr. President and members of the Senate, I intend to support this package as well as the taxing provisions. It would be a hypocrite not to...not to support the reform of education which is very important and then walk away from the taxes. But I will say this, I am concerned about the tax capacity. We don't even know how much of a...a dollar amount that we're talking about here. It's going to take care of not only reforming education and it's not earmarked for education which is a very important

concept. It should be in there right now. It should be earmarked for education and not for other purposes. I'll support it but it's...it's not the best concept it could be.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I'll be very brief. Senator Berman, I had a lot of questions to...to ask you but it seems that all my questions have been answered, and I'm certainly want to congratulate you and all who worked on this, 'cause the district I represent is vehemently opposed to consolidations and I see you've taken care of that. And so...with that, I'll give you the three B's; I'll be sincere, I'll be brief and then I'll be seated.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell. Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. I think what's important about this package is that we in the Legislature did not rush into a program of educational reform much as other states did throughout the nation in respond to "A Nation at Risk." We took the time to go to the people and to put together a package plus the money to fund that package, something that our constituents have been asking for time and time again as they ask us to move towards truly fifty percent of funding on behalf of the State. To get their support for new taxes we kept the faith, we gave the public some ninety percent of the reforms and improvements they asked for, but we asked from them that we wanted them to support us by supporting those new taxes. In other words, we decided to make them an offer they couldn't refuse. As we go back to our districts, in many cases we'll be talking about all the money we brought back to them, in most cases a good deal, but we should not

lose sight of the forty-five excellent improvements coming from this package, one of the most comprehensive and thoughtful in the whole United States. We have worked closely with the Governor, with the superintendent and other education groups and the General Assembly can be very proud. Children entering kindergarten this year will be graduating from college in the year 2001. This educational program is for them, our children. This educational program is for the future of Illinois. It is truly excellence in the making.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Schaffer.

SENATOR SCHAPPER:

Senator Berman, would yield for a question or two?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman...or...Senator Schaffer.

SENATOR SCHAPPER:

Senator Berman, when we...as we move through this dialogue many of us have been concerned about funding our mandates. And my question simply put is, the things that we are mandating in this package, I think, all of which are justifiable and most of which are highly needed, are we paying the freight or are we shoving things down people's throats, however good, but not picking up our share of the tab?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Senator Schaffer, we are paying for what we are calling for. Let me give you one specific example which is not in here, and the reason it's not in here is because we decided that we couldn't afford to pay for it. One of the issues that have been bounced up and back was increasing the State statutory minimum teacher's salary, which presently exists at ten thousand dollars. The improvement commission recommended

a twenty thousand dollar level in three years. The House recommended a thirteen thousand dollar level. The Governor recommended a fifteen thousand level. Any of those involve the bump effect. Even the most modest recommendation was expensive. That item has been taken out. It would have been great to stand up here and say in X number of years there won't be a teacher hired in Illinois at less than fifteen thousand, thirteen thousand, twenty thousand. We deleted that recommendation because we could not afford the bump and the spending that was involved. Every item in here, I can honestly say to you, that in Fiscal '86 is totally funded. The revenue projections if the two taxes come into play, the out-years will be funded with a combination of those taxes and what we project as reasonable growth of general revenue besides that. If we keep our general commitment and, which we will discuss in later days, the earmarking of these specific taxes, we will pay for everything that we are calling for at the State level without increasing the local property tax burden.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Thank you, Senator Berman, and, frankly, many of us who fought for that concept are delighted and I think it should also be noted that part of this programs includes full funding of past mandates, something this Legislature has not always wanted to do or been able to do, I guess you could say. I've been here thirteen years and there are very few times that I've stood on the Floor of this Senate and felt that what we were doing would be remembered more than about a half an hour. I would suggest to you, Ladies and Gentlemen of the Senate, that what we are doing today will be remembered long after all of us have left this scene and after our Governor has left this scene, and I...I'd like to

commend the Governor for his leadership 'cause the type of program we have here today and the number of dollars involved would not have happened without that kind of leadership in the Executive Branch. I think this moment will be remembered and it will be remembered I think for a...a couple of reasons; one, because it will promote quality education. It will improve education in Illinois, and the second thing that I'm particularly happy about and proud about is the plan we have before us is a plan for the whole State of Illinois. It's not a suburban plan, it's not a Chicago plan, it's not a downstate plan. It's a plan that affects equally, beneficially all portions of the State, and when we in the Executive and...Legislative Branch of this State Government work with that type of goal in mind and when we achieve it, I think that's the finest hour of any of us that serve down here.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? I will tell you that there is Senator Welch, Kustra, Bloom, Geo-Karis, Etheredge, Marovitz, Mahar and O'Daniel left. Senator Welch.

SENATOR WELCH:

I...I will try to be brief. Let me just say that we have discussed education reform in the State for months and even for many years. There are programs in this bill that I have opposed and voted against and argued strenuously with both Senator Berman, Senator Maitland and...and other members of our committee. But I think that the test of whether this is a good bill, is not whether everything each of us wants is included in this bill. The test we should apply to this bill is whether the children of Illinois will be better educated if this bill is passed. The test we should apply is whether the children of Illinois will be better educated than their predecessors as far as the sciences, as far as the mathematics, as far as competing with other nations and other states

in the future is concerned. And I think the answer to both those questions is, yes, and I intend to support this legislation.

PRESIDING OFFICER: (SENATOR DENUZIO)

Further discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. As the sponsor of Senate Bill 1267 which addresses the concerns of those of us in suburban districts in Cook, Lake and Dupage Counties, I rise to support this legislation, first of all, to add my respect to the work of the commission, Senators Berman and Maitland and all members who served on that commission and all who participated in this process. There was a problem however with the bill that dealt with the formula which left here, it was passed by the House and on to...the way to the Governor, and that, of course, did concern those of us who represent dual districts, especially our elementary districts, we would have suffered under that plan; and, as you know, as Senator Berman explained, 1267 now provides that for the 1985-86 school year, elementary districts will receive general State aid computed in accordance with House Bill 1528, the formula bill we passed out of here or the law as it presently exists whichever is greater. That means an additional increase of 4.46 percent on top of the already nine percent increase that our elementaries received. I think that's an awfully important part of the plan, and, frankly, it's the reason why I can stand up and support this bill. I would also have to say in...in comment on the subject of reorganization, and my comments I guess won't be like those of my...of my colleagues, you know, when superintendent...former Superintendent Bakalis went around the State and conducted his hearings, he came back with an interesting statistic, and it was that seventy-eight percent of the people in this State do not, do not, have children in

the public schools. Those I guess are the empty nesters, they're the senior citizens, they're the young singles, the yuppies, whatever you want to call them. I think it's safe to say that they don't have the same stake in the public schools that perhaps you and I do and certainly those parents who have children in the schools. But those folks are taxpayers and those folks want effectiveness in their schools, they want efficiencies and I happen to believe those people who vote down those referenda want economies of scale. And so when I hear these words about how they want...everybody wants to make sure that we're not shoving anything down anybody's throat, I tell you, I have to rise up and say that back home when I go around my district, I complain about certain of my school districts where there's one junior high and there's one elementary school and they call that a school district. And I come down here and I read in the local Journal-Register about a kid, a valedictorian of his class, who stood up to give a speech and complained about the quality of education he received, when in his area there were three high schools within ten miles of each other and he complained about the number of offerings that he received and what have you. Frankly, I would have voted for the reorganization plan in this bill when it was a lot stronger than it is right now. And I rise only to suggest to you that I hope, while I understand the concerns of my colleagues downstate, we don't lose the will to attempt to reorganize and to consolidate our schools, 'cause those taxpayers out there that have been turning down those referenda, I think they're trying to send us a message. I think they want us to get more cost effective. I think they want us to get more efficient, and finally, let me just conclude by saying and echoing the comments of Senator Maitland, those kids get out of these great schools we're going to provide for them now at three o'clock or three thirty and then the job of responsible parenting

begins, trying to decide when to turn off the TV, what movies to send your kids to and what movies to forbid your kids to see, what kind of reading they will do, what kind of discipline you will impose. This is a great package but no matter how great it may seem from the Floor of this Senate and that House over there, the job is now up to the parents, and if they fail, we've done little here. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Bloom.

SENATOR BLOOM:

Thank you, Mr. President and fellow Senators. I, too, will try and be brief. Many of the prior speakers have made excellent points in support of this, especially the programmatic changes. I would point out also, we all have printouts and I note that in my district and Senator Luft's district and Senator Sommer's district, there are substantial increases of support for our schools. The issues that are more troublesome in our part of the State would be, for example, the consolidation issue, and I had the superintendent of the schools in a smaller community in the western part of my district, Monmouth, to be specific, call yesterday afternoon absolutely enraged by the consolidation provisions. We walked through them and he said, well, then we will not have it shoved down our throats; and I said, absolutely not. I only wish I had enough hours but I was trapped in a tank up on the sixth floor working on appropriation, I only wish I had enough hours to call the other superintendents. The concern...another particular concern in the area of consolidation, of course, is Peoria Heights and their school district which almost everyone in this Chamber has become acquainted with, and their fear of mandated consolidation comes from the scars of a twenty-year old annexation fight. I think that this does not disturb them. I think those smaller communities that...devote the resources to educating

their kids and these forty-five programmatic changes are safe from having some faceless bureaucrat in Springfield tell them they must redo their...configuration. Finally, a message was left in my office this afternoon when I came out of the tank on 627, basically from someone from Ozark, a message similar to the one that concerns similar...Senator Lenke. It was a little blunter, it said, you know, if the funding mechanism of this goes on, they're...the regional reservations will be moved and you will lose two hundred and twenty-five jobs. That's a foolish message, that's a terribly foolish message to send, because that really tells you something about the corporate responsibility of those people who claim to be good corporate citizens and seek tax breaks from us in other areas, to be sending on this kind of an issue. Let them move, sobeit. Education, in my judgment, and this package in particular builds Illinois, and I think that those corporate folks that would send these kinds of messages should remember that. I intend to support this. Thank you.

PRESIDING OFFICER: (SENATOR DENUZIO)

All right. Further discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in support of this education reform package, Senate Bill 780. I want to direct your attention to one of the provisions that I don't believe any of the prior speakers have...have mentioned, and that is the provision which calls for the establishment of the Illinois Math and Science Academy. There are a number of us here on both sides of the aisle who have been committed to this idea for some time, and all of us, I think, are very pleased to see this initiative included in this package. Strictly speaking, it is not a reform; however, it is a new initiative and I think it makes a statement to all of those interested in education, that Illinois is...does have an interest and is concerned about

the programs for the gifted, in the case of the math and science academy, those that are extraordinarily gifted. But one of the reasons I support the...the concept of the academy is because it will have, I believe, a very powerful impact on gifted programs for the students enrolled in every school in this State, and I think that it will...this provision alone makes the package very well worthwhile. Mr. President, on another topic, I would like to read into the record a statement which I believe will clarify legislative intent with respect to the portion of the bill that deals with the cigarette tax. It is my understanding, that the legislative intent of this Conference Committee report is that the total Federal and State tax on a pack of cigarettes as of the 1st of October, 1985, will be twenty-eight cents as it currently stands in the State of Illinois. If the Federal Government were to take off two cents, then the State would pick up two cents or any such other combination, that the total tax per pack will be no more than twenty-eight cents for both the Federal Government and the State of Illinois. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, after the assurances made by the sponsors of the bill that there are only two taxes that are going to be involved, and that's a cigarette tax and the...message tax and not any tax from any local municipality, I feel that this...this bill has probably embodied more in it than any other bill...on education. One of the things that I am pleased about is to see that in this bill there's the establishment of an administrator's academy. I've had the complaint from many teachers in my area, that our administrators don't do enough to have good rapport and understanding with their teachers and perhaps this will be a better...aid. The other thing is

the fact that there will be background checks of new employees required, and this is very important that we don't have personnel in schools that hurt our children badly with with either immorality or other felonious misconduct. The third thing is there are...mandatory teacher evaluations, which I think it very important, because it's about time that we taught the children to read and write and spell and count, because many of them have not had that much good training. And...other item that I like is the fact that there will be parent-teacher advisory committees on discipline. Discipline is important and I think when you can involve the parents in advisory committees...in a bill like this, you will have it. I might say that I had mixed emotions about this bill until I read all of it, and I will say that if the...educators...once this bill is passed and signed into law, if the educators in the State of Illinois will still tighten their belts and try to put forth themselves as much as possible to get the best education out for the students, I think this bill will be a success. But...remember, educators, don't think because we're getting more money from this bill that we just go spend it uselessly. We still have to teach the children to read, write, spell and count because it...it's been sadly lacking in many of our districts, and I...rise in support of the bill under the circumstances.

PRÉSIDIING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Well, I...of course, I join with everybody else in praising this outstanding piece of legislation that is so meaningful to the children of the State of Illinois, but I must...I must issue a word of reservation and perhaps it is the only word of reservation. We have approximately eighty-four million dollars...approximately eighty-four mil-

lion dollars of the reform money that is going to the reform programs...of the new taxes that's going to the reform programs. That leaves about eighty million dollars roughly from the message tax and the cigarette tax that will not go to the reform programs, roughly, somewhere between eighty million and a hundred million of the remaining dollars. That money, as has been mentioned before, is not, I repeat, not earmarked for education, and the sentiment on this side of the aisle by many of the Democratic members is that we would like it to be earmarked for education. And what concerns me even more is that in particular with the message tax that is a growth tax and probably will be reaping far more revenues for the State of Illinois than we even anticipate at this moment, as the amount of revenue increases in future years, those dollars are not earmarked...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Pardon me, Senator Marovitz. If we could break up our conferences and give the gentleman some order, please. Senator Marovitz.

SENATOR MAROVITZ:

Thank you, Mr. President. Those dollars that we reap in...in future years from the growth tax of the message tax...the growth revenue from the message tax and from the cigarette tax, those dollars are not earmarked for education. We've heard speeches on this Floor about if we keep our commitment, well, it concerns me greatly to use that word, if we keep our commitment. If we wanted this bill to be more meaningful to the children of the State of Illinois and to the citizens of the State of Illinois, we would do the right thing, the responsible thing and earmark all of these dollars for education. As I go around my district, and I dare say every member of this Body, we hear talk from people around the State about the lottery, and when we passed the lottery, all those dollars were supposed to go to education, they were

supposed to go to education but they don't, they're into GRF. Now we have an opportunity, we're passing two new taxes. We should be learning from our mistakes of the past, mistakes that citizens retell us about. We have two new taxes here, every dollar in these taxes should be earmarked for education, they're not, and we on this side of the aisle have been told that this is the package, take it or leave it. The money will not be earmarked for education; unfortunately, this is our last opportunity, but I want the record to be very clear. I, as one legislator, will be voting for this package, but I'm...I want to make it clear, I would like and prefer to see every dollar in these new taxes earmarked for education so we don't make the same mistake that we did with the lottery, and we're not back here years in the future saying, where are we going to get new revenue.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and members. My comments will be brief. I stand in support of the reform package. It was not but a day or two ago when I didn't think I would be in this position. I want to thank the leaders and all those involved and the Governor for making the...funding formula equitable so I can support the program. I want to share two concerns very briefly. The concerns can be directed to Ted Sander as well as the oversight committee who will be in...in effect for the next two years. The first has to do with the fact that the State board will be charged with developing a...a number of these programs. Now, they can take these programs and they can make it easy or they can make it hard for the local school districts to implement, and I would remind you that time and paper work is money and there is no need to...for them to implement this...package that they should have to jump through the flaming hoop. The

second...the second concern has to do with the reimbursement of...of students for...who are being bused to school...reimbursement of families...my concern with this particular element has to deal with the fact that if they do not have the expense...their...their expenses...evidence of their expenditures, then in absence of that, they may sign an affidavit. And I would suggest to the State board and the oversight committee that very careful procedures be developed and an audit be developed, so that a program that is being told will cost nine million this year or next year, nineteen the following year, twenty-eight the year after that doesn't turn into a hundred million dollar program. Thank you.

PRESIDING OFFICER: (SENATOR DEBUZIO)

All right. Further discussion? We...we break up the caucuses, please. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Two years ago about this same time we were all confronted with the report from the Federal Commission that was labled "Nation at Risk," and at that time I asked this Body to consider forming a commission on excellence. And we asked the members who were then directed to serve under the direction of the legislative leaders that we were serious and we asked them to do something. I can remember asking Senator Berman to visit with me in my office and suggested to him that this was going to be one long arduous task and that, in fact, as the election season approached us, literally every candidate running for every office would be talking about education reform and education funding. And, so I rise, Mr. President and Ladies and Gentlemen of the Senate, to say thank you not only to the members of that commission, most particularly Senators Berman and Holmberg and Senator Demuzio and Senator Maitland, but thank you all because all of us

here as members of the 84th General Assembly, I think when we leave, hopefully,...early...tomorrow morning or later this evening, can be proud of a truly remarkable work product, a legislative work product. For those who attended the summit meetings, and there were many, when you get that dispirit a group together all concerned about education and children and come out with a work product like this, we can all be proud. This should be a unanimous Aye vote, this should be a unanimous Aye vote. Later on this evening I will have the privilege and the opportunity to present to the 84th General Assembly the State of Illinois a three billion dollar budget for education, three billion dollars, and that's something that we should be proud of. That's a commitment that speaks as highly of our compassion, as highly of our noble ideals as anything we will do now or later; three billion dollars for education in the State of Illinois, and for those of you who expressed some concern about the...the taxes and whether or not they're earmarked or not earmarked, let me just say to you that it was the consensus of not only that commission which was composed of some truly fine legislators, it was the consensus of all of us including the Governor of this State...when he addressed us in Joint Session that there would not be any serious reform unless there was serious money to pay for it, and that, in fact, is what is contained within Senate Bill 730. I was proud earlier to be selected as your leader, this is one of the finest hours a leader can have to see a work product like this, and I ask a unanimous roll call for...Senate Bill 730.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Channel 20 has requested permission to tape. Is leave granted? Leave is granted. Senator Berman, I'll...I will yield my time. Senator Berman may close.

SENATOR BERMAN:

Thank you, Senator Demuzio. Mr. President and Ladies and

Gentlemen of the Senate, I, first of all, appreciate all of the fine comments that have been made as to the effort that has been put into this. A couple of...just a second or two, I think some thank you's are an order. First of all, so often we undertake serious projects in this Body that many of us because we are the elected Senators take great credit for when a great deal of the credit goes for...goes...should go to staff, and I want to acknowledge the wonderful work of Steve Hendricks and Brenda Forbes, our majority and minority staff on the Education Committee, a young lady...up in the balcony by the name of Gail Lieberman in the green dress...Brenda Holmes, I'm sorry,...up in the balcony, Gail Lieberman, who staff the Commission on the Improvement of Elementary and Secondary Education. I want to thank the Governor for being a stand-up public official. It's not easy to have made the commitments that he made and to fly around this State and say, we've got to pass new taxes. That's tough, he took a stand-up spot position. He has been totally supportive of this bipartisan effort, and I want to salute him publically. To Senators Madigan and...to Representatives Madigan and Daniels, the Speaker and Minority Leaders of the House, I want to express my appreciation because this has been a effort that has been...cooperatively ushered through both Houses in a fine manner. To Senator Rock and Senator Philip, one of the reasons that this is successful tonight is because you vested in Senators Maitland and Schaffer, Demuzio and myself, in particular in the...in the last closing weeks and then to Maitland and myself for the past two years, the authority that each of you possess as the leaders of this Senate. We were bombarded by a myriad of groups that wanted to water this down, by a lot of groups that wanted nothing to be done, literally, for their own selfish reasons, but we were vested in the power that both of you have and the political clout that you have in this Body that allowed us to

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reach this moment. That is not delegated easily and on behalf of Senator Maitland and myself and the others that I've mentioned, to Senator Philip and to Senator Rock, we thank you for that delegation of responsibility that allowed this package to be put together. I will not...reiterate everything that everybody has said. I will tell you this, a green vote is not a vote for the sponsors or the leaders or the Governor; a green vote is a vote for the children and more importantly for the future of the State of Illinois. I ask your support.

PRESIDING OFFICER: (SENATOR DENUZIO)

The question is, shall the Senate adopt the first Conference Committee report on Senate Bill 730. 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 2, none voting Present. The Senate does adopt the first Conference Committee report on Senate Bill 730 and the bill having received the required constitutional majority is declared law. By prior arrangement, we will now proceed with the question of...Mr. Secretary, are you ready? The question is, shall the Senate adopt the first Conference Committee report on Senate Bill 893. Those in favor will vote Aye. Those opposed will vote Nay. The...wait a minute, Senator Rock. (Machine cutoff)...right. On the Order of Senate Bill 893, Mr. Secretary.

SECRETARY:

First Conference Committee report on Senate Bill 893.

PRESIDING OFFICER: (SENATOR DENUZIO)

(Machine cutoff)...discussion? Senator Netsch.

SENATOR NETSCH:

If I might, Mr. President, just a...a couple of things because there has been a lot of confusion about the messages

tax. One, as I think has been explained by now, with the passage and the signing right after..Senate Bill 730 of Senate Bill 893, the authority of units of local government in this State to adopt a message tax will be exactly as it was before, so that the...what we call the interstate component that was authorized in Senate Bill 730 to be adopted by the State will not then be available to units of local government unless it is available to them through their home rule powers right now, and that is an unsettled question but the existing statutory authority will be exactly as it was before. I...I did want to just make one other point which really has to do with the scope of the telecommunications tax that was adopted in 730 and in a sense is being semi-repealed for units of local government in this. The definitions which are in that bill are a little bit hard to follow in terms...particularly because we are dealing with a new and sophisticated technology and not everyone is quite sure what some of the terminology...covers, but in terms of the telephone aspect of it, let me tell you how the Department of Revenue interprets it, and I think this will be the way in which it will be administered. For interstate telephone messages, it is a message which either originates in or terminates in the State of Illinois when it is also billed to someone in the State of Illinois. I think that probably clarifies as best one can the scope of it with respect to the telephone part. The...the rest of the...the information processing, the data processing and the rest that is covered is going to have to be determined I think as it goes along. There are some murky areas but I think one point should be made that in...while it is true that in some earlier drafts there was reference to the taxing of cable television, that is absolutely not spelled out in this bill, and I think that any reasonable reading of the scope of the communications...the telecommunications tax would establish that

cable television is not to be covered. There may be some other troublesome areas, as I indicate, but that should not be one of them. I think those things are important in terms of the members' understanding of the reach of the telecommunications tax.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? The...the question is, shall the Senate adopt the first Conference Committee report on Senate Bill 893. 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 56, the Nays are none, none voting Present. The Senate does adopt the first Conference Committee report on Senate Bill 893 and the bill having received the required constitutional majority is declared passed. Senate Bill 1267. Mr. Secretary, 1267, Senate bill.

ACTING SECRETARY: (MR. FERNANDES)

First Conference Committee report on Senate Bill 1267.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg, you have some...Senator Holmberg, your light is on. Do you have...Senator Holmberg.

SENATOR HOLMBERG:

Yes, my light...or my button did not work. I would like to be recorded on that bill, Aye.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, the...the record will so indicate your intention. Senate Bill 1267...Senator Hall, for what purpose do you arise?

SENATOR HALL:

Senator Holmberg is trying to tell you her...she's not being recorded on that board. Her...she's pressing the switch but it's not showing up. So, something ought to be worked out right now for it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, the question is, shall the Senate adopt the first Conference Committee report on Senate Bill 1267. 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. The Senate does adopt the first Conference Committee report on Senate Bill 1267 and the bill having received the required constitutional majority is declared passed. All right, we are on Supplemental Calendar No. 5, House Bill 807. Senator Topinka is ready. Mr. Secretary, House Bill 807.

ACTING SECRETARY: (MR. FERNANDES)

House Bill 807, the first Conference Committee report.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate, we would like to concur with the first Conference Committee report to 807. It's part and parcel of the missing...child package and this involves the...the...Conference Committee...took up and adopted...six different versions of situations which would be considered child abduction offenses. It clarifies the term "lawful custodian." It clarifies affirmative defense provisions, adds stiffer sentences for aggravating factors and...creates a few other definitional type of things. It doesn't seem to have any problems that I know of at this point. I think everybody is in agreement.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? If not, the question is, shall the Senate adopt the first Conference Committee report on House Bill 807. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays

are none, none voting Present. The Senate does adopt the first Conference Committee report on House Bill 807 and the bill having received the required constitutional majority is declared passed. House Bill 1188, Senator Berman. 1961, Senator Schaffer. House Bill 1961, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

First Conference Committee report on House Bill 1961.

PRESIDING OFFICER: (SENATOR DENUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

This was a nice simple little bill when it left the Senate, it's picked up a little weight. I don't think any of it is controversial, however. The essence of the report basically is authorization for the building of the fifteen hundred wet slip marina on Lake Michigan at Zion State Beach; you'll recall,...this is an ongoing project. We're now expanding it slightly and using...I'm going to say, GR bonds, I'm not sure which kind...well,...we're getting into bonding on that. This also now creates the Historic Preservation Agency language, that bill I believe died on the Calendar. It also...one of the reasons it's so thick is...includes the name...change for the Department of Law Enforcement to the Department of State Police. That one is a hundred and eighty-nine pages long, just catching the change in all references, and it also adds the provision of Senate Bill 806 which is the Rigney-Rupp Grain Dealers Act and Grain Dealers Act and...Grain Warehouse Act. I don't believe there's any controversy on that and it also adds some new language to the State board...State Museum Board Act which states the current board members' appointed...appointed...appointment expires when this bill becomes law and that a new board member shall...shall serve for two years. And that pretty well covers it, I don't think any of the points are particularly controversial. Be happy to answer any questions if there are

any.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? If not, the question is, shall the Senate adopt the first Conference Committee report on House Bill 1961. 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. The Senate does adopt the first Conference Committee report on House Bill 1961 and the bill having received the required constitutional majority is declared passed. 537, Senator Lemke. Senate Bill 537, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

First Conference Committee report on Senate Bill 537.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

What we do on this bill is we concur with House Amendment No. 1 and we incorporate into the bill House Bill 428 which was the reporting requirements for eavesdropping that the Supreme Court wanted it so they don't have to report each time but make out a annual report. I think it's a good...it also adds Senate Bill 164, the parental right to recovery...against drug pushers. I ask for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any discussion? If not, the question is, shall the Senate adopt the first Conference Committee report on Senate Bill...Senate Bill 537. 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. The Senate does adopt the first Conference Committee report on Senate Bill 537 and the

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bill having received the required constitutional majority is declared passed. 1289. Senate Bill 1289, Senator Barkhausen. Mr. Secretary, Senate Bill 1289.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1289, first Conference Committee report.

PRESIDING OFFICER: (SENATOR DEMUZIO)

(Machine cutoff)...Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, the Conference Committee report on Senate Bill 1289 incorporates three bills which have earlier passed this Chamber, Senate Bill 1289 itself and Senate Bill 1286. Both of these are bills that have been recommended by the Governor's Inspector General dealing with the subject of child pornography that...both of them very noncontroversial and...and easily passed this Chamber. The same is true of the provisions of Senate Bill 645 which are incorporated in this report which is the legislation which would prohibit a criminal...a convicted criminal from profiting from publicity about his crime. As I say, all three of these bills easily passed this Chamber earlier. The Conference Committee report is signed by all five Senators. I'd be happy to answer any questions and would otherwise urge adoption of the report.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Any discussion? If not, the question is, shall the Senate adopt the first Conference Committee report on Senate Bill 1289. 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. The Senate does adopt the first Conference Committee report on Senate Bill 1289 and the bill having received the required constitutional majority is declared passed. Senate Bill 1388, Senator Coffey...Senate

Bill...1388, Mr. Secretary.

ACTING SECRETARY: (MR. FERNANDES)

First Conference Committee report on Senate Bill 1388.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Coffey.

SENATOR COFFEY:

Thank you, Mr. President and members of the Senate. I move to accept the...first Conference Committee report which really...what it does, it accepts Amendment No. 1 and No. 2 and...and objects to the Senate...Amendment No. 3. Amendment No. 1 and...really what it does is just clarification for the department. In the event the department shall not require persons in such areas to participate in job search training programs, it just clarifies that. This is the workfare program, by the way. Amendment No. 2...or...Amendment No. 2 really in the event that a person receives food stamps,...just the requirements on the working hours to thirty hours rather than forty, and I'd ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? If not, the question is, shall the Senate adopt the first Conference Committee report on Senate Bill 1388. 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, 2 voting Present. The Senate does adopt the first Conference Committee report on Senate Bill 1388 and the bill having received the required constitutional majority is declared passed. Senate Bill 1452, Senator Welch. Mr. Secretary, Senate Bill 1452.

ACTING SECRETARY: (MR. FERNANDES)

Senate Bill 1452, first Conference Committee report.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This bill combines three separate objectives. Number one, the original bill is a bill that passed out of here that allows the commerce commission to design and implement a program whereby telephone corporations shall provide devices capable of servicing the needs of the deaf or severely hearing impaired. Although a bill similar to this has passed out, the effective date on that is not immediate and this bill is an attempt to make that with an immediate effective date. The second provision of this bill is an amendment that was not put on, House Bill 18, the bill that will provide utility relief for a great many consumers throughout the State of Illinois. House Bill 18 was a bill which changes from the five percent tax on utilities to a per therm and per kilowatt tax. An amendment was not put on that bill because of the...hazards of throwing that one into a Conference Committee. Instead, the amendment is on this to clarify provisions requested in part by People's Gas Company not to reduce liability to the State for taxes but rather to clarify the method of collecting those taxes; and the third provision is a bill that has been before this Body and that is one detailing changes in the Citizen Utility Board election process and billing procedure of utilities. I'll be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Discussion? Senator Rigney.

SENATOR RIGNEY:

Well, I think maybe we should probably note the last provision that the sponsor referred to because we defeated this bill one time, I think as a rather close vote; in fact, I think it was only after a verification. However, it seems like it has reappeared again and that, of course, is this business about the CUB provision that requires such folks as

Commonwealth Edison and others to...to do printing on their postcards in behalf of CUB and also to give CUB at least ninety days notice any time they're going to be making a mailing. We didn't think too kindly of this the first time that it appeared. I hope that perhaps everybody is going to hold fast and we will be able to reject this first commerce...this first commission report...committee report and maybe we can get a better one the second time around. I'm not particularly thrilled either about Provision B of the so-called clean-up language...I guess probably because I really do not favor the modifications that were made in the utility tax in the first place. So, I think we probably can do better in terms of a Conference Committee report, and I would kind of ask that we hold fast on this one and see if we can do better the second time around.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Yes, just to...Mr. President, a question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Joyce.

SENATOR JEROME JOYCE:

Yes, I'd like to ask you a little bit about the CUB. Was he hibernating this Session?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield, Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, where is House Bill 18?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

House Bill 18 passed both Chambers and is on the Governor's Desk. The amendment that I referred in this bill was an amendment to amend that particular bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Okay. Our staff analysis indicates that the glitch that you refer to in House Bill 18 is simply a technical problem and could easily be resolved by an amendatory veto. Do you...do you agree that it could be done that way?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

No, I don't want that bill coming back to the House of Representatives, Senator, I...I think that there was a great deal of difficulty in getting that out. I think that we may have some changes if it does come back, so I would prefer to do it this way if we do it at all.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

That wasn't my question. The question was, do you agree that it could be done that way?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Not with an immediate effective date on that bill, no.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Oh, thank you. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Netsch.

SENATOR NETSCH:

It...it seems to me that if we can clean things up ourselves, Senator Schuneman, we don't want to invite the Governor to overuse his amendatory veto when we still have the power to correct it ourselves. My understanding is, with respect to that part of the bill, that the...the particular provisions were really requested by some of the gas companies who don't have any position on the merits of House Bill 18, but when they looked at it, subsequently after it passed, found that there were some things that just simply did not work well for them if it should become law. So, it seems to me that it behooves us to take care of our own business now while we have the opportunity and not further encourage the overutilization of the amendatory veto.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Welch may close.

SENATOR WELCH:

I would just like to urge a favorable vote. There is some very important legislation we're dealing with here and I think that the time has come to pass it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall the Senate adopt the first Conference Committee report on Senate Bill 1452. 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? Have all voted who wish? Take the record. On that question, the Ayes are 31, the Nays are 26, none voting Present. The Conference Committee report is not adopted and the Secretary shall so inform the House. Senator Welch requests a second Conference Committee. All right, with leave of the Body, we'll...on Supplemental 5...Supplemental Calendar 5 is House Bill 1188. Senator Berman is ready to proceed. House Bill 1188, Mr. Secretary.

SECRETARY:

House Bill 1188, first Conference Committee report.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. The...the first Conference Committee report on House Bill 1188 deals with several items, let me take you through them. First, we debated the other day regarding the issue of the rights to the legal custody of a minor when the custodial parent passes away, and what we have said here, and let me read it to you, it's relatively short. "Upon the death of any parent having legal custody of a minor child, legal custody passes by law to the surviving noncustodial parent unless that parent has been found to be under a legal disability or unfit or the court after a full hearing pursuant to proper notice and petition filed by a person who had standing at the time of the custodial parent's death to bring a child custody proceeding...pursuant to Section 601, determines the surviving parent is unfit to have custody of the minor." Now, what we have provided in here is that the noncustodial parent is the one that will have the first rights to the child when the custodial parent passes away. What we have provided further, in response to Senator Jeremiah Joyce's inquiry regarding the question of a person who has caused or contributed the...to the death of the custodial parent, we have provided further that where a surviving person has been convicted of the murder or voluntary manslaughter of a deceased person of a minor...deceased parent of a minor, such surviving parent shall not be awarded visitation rights unless the court finds by clear and convincing evidence that visitation rights would be in the minor's best interest. It is the stated policy of the General Assembly that in most circumstances it is not in the best interest of the minor to have contact with a parent who

is incarcerated for the murder or voluntary manslaughter of the minor's other parent. We have changed in this bill also revised from one dollar to two dollars the fee that the employer may collect from an employee for withholding pursuant to court order spouse or child support from the employee's paycheck. I urge the adoption of Conference Committee Report No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I concur with the...the urging of my colleague for the approval of this conference report. It was redone about two or three times so that we could get the language in there that if the parent...surviving parent is not fit, the court can take cognizance of that because it didn't appear in the first time that the report was drafted, and I urge a favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President. Well, I reluctantly rise in opposition and I...and it's as much my fault as anybody else's because I may have even signed this report, I probably did, and I was...explained to me as many things are in these closing days without knowledge of what a particular provision does, and I'm sure that if Senator Berman knew about it and Senator Geo-Karis, they probably would agree also. On page 10 of the report where we talk about...you know, we...we passed a mandatory guideline bill here sponsored by Senator Rock, sponsored by myself and agreed upon by everyone. The provision on page 10, line 13 to 20 is contradictory to the mandatory guideline bill that we passed under Senator Rock's sponsorship and under my sponsorship, and it

says that where two people agree to...ignore the guidelines, in...in fact, they have written agreement signed by the two which...which establishes the amount of child support that they can supersede the guidelines; but nowhere in that language does it say that the individual knew what they were signing, that it was in the best interest of the child and that is what we should be concerned about, that that agreement is in the best interest of the child and here it says, that if two people sign it, the court shall order that amount paid unless there is some evidence of physical violence. It doesn't have any...any language in there about what's in the best interest of the child. There has been some language that has been established. I think it's been agreed to by all parties and the way we can get that language put in is not to concur with this...not to adopt this report, go to the second Conference Committee report and have the report put...have the language put in there that it's in the best interest of the child, 'cause if we pass this and someone signs something that they don't know about, that they're not well-informed and it's not in the best interest of the child, the court must go along with that and that is a terrible thing to do and contradicts the agreement of all parties and the...and the mandatory child support bills that we passed here and, therefore, I reluctantly rise to oppose the adoption of this report.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator...Senator...Senator Berman.

SENATOR BERMAN:

Thank you. Let me say that this provision when it was first presented to me, I said to the staff person, who is not on the Senate staff, I said, you touch base with Marovitz and with Johnson, is that your House sponsor? I said, because this is okay with me but I'm not sure how it fits in with ninety-one and others. The bill came back to me, I saw your

signature on it, and I presumed that it met within the guidelines of what everybody was talking about. Now, I'm not sure at this hour how to solve this and I...and it causes me some concern. Let me suggest to you, because there are other provisions that I think are...are relevant, I would...let me suggest this, let's take this out of the record at the moment, let me see what the House is going to do. If we can have a second Conference Committee, I did not intend...and when I saw your signature, I went ahead on it. Let's take this out of the record now, Mr...Mr. President, if I might, we'll try to straighten out this question.

PRESIDING OFFICER: (SENATOR DENUZIO)

All right. Senator Berman requested leave to take it out of the record. Leave is granted. Senator Marovitz.

SENATOR MAROVITZ:

On a point of personal privilege, I don't want any...leave any doubt, this has nothing to do with Senator Berman at all. I began my statement by saying this is probably as much my fault as anybody else's, 'cause I did sign the Conference Committee report and it was just brought to my attention not more than five minutes ago about this problem. This is not...Art's fault at all, it...if anybody's, it's probably as much mine as the others who signed the report; and rather than do something hurriedly in the last moment that might adversely affect a child's rights to support, I think the better move is to take this out of the record and...and I don't want any...any inference at all that Senator Berman in any way was doing anything untoward.

PRESIDING OFFICER: (SENATOR DENUZIO)

All right. Further discussion? Senator Karpel, for what purpose do you arise?

SENATOR KARPIEL:

Well, I wanted to speak on the bill. I had other concerns with the bill but if it's taken out of the record, I

suppose I'll wait till they bring it back up again.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, my suggestion...might speak with him privately and see if you can reconcile your differences. We will stand at ease for a moment, Supplemental No. 6 will be out shortly. Senator Fawell, for what purpose do you arise?

SENATOR FAWELL:

Sam, we just passed Senate Bill 807 about abducting a child. You wouldn't...you wouldn't think about charging me just for taking him for a few minutes now would you?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Vadalabene.

SENATOR VADALABENE:

Bev, you take care of that kid. You know, it took us nine months to get him and he finally showed up. So you take him for just a little while but I want him back after while because he knows his daddy.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz, do you have...Senator Lechowicz, what purpose do you arise?

REEL #5

SENATOR LECHOWICZ:

Thank you, Mr. President. I'd like to have leave of the Body to postpone the further consideration on Senate Bill 1091 until the Fall.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Lechowicz, I...you want to restate your motion, please.

SENATOR LECHOWICZ:

Thank you, Mr. President. I ask leave of the Body to postpone...further consideration on Senate Bill 1091 until the Fall.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, any...any discussion relevant to that point? Senator DeAngelis.

SENATOR DeANGELIS:

I don't...thank you, Mr. President. I don't think that requires a motion. Just leave it on the Calendar, right?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator Lechowicz, are you, in fact, the sponsor? Senator Lechowicz, can you tell us where the bill reposes?

SENATOR LECHOWICZ:

It's on the Calendar on page 5 and a motion is required.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Lechowicz has moved that the Senate postpone consideration on Senate Bill 1091 till later on in the Fall. Those in favor signify by...is there discussion on that point? Senator...Senator Rupp. We...Senator,...we...I don't know of any other instance that we have not allowed a sponsor who, in fact, is the sponsor to do that. Senator Schuneman.

SENATOR SCHUNEMAN:

Just a procedural question, Mr. President. What are we going to do with all the other bills that are on the Order of Conference Committee? Are we going to automatically postpone all of them until the Fall at some point in this procedure? If we don't postpone them, what is the disposition of the bills?

PRESIDING OFFICER: (SENATOR DEWUZZIO)

Well,...Senator Rock.

SENATOR ROCK:

The disposition of the bills, they will be on the Calendar when we return on October the 2nd. The gentleman is making a motion to allay the fears of those who thought that between now and midnight the compulsory insurance would surface, and all he's trying to do is tell the world, it's not going to happen until October. I don't know what the big deal is. I think the motion is in order.

PRESIDING OFFICER: (SENATOR DEWUZZIO)

All right, the motion is in order. Senator...Senator Rupp, for what purpose do you arise?

SENATOR RUPP:

Well, is...is he also telling us that it will not surface under another bill, #103.

PRESIDING OFFICER: (SENATOR DEWUZZIO)

Senator, we're on the...we're on the...on the Order of Motions...

SENATOR RUPP:

Don't say that, he made some comments off the side about compulsory, so why can't I? He asked the question and someone explained it, so I want to know that, that might decide the vote.

PRESIDING OFFICER: (SENATOR DEWUZZIO)

All right, Senator Rock.

SENATOR ROCK:

Don't entertain the motion. Let's stand at ease until we get Calendar No. 6.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

The Senate will...stand at ease. All right, Supplemental Calendar No. 6...Supplemental Calendar No. 6, they've been passed out...(machine cutoff)...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 refused to adopt the first Conference Committee report on Senate Bill 17 and request a second and the House has appointed the members...the Speaker has appointed the members on the part of the House.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Welch moves to accede to the requests of the House and...for a second Conference Committee. The Secretary will so inform the House. Senator Lenke, for what purpose do you arise?

SENATOR LEMKE:

To put Senator Rupp at ease and those...Senator Lechowicz did...wanted to postpone...1091, I think it was, Senate Bill 1091 until the Fall. House Bill 1103, there's going to be a corrected report filed taking out the compulsory insurance part, and just to put everybody at rest,...I understand the leaders all want this and so nobody will get unrestful and worry about compulsory insurance till the Fall.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Gee, we're glad you brought it up. Senator Rupp.

SENATOR RUPP:

...thank you, Mr. President. I was ready also to apologize to this Body if there was any reason for so doing, but Senator Lechowicz has told me that he will not call mandatory insurance in this Session until October possibly. All we were trying to do since there was another vehicle was to get the

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assurance that that would not be used either. We now have that assurance, we have the assurance that mandatory will not be called before we adjourn this particular Session, and with that guarantee, I...I thank those folks for that consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Supplemental Calendar No. 6, House Bill 578, Senator Poshard. Mr. Secretary, House Bill 578, Supplemental Calendar No. 6. Senator Davidson, for what purpose do you arise?

SENATOR DAVIDSON:

Well,...you may have a copy of Supplemental Calendar No. 6 but some of us peons out here do not have a copy of the Supplemental Calendar No. 6 yet, and I would appreciate having a copy in hand before we start.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, we...we will stand at ease for a moment until the copies are passed out. The Chair was under the impression that all the members had them. Thank you for calling it to our attention. All right, Senator...Senator Poshard requests leave to take House Bill 578 out of the record for the time being. Is there leave to come back to it? Leave is granted. 1970. House Bill 1970, Senator Davidson. Supplemental Calendar No. 6 is House Bill 1970, Mr. Secretary.

SECRETARY:

First Conference Committee report on House Bill 1970.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, Conference Committee No. 1 on 1970 does three things. It puts the...it repeals the Senate amendment of the immediate effective date which is what we had to do to get it in a Conference Committee. Second part of it is new language so the Department of

Central Management Service would have a special events revolving fund in the State Treasury so that when the individual clubs or et cetera do rent State facilities, that money would be able...be available to pay for whatever the cost was for the clean-up, care or et cetera. As it presently is now, anything that is received goes in the General Fund and it has to be reappropriated, and consequently, we don't have the funds available to take care of the clean-up. The third part was to take care of what has been an arrived on agreement which had been...negotiated for about eighteen months between...excuse me, Central Management Service and the AFSCME union in relation to State employees who had a wage claim settlement through the Court of Claims, and this will establish the program of settling it directly. This is...the reason why this originally went in to a Conference Committee was to get that agreement which was only signed between all parties concerned last Thursday or Friday, I forgot what date. I would move the adoption of committee...Conference Committee No. 1 to House Bill 1970.

PRESIDING OFFICER: (SENATOR DENUZIO)

All right, any discussion? Discussion? If not, the question is, shall the Senate adopt the first Conference Committee report on House Bill 1970. 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 53, the Nays are none, 1 voting Present. The Senate does...adopt the first Conference Committee report on House Bill 1970 and the bill having received the required constitutional majority is declared passed. House...Senator Geo-Karis. Can we have some order, please. Senator Geo-Karis.

SENATOR GEO-KARIS:

Thank you. A point of information. I had two

bills...two appropriations bills, House bills and the House refused to accept the Senate amendments. Can I make a motion at this time to...refuse to recede so that I can have a conference report and get it over with?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator, I am told we...we...we do not have the paper work physically back from the House in order for us to do that, so as soon as that arrives, we will do that. House Bill 2263, Senator Savickas. House Bill...well, Senator Berman is back on the Floor...House Bill 1037, Senator Berman. All right, House Bill 1037, Mr. Secretary, 1-0-3-7.

SECRETARY:

Second Conference Committee report on House Bill 1037.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill has been debated a number of times. It deals with the...it deals with the programs regarding truancy in our public schools. Let me try to make the debate short. If you recall, when the bill was in the Senate originally with Senate Bill 725 and the bill passed out with a substantial vote. The area of disagreement was whether the juvenile courts should be in or out of the bill...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Can we break up the conferences...Senator Berman. Senator Berman.

SENATOR BERMAN:

The question was whether after a series of supportive of services that are mandated in this bill were supplied to the students, should there be a backup, a last alternative of having the juvenile courts in them; and we presented that question to the Senate and the Senate went along with the Senate Education Committee and we said, yes, that ought to be

at the end of the road. The House, for several reasons, the major one let me point out was that the workload involved could not be handled by the Circuit Court of Cook County, and there was a large feeling on...in a number of downstate districts that the court system there was inappropriate. You've heard some of that debate from Senator Welch earlier. The bill as it's presented to you today...tonight, now, in the second Conference Committee report does not have the juvenile courts in it. The courts have been taken out. The reason they've been taken out is a very practical reason. There's a substantial split as to whether the facilities in many of the downstate districts can provide a meaningful backup in their juvenile system. What we are presenting to you today and which I'm asking you to support me in is a mandate of substantial support services to chronic truants. If it doesn't work and we need the juvenile courts in there, I will be back, others will be back in a year or two to plug them back in, but we...we're not able to get either the support back home or the support in the Body to pass the bill with the court...the downstate courts in them tonight. So, I'm asking that we not dump the bill. There are mandated support services that I and others all feel are critical, that's what's in the bill. I ask for your affirmative vote on Conference Committee Report No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate adopt the second Conference Committee report on House Bill 1037. 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 50, the Nays are none, 4 voting Present. The Senate does adopt the second Conference Committee report on House Bill 1037 and the bill having received the required constitutional majority is declared passed.

2263, Senator Savickas. 2421, Senator Bloom. Senate Bill 328, Senator Vadalabene. 630...Senate Bill 830, Senator Rupp. All right, Supplemental Calendar No. 6, middle of the page, is Senate Bill 830, Mr. Secretary.

SECRETARY:

First Conference Committee report on Senate Bill 830.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. I move that we concur and adopt the first Conference Committee report. The...the concern was...Senator Carroll had...there was in a previous...in the...maneuvering and in the amendments a proposal to set up an escrow account for some funds. That procedure we have never done. Senator Carroll asked that we meet and write the conference report eliminating that, that we have done, and I ask for adoption of this conference report.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? All right, Illinois Information Service has requested permission to videotape the proceedings. Leave granted? Leave is granted. Any further discussion? The question is, shall the Senate adopt the first Conference Committee report on Senate Bill 830. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who...who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. The Senate does adopt the first Conference Committee report on Senate Bill 830 and the bill having received the required constitutional majority is declared passed. Senate Bill 879, Senator Topinka. Senate Bill 925, Senator Carroll. Senate Bill 944, Senator Dawson. Senator Dawson on the Floor? Senate Bill 1189, Senator Topinka. All right, Senator Topinka indicates that...that she is ready. Senator

Vadalabene indicates that he is ready and since he is above you on the Calendar, we will seek leave to go to Senator Vadalabene. Senator Vadalabene, let's...what's your...Senate Bill 328, Mr. Secretary. Senate Bill 328.

SECRETARY:

Senate Bill 328, the first Conference Committee report.

PRESIDING OFFICER: (SENATOR DENUZIO)

Senate Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. I move to accept the first Conference Committee report on Senate Bill 328. What it does is the House receded from House Amendment No. 1 and incorporated a provision that allows certain vehicles exceeding the...prescribed weight limits to remove such excess if the officer requests such of the operator...such of the operator of the vehicle. It eliminates the issuance of a ticket if such excess is removed. The...Conference Committee No. 1 has the support and approval of the Secretary of State, IDOT, the Illinois State Police and the Midwest Trucking Association, and I move for its adoption.

PRESIDING OFFICER: (SENATOR DENUZIO)

Discussion? Discussion? If not, the question is, shall the Senate adopt the first Conference Committee report on Senate Bill 328. 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 50, the Nays are none, 3 voting...3 voting Present. The Senate does adopt the first Conference Committee report on Senate Bill 328 and the bill having received the required constitutional majority is declared passed. All right, bottom of the page, bottom of your page...Supplemental Calendar No. 6 is Senate Bill 1189, Mr. Secretary.

SECRETARY:

First Conference Committee report on Senate Bill 1189.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate, I would move to concur with the Conference Committee. What this ultimately does is allow the transplant board, which we agreed to last Session, on the appropriations, which we agreed to and which have now kicked in as of yesterday, to be exempt from the Illinois Open Meetings Act and the Freedom of Information Act only insofar as the discussions of the cases in point; however, the announcement of who would be getting these reimbursements would be made public. It has been agreed to by the Illinois State Medical Society and also by the Illinois Press Association who seem to be the players here. I...I would move for your concurrence at this time. It still may have some problems in the future, but I think that with the help of Senator Sangmeister, we can iron those out.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Kelly.

SENATOR KELLY:

Yes, Mr. President, I've got a question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Senator Topinka, I wanted to ask you about this...the wordings in here that I read about...Experimental Organ...Transplantation Act. What is it that is an...an experiment in this program on the organ transplants?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

Well, that...that is not really a part of this bill at all. That was passed last year where we became the first State to provide reimbursement for experimental organ transplantation that may not have been approved by various insurance companies but was a viable medical/surgical procedure which was underway and which was coming into Illinois to account for that.

PRESIDING OFFICER: (SENATOR DENUZIO)

Senator Kelly.

SENATOR KELLY:

Well, then can you give a...a rundown on just exactly what it is now in its present form so I can decide?

PRESIDING OFFICER: (SENATOR DENUZIO)

Senator...Senator Topinka.

SENATOR TOPINKA:

The Transplant Act or this particular amendment to it?

PRESIDING OFFICER: (SENATOR DENUZIO)

Senator Kelly.

SENATOR KELLY:

I'm interested in...in the bill and also I'm interested in what you're trying to do by your...by your amendment or the...the change that you're making here. What...what are we...what's the concept in...in the bill and then, what is this amendment...what are we...what are we doing on this?

PRESIDING OFFICER: (SENATOR DENUZIO)

Senator Topinka.

SENATOR TOPINKA:

Well, really the amendment is the bill. Now if you're talking about the Act, it was passed last Session and it's locked in. The bill basically does not want to put the personal discussions of sick people in a public forum...because it's just not the place for it and the results would be voted upon and would be made public. It...it's not any attempt to evade, but it's just attempting not to put forth the

tragedies that are ongoing in the families that are involved.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Okay, so it'll be a public meeting then that you're going to have...an...an open meeting on this?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

The deliberations about the procedures and the cases involved will not be public. The voting and the results will be, so that everybody knows where any type of public reimbursement will be going.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Lemke.

SENATOR LEMKE:

When we talk about public meetings, are we talking about applications of the people that want to donate or the people that want organs? Are we talking about the donor or the donee in this case?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

We're talking about the donee.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lemke.

SENATOR LEMKE:

This is...the...the receiver. We're not talking about...okay, we want to make sure, because in these cases I know that...especially downstate that the right-to-life people monitor all these organ donated cases in regards to...to see if there's any euthanasia involved in...in the person giving the organ, and as long as it doesn't affect that, I guess it'd be okay. I'm still going to vote Present

'cause I'm fearful of what this could be.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Netsch.

SENATOR NETSCH:

...a question, because I was one of those who signed the Conference Committee report. My understanding, Senator...Topinka, is that if we do not pass this bill, all of the deliberations, everything will be subject to the Open Meetings Act, and while there may be some discomfort about what we are permitting to be on the public record as a result of this, it is considerably more restricted than would be the present state of the law. Here you will have only the final results that will be subject to the Open Meetings Act; otherwise, the deliberations and the discussions which would certainly be, I think, an invasion of privacy would also be subject to the Open Meetings Act, so that this is certainly an improvement over the current state of the law. Is that an accurate description?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

Yes, very accurate.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President and members of the Senate. When this organ transplant bill was passed last year, it established a board which would consider the applications of people who might be eligible for organ transplants. All this bill does is...is simply say that those doctors and others who look at...at very confidential, personal medical records of these applicants, that all of that information does not be...need to be spread before the public. It's a very reasonable and necessary bill to pass. The final action

taken by the board, that is the actual vote, will be public and I commend Senator Topinka in what she's doing here. We all ought to support it.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Sangmeister.

SENATOR SANGHEISTER:

Yes, thank you. If you'll notice on that Conference Committee report, my name was signed and then it was scratched off. I want you to understand that it's really back on there again. I do not completely, by any means, agree with what...what the final determination is. I don't think that those proceedings should be that public at that stage; however, rather than see this whole thing go down the tubes, I've talked with Senator Topinka, and as a result, I will support it, but I tell you, we'll be back with a bill again to restrict this.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and members of the Senate. I stand in...in support of this legislation and I sympathize with the people who are involved. I know personal cases of this and to hold something like this in confidence when a person is plagued with this type of illness, I think you're doing them a great justice and I support it.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Topinka may close.

SENATOR TOPINKA:

I think we've probably kicked this around adequately. It came in...the whole idea of a reimbursement process in the original bill was so that people didn't have to publicly air their linen and...and go around begging. I think this is part and parcel of that. It's a really dignified way of going about it. I would appreciate your vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall the Senate adopt the first Conference Committee report on Senate Bill 1189. 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 48...48, the Nays are 1, 4 voting Present. The Senate does adopt the first Conference Committee report on Senate Bill 1189 and the bill having received the required constitutional majority is declared law...is declared passed. (Machine cutoff)...leave of the Body, we will return to the top of Supplemental Calendar 6, House Bill 578, Mr. Secretary.

SECRETARY:

This is the first Conference Committee report on House Bill 578 corrected.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Poshard.

SENATOR POSHARD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is the bill which establishes the employees suggestion award program, and I would move to concur with the corrected Conference Committee Report No. 1 which simply requires the appropriations to the Employees Savings Award Board for the awards rather than to the department involved.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right,...any discussion?...the question is, shall the...the Senate adopt the first Conference Committee report on House Bill 578. 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 52, the Nays are none, none voting Present. The Senate does adopt the first Conference Committee report on House Bill 578 and the

bill having received the required constitutional majority is declared passed. Senator Dawson on the Floor? Senator Dawson on the Floor? All right. Senator Dawson, on 944? All right. Supplemental Calendar...No. 6, bottom of the page, is Senate Bill 944, Mr. Secretary.

SECRETARY:

(Machine cutoff)...Conference Committee report on Senate Bill 944.

PRESIDING OFFICER: (SENATOR DENUZIO)

Senator Dawson.

SENATOR DAWSON:

Mr. President, I wish to concur with the second Conference Committee report on 944. The second Conference Committee deletes the requirement of the fifty-two percent and would make it that the General Assembly would annually adopt a joint resolution indicating the specific relationship between the grants and the annual standard of...of need for general assistance and aid to dependent children programs. Ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DENUZIO)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. What do you mean by an annual agreement or whatever?

PRESIDING OFFICER: (SENATOR DENUZIO)

Senator Dawson.

SENATOR DAWSON:

Senator Donahue, I said it would be through a...General Assembly would annually adopt a joint resolution...in just indicating to them. It wouldn't be making it mandatory. Be just a regular resolution.

PRESIDING OFFICER: (SENATOR DENUZIO)

Further discussion? If not, the question is, shall the Senate adopt the first Conference Committee report on Senate

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Bill 944. 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 22, the Nays are...the Ayes are 23, the Nays are 28, 1 voting Present. The Conference Committee report is not adopted and the Secretary shall so inform the House. Senator Dawson, is it your desire to have a second conference? It is not. Supplemental Calendar No. 7 is being distributed...(machine cutoff)...we could get some Pages to come down to the Secretary's Desk here and start distributing Supplemental No. 7. The Senate will stand at ease for a moment. We'll stand at...we will stand at ease for about ten minutes...at eight...eight forty-five we will begin on Supplemental Calendar No. 7.

PRESIDENT:

The Senate will please come to order. We're on the Order of Supplemental Calendar No. 7, the Order of Conference Committee Reports, the Conference Committee Report on House Bill 570, Mr. Secretary.

SECRETARY:

First Conference Committee report on House Bill 570.

PRESIDENT:

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. As you know, this is the Conference Committee report on Build Illinois, or how should I say it, Responsively Build Illinois. It's...as you notice on your desk, it's a hundred and seventy-two pages. It authorizes a used car tax of five percent, authorizes bonds of 1.3 billion dollars for five years, nine hundred and forty-eight million dollars of bonds and three hundred and eighty million dollars as pay-as-you-go. It includes many projects, highways, fifty-

one central Illinois sewer and water projects, flooding projects, infrastructure projects, mass transit, engineering school in the City of Chicago, urban development, housing partnerships, State of Illinois Building in Rockford and many other projects. This has been the Governor's program. I think it's a reasonable compromise between Responsively Build Illinois and Build Illinois. We have some bonds and some pay-as-you-go. I'll be happy to answer any questions and hope that we would have well over thirty-six votes.

PRESIDENT:

All right, Senator Philip has moved the adoption of the Conference Committee report on House Bill 570. Discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise to join with Senator Philip in his comments and what I believe is a truly valuable program for the people of the State of Illinois in all of its aspects. It not only allows us the business incentive of Building Illinois but Building Illinois in a very responsible manner, for what we will do is maintain a billion three hundred twenty-eight million dollar program that can, in fact, be completed in the Governor's requested eight years, appropriated over five years, but do so at a savings that will be at least seven hundred and fifty million and a...and possibly a billion five hundred million in interest payments that the State would have otherwise had to pay and save the taxpayers, at least, five billion dollars in what would have been the tax burden under the original plan. This is, in fact, an amalgam of the two ideas. It guarantees that no less than three hundred and eighty million dollars will be pay-as-you-go. It guarantees that 2.2 percent of the sales taxes will, in fact, be put into the Illinois Fund. It guarantees that if used car taxes are, in fact, greater than the 2.2 million, as has been sug-

gested to us by the Illinois Economic and Fiscal Commission and others, that if, in fact, the used car taxes are greater than that 2.2 percent mandatory transfer, that that additional money, year by year, will spill over into the Build Illinois Fund and, therefore, cause for the next year no bonds to be bought for that dollar amount. It provides that the bonds will be basically the short-term type notes so that we can get a lower interest rate, lower, in fact, than general obligation, and further provides that if, in fact, at any point in time the reserve funds created are equal to the outstanding bonds, those bonds must be paid off. The provisions in the Bond Act call for that calling of bonds. It is, therefore, presumed the tax will last no longer than fifteen years instead of the thirty-six years originally created. There is no use of tourism dollars in this approach. We believe that the combination will allow no less than thirty percent to be pay-as-you-go and very probably fifty to sixty percent pay-as-you-go with quick projects at the same appropriation level and I think will do something to spur the economy of Illinois at the most minimal taxpayer expense possible and urge support.

PRESIDENT:

Further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I, too, would rise in support of this program. I think that what we've learned here is that the legislative process does work and it works well. We have taken two programs and meshed them together to the point where we have used the best of both ideas, both a bonding program for those programs where we need accelerated funding and the program to pay as we go so we can save the taxpayers' of Illinois something like seven hundred and fifty million dollars in interest. The bottom line and what we are seeking is getting Illinois in shape to bring in new jobs, in doing

that with as much cost effectiveness as we possibly can, and I think that by the Senate Democrats holding out and not falling in line willy-nilly and proposing our own plan we have been able to shape a new program, one that both parties can call their own and one that's in the best interest of all of Illinois.

PRESIDENT:

Further discussion? Senator Poshard.

SENATOR POSHARD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I'd like to ask a question in regards to the proposed revenues that were in the original Build Illinois program for coal, and I'd like to ask that, I guess, to Senator Carroll. Okay?

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Yes, thank you, Mr. President. Senator Poshard, the program calls for the creation and use of the Coal Industrial Bond Revolving Fund Program. The first year spending plan developed by the General Assembly would provide a million dollar seed money to begin that loan program, and then it would grow from there and then be a loan repayment plan, and we have provided that million dollars in other legislation.

PRESIDENT:

Further discussion? Senator Kustra.

SENATOR KUSTRA:

Well, thank you, Mr. President. I was just listening to Senator Welch tell us that this is a program that both parties could truly call their own. I really don't whether my party can call it its own anymore, but I certainly would agree, Senator Welch, that you can certainly call it your own 'cause you're on all these pages here. Here's page 9 of the appropriation bill coming up, you've done quite well, and I

certainly congratulate you on your good work.

PRESIDENT:

Further discussion? Senator Schaffer.

SENATOR SCHAPPER:

If the sponsor would yield. New Section 46.51 of Article XIX of the Build Illinois Act expressly authorizes the Department of Commerce and Community Affairs to "extend appropriations for the purpose contained in the Act." For...clarification purposes, the omissions of the Department of Commerce and Community Affairs from a list of agencies set forth in agents...Article I, Section 1-3 of the Act does not in any way prevent, impair or diminish the authority of the Department of Commerce and Community Affairs from extending appropriations for the purpose...purposes contained in the Build Illinois Act. That's a very spontaneous question. I'd appreciate an answer.

PRESIDENT:

Senator Philip, I guess, is yielding to Senator Carroll. Senator Carroll, if you please.

SENATOR CARROLL:

Thank you, I believe that is to show the legislative intent that the Department of Commerce and Community Affairs can, in fact, spend the monies appropriated in the various appropriation bills. This is the authorization.

PRESIDENT:

Further discussion? Senator Bloom.

SENATOR BLOOM:

And for further clarification, if you turn to Article X, Section 10-3H, I...I believe it authorizes the Department of Commerce and Community Affairs to "acquire and accept by gift, grant, purchase or otherwise but not by condemnation fee simple title or such lessor interest as may be desired in land for the purposes of improvement and development of such land." Could you clarify the use of the term "lessor inter-

est in land"? Would that...is that intended to include the authority to enter into option agreements with such land?
I...

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

There may be a necessity such in...as an incubator facilities to do leasehold agreements and that is what that is to provide for a lessor than a fee simple absolute.

PRESIDENT:

Senator Bloom.

SENATOR BLOOM:

Could that language "lessor interest in land," also intend to include the authority to enter into option agreements with respect to such land?

PRESIDENT:

All right, further discussion? Senator Schaffer, for the second time. I beg your pardon, Senator Carroll.

SENATOR CARROLL:

The famous Japanese people tell me, yes.

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

With...with the indulgence of the Body, another spontaneous question has occurred to me. For clarification purposes, it should be noted that the Small Business Development Act which is set forth in Article IX and the large Business Development Act which is set forth in Article X are intended to assist in those projects which will result in the retention, emphasize the word retention, of jobs as well as those projects which will yield an increase in jobs...similarly those two programs are intended to assist in those projects which will result in a retention of a given business as well as those projects which involve a new plant start-up or

expansion. Well, it just occurred to me while I was walking over here. Like an answer.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Yes.

PRESIDENT:

Any further discussion? Is there further discussion? Senator Philip, you wish to close? I beg your pardon, Senator Zito. The late lights are causing us all difficulty. Senator Zito.

SENATOR ZITO:

I...I apologize, Mr. President, and...reluctantly rise in opposition to House Bill 570. I really believe, ladies and gentlemen, we could have made Build Illinois a much better program. You know, when we had the infrastructure subcommittee hearings, we heard hours of testimony from more than one hundred witnesses. We had our first hearing in Carbondale and we heard about the very serious problems many southern Illinois communities have with contaminated drinking water. In Salem, for example, they have a domestic water boil order on the average of every six days. In Belleville, we were told of the massive flood control projects which are necessary to make the Metro-east area a viable, economic territory. In Rockford, Illinois, when employment has been in double figures now for several years, we were told about projects that would lure some new high-tech. industries; and in Chicago, a metropolitan sanitary district engineer testified that after...that four times a year more than half a million homes in Chicago flood their...their basements flood with raw sewerage. Build Illinois has turned out to be less than what we all expected. Build Illinois proposes flood control projects in some of the most affluent communities in our State; yet, there's no mention of the domestic water boil

order in Salem, Illinois. Build Illinois would undertake the Hanover Park Flood Control Project along the west branch of the DuPage River, but there's no relief for those half a million Cook County homes whose basements are flooded with raw sewerage four times a year. For all the communities that aren't going to have an opportunity to apply to the revolving loan fund, each and every program that is not specifically mentioned in the next piece of legislation that we're going to vote on will...those communities will have nothing in Build Illinois; they'll have no revolving loan fund to go to, they'll have no opportunity to help themselves with their infrastructure needs. While I think this was a good beginning, we haven't even taken the time, ladies and gentlemen, to do a survey of this State to find out what our infrastructure needs are. I reluctantly rise in opposition. I think it was a good beginning but we could have done much better, and to pass this legislation at this time, I feel, would be a mistake.

PRESIDENT:

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

SENATOR PHILIP:

Thank you, Mr. President and Ladies Gentlemen of the Senate. Senate Bill 570, the Conference Committee is...has been a compromise between the Democrat and the Republican plan. There are nine hundred and forty-eight million dollars in bonds and three hundred and eighty million dollars as pay-as-you-go. It's a good program for all of Illinois and I would appreciate an affirmative vote.

PRESIDENT:

Question is, shall the Senate adopt the Conference Committee report on House Bill 570. 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, there are 46 Ayes, 11 Nays, none voting Present. The Senate does adopt the Conference Committee report on House Bill 570 and the bill having received the required constitutional majority is declared passed. Supplemental Calendar No. 7, on the Order of Conference Committee reports, there's a report on House Bill 993, Mr. Secretary.

SECRETARY:

First Conference Committee report on House Bill 993.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, and I would wish to yield to Senator Demuzio.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 993 is the appropriation bill that appropriates the three hundred and seventeen million dollars of spending for...appropriations, rather, for this next year. It lists the projects for the proposal that we just passed out. I think everyone knows what's in it, and I would ask for concurrence of...of the first Conference Committee report on House Bill 993.

PRESIDENT:

Discussion? Any discussion? Senator Watson.

SENATOR WATSON:

Well, thank you, Mr. President. I'd like to ask the sponsor or sponsors or whoever it may be a question.

PRESIDENT:

Sponsors indicate they will yield, Senator Watson.

SENATOR WATSON:

And who will that sponsor be?

PRESIDENT:

Senator Demuzio, I assume.

SENATOR WATSON:

Okay. Senator, I've looked through the analysis that I have here in front of me and I am amazed at the number of projects that are for the Chicago area, and I'm just curious as to out of that three hundred and seventeen million, how many millions of dollars are for the Cook County/Chicago area?

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

It's three hundred and twenty-five million dollars out of the 1.3 billion.

PRESIDENT:

The gentleman is out of order and will be removed, if need be. Please. Senator Watson.

SENATOR WATSON:

Well, during...during your explanation, you mentioned three hundred and seventeen million and what was that?

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO;

That is this year's appropriation which is near the Governor's level as...as he introduced it.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

Out of that three hundred and seventeen million, can you give me any idea how much of that would be for the City of Chicago?

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

I'm told it's about a hundred and thirty.

PRESIDENT:

I beg your pardon. Senator Demuzio.

SENATOR DEMUZIO:

Beg your pardon, it's eighty-six million.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

What's a hundred and thirty?

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

That's the Governor's portion.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

Well, that...that's well and good. We got eighty-six million in here for Build Chicago at the expense of probably the entire population of the State of Illinois. As I look through here, I can just...I've got them circled, the number of...the dollars we're talking about and you can see the people that are on the Floor here tonight, not necessarily Senate members, members from other Chambers that are here tonight that are concerned and interested in this particular...993. I don't see...I don't see necessarily the downstaters here, I see a lot of people from the...that are interested in the City of Chicago. I think that this particular analysis that we have in front of us and this particular piece of legislation is simply nothing more than Mike Madigan and the Speaker of the House's proposal to Build Chicago, and I don't think that necessarily it's...in the best interest to the people of this State, and I don't think that my people in my district are going to be very appreciative of the fact if we pass legislation such as this it's going to be nothing

more than a funnel and a one-way street and a one-way road to the City of Chicago. I'm not anti-Chicago, not at all. I think that Chicago deserves what they deserve, nothing more, and what we have done in this particular program is appropriate dollars more...a greater percentage of money than we probably...than Chicago deserves, and I don't think it's right for the rest of the State of this...of Illinois to be asked to pay for a Build Chicago. Now this, for example...I mean, the Cook County Hospital, we've got eleven thousand beds in Cook County that are vacant and we're asking for how many millions of dollars, Mr. Sponsor, for the Cook County Hospital? How many millions of dollars are going to go into a hospital in which we've got...Cook County of eleven thousand vacant beds? Can you tell me that?

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

I'm sorry, I didn't...I didn't listen to the question. How much to Cook County Hospital? Is that the question? Five...five billion dollars of planning money.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

Planning for what?

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Well, I'm told planning, architectural design and those kinds of items.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

Are we going to build a new hospital...architectural design, is that what we're going to do?

PRESIDENT:

...Senator Demuzio.

SENATOR DEMUZIO:

I'm going to yield to Senator Carroll who may have more details...

PRESIDENT:

All right, Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Let me just...also, if I might utilize some of the time of mine to identify some of the issues. The Governor has asked for a spending level now of three hundred and thirteen million dollars, his request, up from the two hundred and twenty-three he originally asked for...

PRESIDENT:

I beg your pardon...

SENATOR CARROLL:

You want me to just answer you on this one and then I'll ask my own time? Okay. It is my understanding, the Governor has suggested a study at County Hospital to see, in fact, whether a new institution need be built or a total rehab. of that portion of the hospital that is truly...unusable at this stage in time. I don't think anyone yet knows the answer until they get in there as to whether it's smarter to build new...tear down and build new or totally gut and rehab. As you know, much of it is out of compliance and cannot be used now and is empty and this has been something the Governor has been talking about for quite sometime.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

I don't remember...I don't recall my question being answered. How much...how many millions of dollars is going to go for Cook County Hospital and what is it for?

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

It...it's planning, engineering and architectural design in the amount of five million dollars. Senator Demuzio had...had answered that.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

Are we going to build a new one or are we going to try to refurbish what we got? We've got eleven thousand vacant beds in Cook County. We're...and...and you were one of the sponsors of the trying to control the high cost of medical care in Illinois and you are going to put more money into a situation in which we got a no win. I would like for you to explain that, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Be pleased to. County Hospital, right now, is probably the most expensive institution in the State to operate, the cost of which public aid is paying and the citizens of Cook County is about double that of any community based institution and significantly more than the other teaching institutions. It is because of the high operating costs of this old and obsolete facility that their costs are running somewhere around seven hundred and fifty dollars a day for which the Department of Public Aid reimburses them significantly less than that, probably about forty-five to fifty-five percent. What is happening, however, is that many of us who have seen the facilities believe that it has to be totally restructured in a much smaller component, my own personal belief. This will help determine that through architectural planning and engineering, and if you will recognize service

to patients has ebbs and flows, highs and lows. Right now, the hospitals of Cook County are running at sixty percent occupancy or less. Imagine that were you to close County while you are rehabing or rebuilding, you are sending out to these communities some eight hundred to a thousand patients per day which would significantly increase their billings, community based billings to the State of Illinois at a lower rate and make their occupancies at seventy or eighty percent during the time it would take to construct a truly valuable public facility. Remember, the citizens of Cook County pay for more than half of the cost of operating this facility through the property tax.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

I...I won't dwell any longer. I think...I've tried to make my point. I...I believe that any...any downstater who feels that proper appropriation in dollars and cents should be treated equitably and fairly for the entire State of Illinois should be voting No...any downstater. It's an obvious No vote on an appropriation and a bill such as this. I...I realize and...and I appreciate the concerns of the City of Chicago. I do have an appreciation for that and I do understand the importance of the city to the State of Illinois, but I do think that they shouldn't ask for anymore than their fair share and that's all that we've asked for in downstate and I don't think that the...the city should ask for anything more. I believe a No vote is the appropriate vote. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right,...further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point.

SENATOR DUDYCZ:

Senator Watson, you mentioned several times that this bill...you mentioned...or you referred to it as a Build Chicago bill. Well, you're mistaken. This may be Mike Madigan's build part of Chicago bill where Build Chicago is Democratic part, but not the 7th District. So, when you refer to Build Chicago, it's not all of Chicago, it's only may be...Mike...Mike Madigan's and his friends' part.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the House, I don't often speak because I really feel that most people have enough to say around here...I said the House again, I'm sorry, I...I have my old seatmate with me here tonight too. But, you know, before we became a "Happy State" with that new little tourism gag, there used to be a theme that we filed through that...was referred to outside of Chicago is a place called Illinois, and apparently it didn't sell then and with House Bill 993 it apparently doesn't sell now. Outside of Chicago is also suburban Cook County, East DuPage County, West DuPage County and all the other counties that are involved. When I look at this bill, I don't see anything for these areas that are old, old in infrastructure, old in what it needs. We've been left out there on the doorstep like a foundling. Now, I understand greed and I understand its tentacles and I also see it very strongly here on 993, and I think it's an intolerable act that is trying to...trying to be perpetrated here by 993. I personally won't tolerate it, I think it stinks and I think it oinks, and I would hope that people in suburban Cook and East DuPage and West DuPage and everybody else in this State realizes what this bill is and votes against it and votes it down appropriately. I'd have

to agree with Senator Zito that I think it was a good start with Build Illinois, but, boy, it came out with a real bad finish.

PRESIDING OFFICER: (SENATOR DENUZIO)

Further discussion? Senator Vadalabene.

SENATOR VADALABENE:

Yes, I don't want to leave the impression that we've been left out completely and...and when those who tried to do nothing and get nothing go back home and say Chicago got everything. Well, let me remind Senator Watson that Madison County in this project has approximately over nine million dollars in different projects. St. Clair County, of which he also has a part of, has over six million dollars in projects in this package and let me...me remind Senator Watson that the new State Office Building and police headquarters is going to be built in his district, and let me remind Senator Watson that we all joined together to get him a convention center in his district. So, don't say that Chicago got everything. We got a good chunk of this money and you got a good chunk of it before this bill came here, and so you people who think that when Senator Watson and some of these downstate Senators who do nothing to get anything, we take care of them anyway.

PRESIDING OFFICER: (SENATOR DENUZIO)

Further discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and...

PRESIDING OFFICER: (SENATOR DENUZIO)

Wait...wait...wait a minute, Senator...Senator Carroll...all right, Senator Carroll.

SENATOR CARROLL:

Thank you. Senator Watson asked me not to speak when answering his questions other than an answer. Now let me just make some comments in support of the legislation. I

think it is quite clear that this, the first year's funding is critical to the needs of the State of Illinois. The Governor has asked us to raise the level from that which he had announced of two hundred and twenty-three million to accommodate some needs he had in attempting to attract some business, and that is, in fact, why the growth and some of that falls in all parts of this State. Yes, in fact, some eighty-five million would be spent within the County of Cook and a lot of that, obviously, within the City of Chicago. Yes, in fact, the Governor asked for about a hundred and thirty-five million that he allocated, and about a hundred and ten roughly in other downstate areas. Yes, in fact, that's different than the way Build Illinois was introduced, and at that point only twenty-three percent of the budget for Build Illinois was allocated. After the allocations, the Governor took a larger share, downstate took a larger share and Chicago and Cook County got a smaller share of the unallocated portion. In fact, it has been estimated that about forty percent of the taxes from the sales individually of used cars will come from the County of Cook. I'll repeat that. About forty percent of the taxes raised from the individual sale of used cars will come from the County of Cook, and if that were to be the criteria, then, in fact, the county's portion should almost double in this first appropriation bill, and if that is the criteria that this legislation would want to establish, we in Cook County, I'm sure, would be very supportive of getting about a hundred and twenty-five million instead of eight-five million as this allocates. So, once again, the County of Cook will be providing the dollars to the Governor and downstate in order to join together to Build Illinois.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion?...Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. Well, in regards to Senator Carroll's talking about the County of Cook, could you tell me how much money is in this bill for Schaumburg Township or Hanover Township?

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator Carroll.

SENATOR CARROLL:

I honestly don't have a county breakdown. I'm not sure if Thorndale Avenue Expressway et al goes through your area. I really don't know. I don't know the boundaries of that. I know that was a major expressway for suburban Cook and DuPage. I don't know, Senator. I know there have been specific requests for that area in varying budgets...that could have also been in here.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpiel.

SENATOR KARPIEL:

Is Thorndale Expressway in this appropriation? The entire amount?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

No, and none of them is the entire amount nor was it ever in the Governor's published plan. He has suggested those are multiyear builds and asked for the original planning and preparation monies for this...excuse me, Central Illinois Expressway and Route 51.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpiel.

SENATOR KARPIEL:

Is the amount of money that is in this appropriation bill the same amount as...for Thorndale Expressway the same amount as was in the Governor's proposal?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Identical language. Identical, yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpel. Senator Karpel.

SENATOR KARPIEL:

For all the years?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

This, of course, is only the FY '86 appropriation. It is our intent and his that it will be the same for all the years, exactly the same spending plan as suggested by the Governor the day he announced Build Illinois.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpel.

SENATOR KARPIEL:

You said that forty percent of the tax is going to come from Cook County. Do you have a breakdown how much of the tax will be coming from DuPage County?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

No, and...you know, obviously, that's not in this bill, although I do believe Director Johnson could get you that information.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpel.

SENATOR KARPIEL:

Do you have a breakdown of how much of that forty percent in Cook County comes from Chicago as opposed to suburban Cook?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

I don't have that here. We can get...provide those figures for you. It was based on in part, also an extrapolation, from what was paid from used car lots and what was projected based on the thirty dollars by the Department of Revenue, thirty dollars paid on the private sale. It is my understanding that the vast majority of that also came from within the boundaries of the City of Chicago.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpiel.

SENATOR KARPIEL:

Do you have a...a breakdown for me of what projects are in this proposal for both DuPage County and Kane County that are also in my district? We've already established that Hanover Township, Schaumburg Township, Barrington Township get nothing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

I'm sorry, I didn't here the question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpiel.

SENATOR KARPIEL:

Do you have a breakdown of what projects in this...in this proposal are in Dupage County and Kane County?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

No, I think if you'd look through it you'd see a couple of things that would jump to light. One is the lower...Des Plaines River comes out of the million seven fifty in...in Cook and DuPage and a lot of the Statewide funds, it's my understanding, the Governor intends to spend in DuPage, which again, he allocated a hundred and thirty-three million

roughly.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpziel.

SENATOR KARPIEL:

And Kane?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

I don't have a breakdown by county. I know that the Batavia area is for the alleged...you know,...the...the hopeful side of the super conductor and super collider, which is a huge, huge project.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I'm not here to quarrel about whether Chicago gets more or less or Cook County or downstate, but I do want to quarrel with the process in which this was put together. Doesn't take a genius to recognize who put this plan together and it doesn't take a genius to figure out why the projects went where they went, and, in fact, there are many projects here that can go many other places, in an orderly fashion and on a priority basis. A school crossing signal...Build Illinois with a school crossing signal. Construct a field house for a park district. You're right, Senator Zito, this is not building Illinois. So, let's not make any excuses about what the problem here is. It is, in fact, the process by which this Conference Committee report was assembled, when we were notified of it and who it's taking care of and we ought to defeat this; and I'm not saying that Cook County should win or lose, I happen to be proud of living in Cook County, but let's make some common sense out of Build Illinois rather than...without offending Senator Carroll...just beefing it up.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Jerome Joyce.

END OF REEL

REEL #6

SENATOR JEROME JOYCE:

Yes, thank you, Mr. President. My part of the State needs Build Illinois and I'm not representing Cook County, but we have a mental institution there that's being shut down. We're going to lose nine hundred jobs. We need Build Illinois for funds for...to let the private sector take a...a crack at trying to develop this and put people back to work and...and put this back on the tax rolls where it belongs. We need the bonds that Build Illinois will provide. This will help not only Kankakee County but Will, Grundy, Iroquois, have a facility in Galesburg that's going right along with this and...and that will help put people back to work in that area where they're losing jobs. So, I think it's something that spreads across the State and not...is not just for Cook County. I'm not adverse to Cook County getting something, I'm not adverse to anyone getting something, we need to help everybody. This State is in...in desperate straits. What we have here is an opportunity to put people back to work and I think that's what we ought to do is seize upon that opportunity and vote for this program and let's give it a chance, folks.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Dunn.

SENATOR DUNN:

Thank you, Mr. President. I...I, too, think we ought to Build Illinois, and one of the things we haven't addressed in here, I don't believe, I'd like to ask the sponsor or perhaps Senator Carroll about the coal utilization money. We had money, we thought, in Build Illinois and certainly in order to make Illinois the great State it should be, we need to

keep our coal industry alive and well, we need to develop the use of high sulfur coal and I...I'd like to ask a question of one of the sponsors, is there any money in Build Illinois for coal utilization?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

I...Senator Dunn, I believe that when...I believe that I identified to Senator Poshard the fact that a million dollars of GRF was added in another bill to fund through DCCA, in DCCA's bill, the coal utilization bond...or loan fund. Then in future years' appropriations this could be used to beef that up and to cause the revolving loan fund to grow, but the seed money was put in...in the DCCA legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dunn.

SENATOR DUNN:

Thank you...thank you, Mr...Senator Carroll. It is my understanding that there were fifty-five million dollars, I believe, in bond fund going to be in the Coal Utilization Fund for energy and natural resources maybe or for coal utilization board, but you say it's one million dollars in DCCA and it's not in this bill either, I don't believe.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

It is my understanding, that, obviously, they first have to identify the projects and the dollar figures, at which point you could then sell the bonds and loan the money and then create the revolving, and, therefore, the money was put in the DCCA budget, the Department of Commerce and Community Affairs, to...for the seed money to do that planning to find out which ones...you know, to let them come in and apply like we've done in so many other programs, create the priorities

and then fund the individual loans as they're requested.

PRESIDING OFFICER: (SENATOR DENUZIO)

Senator Dunn.

SENATOR DUNN:

Thank you and thank you, Senator Carroll. I think that we've been talking coal utilization for at least thirteen years that I've been in the Legislature and been a member of the Energy and Resources Commission. I thought we had pretty well identified the problems. We spent a couple of hundred million dollars already in coal research and it's nice to have one billion...one million dollars, I'd rather said one billion, it'd be nice to have one million dollars someplace if we can find it, but it isn't in this bill and I'm not going to vote for 993. I would like to ask one other question maybe, since I've said I'm not going to vote for it anyway, where's the small business incubator that we thought was going to be in the bill perhaps for Southern Illinois University? Where did that go? To Rock Island was it or Rockford?

PRESIDING OFFICER: (SENATOR DENUZIO)

Senator Carroll.

SENATOR CARROLL:

Well, that was not in the Governor's plan nor in the Governor's request nor in the Governor's version of Build Illinois. As I remind you, he only allocated twenty-three percent of Build Illinois, that was not in that twenty-three percent. Some members took the Governor at his word and allocated a portion of the seventy-seven percent and apparently that was not on that list either, but it was not on the Governor's plan at all at any time that we have ever seen either in his printed plan or that which is allocated to him in this legislation.

PRESIDING OFFICER: (SENATOR DENUZIO)

Further...further discussion? Senator Davidson.

SENATOR DAVIDSON:

...question of the sponsor.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Indicates he will yield. Senator Davidson.

SENATOR DAVIDSON:

Senator Carroll, to follow up on Senator Dunn's question in relation to coal utilization. Now the million dollars you say that's in here or in DCCA somewhere is for planning. I thought the fifty-five million dollars that was in the Governor's program on coal utilization was to make low interest grant to those industries that could use the present known technology to...such as we're doing over at the Anderson-Clayton so we can burn Illinois coal.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Senator...Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President. You know, E and R is there for that purpose, so we asked, and the director said they had no projects ready to go. That's not a problem. We've never had a problem appropriating those kind of funds when the departments who are supposed to do come in and ask...you know, they requested a lot of money this year. In that one area, they requested zero and we asked and they said they had nothing ready to go.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Senator Davidson.

SENATOR DAVIDSON:

Well, then either they or I or you or someone has some misinformation 'cause I understand one of the in-place operating coal fired generating plants that's using western coal to the tune of a hundred cars a week wanted to get into that possibility to use the new proven technology of fluorized bed firing which could burn all of Illinois' soft coal and be below the EPA standards on air pollution. Are...are you saying that's not a fact?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

I'm saying that would be a wonderful thing. Be great for Illinois' economy and all it takes is an application and we never saw one and we asked.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

Well, Ladies and Gentlemen of the Senate, there's one, two, three, four, five, plus myself, six, that I know of sitting in this Chamber that represent the areas which have probably ninety to ninety-five percent of all of the...the coal mine operators and coal miners in the State of Illinois, which is our greatest untapped source of energy in America. This doesn't have anything in it. I highly recommend for those ten thousand unemployed coal miners you either put a No or a Present on this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Zito.

SENATOR ZITO:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Zito.

SENATOR ZITO:

Well, how 'bout Senator Carroll? Senator Carroll, can you explain to me on page 15 of Conference Committee report Section 4.3, lines 12 through 15. That deals with the Department of Commerce and Community Affairs receiving eighteen million dollars, I believe, to the local units of government for public infrastructure improvements. Can you...explain that to...to the Body?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Unlike the last series of questions where the Governor never had anything in his program, here the Governor had asked for eighteen million for loans to and grants to units of local government for public...infrastructure improvements and we put it in at the Governor's request.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Will this be the same kind of concept that we discussed both on the Floor of this Senate and in the House? Will this be a revolving loan fund, do you know, Senator Carroll?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Yes, Senator Zito, it is my understanding that the intent is to create out of this a revolving loan. That is my understanding, you know...you know, again this was the request of the Governor but from our discussions, yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Well, to the piece of legislation, Mr. President, if I can. I am a person that could look at the board just like everybody else and I realize that my arguments on the last piece of legislation fell on deaf ears. We now are confronted with the situation where Build Illinois, I guess, is going to happen and if it's going to happen, I would suppose that we have the projects in place. You know the revolving loan fund concept was not a government handout at all. In so many towns so many mayors said that all they wanted was an opportunity to help themselves. All they wanted was a helping hand. That was the guts of the revolving loan fund, and

while this provides now much less dollars than I would like to see it, I think it's...it's a start; hopefully, we can build on it and I realize my opposition to the last piece of legislation, but I'll support House Bill 993 in the interest of building Illinois.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Well, a number of hours ago, yesterday, when we were voting on another major package, I indicated how proud I was to be part of that process. I wish I could say the same about this process. Over the years, we've had...established a procedure which has gotten these kind of decisions out of pure naked political hands and into the hands of technicians and people who make decisions based on priorities and what presumably is rational thought patterns. I think it's appropriate we have so many of our friends from the House with us tonight because my remarks are aimed at them as much as anyone here. I'm ashamed of this process. We shouldn't be doing this. This is the kind of thing that brings discredit to the Legislature as an institution. This is the taxpayers' money we're playing with and awful lot of it and a lot of it we're going to pay interest on. We shouldn't be itemizing every issue, we should putting...be putting money in the funds that will be needed to take care of the problems based on rational priorities. It's my sincere hope that we will reject this Conference Committee, forget our own local parochial interests and come back with a second one that we can take back to the people of the State with pride.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR WATSON:

Yes, sir, thank you, Mr. President. I just...one of the

previous speakers mentioned about what...how much good this is going to do for my district and he talked about Department of Transportation and Law Enforcement Building in Collinsville and the civic center in Collinsville. I don't...that's nowhere in this legislation. In fact, Madison and St. Clair County area, of which is the second largest area of this State, gets 15.5 million, none of which...or very small amount is...is in my...my district. I wasn't involved in the negotiations in regard to this particular piece of legislation, there's nothing in here for the people in my area and I think it is a parochial interest. I...I look at this as a point as to what can I do for the people in my area, that's...that's the people who sent me here. They voted for me. What can I do for them? There's not much in here for my area and there's probably not much for anyone from downstate Illinois. Anybody who votes green from downstate Illinois, it's a bad vote. Thank you.

PRESIDING OFFICER: (SENATOR DENUZIO)

Further discussion? Senator Topinka, for a second time.

SENATOR TOPINKA:

Yes, Mr. President. May I ask a question of the sponsor? Just kind of a quickie? Senator Carroll. Yeah, quickie. Right. In the Governor's proposal there was at least 16.5 million in the first year for wildlife habitats, natural area acquisitions and soil erosion programs. Now we've already agreed my area has got nothing. This is a pretty generic type of a...of a request that I think is rational in terms of what Senator Schaffer brought up. Could you tell me what happened to that?

PRESIDING OFFICER: (SENATOR DENUZIO)

Senator Carroll.

SENATOR CARROLL:

Well, you know, he has existing finances for that in his operating agencies. I wrote to him and Doctor Mandeville

early May and asked them for their priority list in that category and others, and I...they said it was on its way. You've seen it and I've seen it. It hasn't exisited and the minute it does, we would have made it part of the Governor's allocation. Wonderful idea. We asked for the detail, we asked for the prioritization, we asked for the criteria and we got nothing back, and, therefore, we put nothing in.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator...Senator Rigney.

SENATOR RIGNEY:

I note in our handout here, we're talking about eighteen million dollars to the DOT for reconstruction, the extension and...and improvement of State highways. Have any of those been tabbed as to where they're at?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Yes, those were the ones as the Governor had announced. Route 51, Central Illinois Expressway, Thorndale Avenue and then the three million category for access roads and interchanges, et cetera...pursuant to the Governor's allocation as he announced and as was in his original handouts.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Rock to close.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Allow me to say, welcome to the 3rd of July and for those who think seriously that there will be a second or a third or a fourth Conference Committee report, let...let's take the facts as they are. We are dealing essentially with House Bill 569, introduced in the House and then bloated to the tune of about four billion dollars and sent to the Senate; and the Senate, I think, acted pretty responsibly and we not only acted responsibly in committee, we then agreed,

as we always agree, to attend summit meetings and attempt, if you will, a prioritization of...of where Build Illinois should go, how fair could it be, and we said, we are willing to sit and negotiate and talk until we're blue. We have a different way to finance this program, Governor, and the Governor, after some lengthy rethinking agreed with us in part and disagreed in part, and that, frankly, is what this process is about. The adoption of Conference Committee Report No. 1 which I am urging strongly, strongly, at one-fifteen in the morning on July 3rd, is final action of the Assembly but is not, I suggest to all of you particularly on the other side, it is not final approval. Some of the comments I heard from the other side would lead me to believe that the gentleman on the second floor is a Democrat with a Democratic pen, and by virtue of passage of this we are somehow taking all of the funds of the Illinois and landing them in...in the City of Chicago. Simply not correct. Simply not correct. The allocation that was made was one that we said from day one would be fair, because I hasten to add as was alluded to earlier and apparently ignored, is that by virtue of passage...passage of 570, by virtue of our initiative...legislative initiative at the Governor's request to put into place a Build Illinois Program, we are imposing a tax to pay for these projects, however they finally come out, a tax that is paid for principally by the people in the City of Chicago and in the County of Cook. Like it or not, those are the figures from the Department of Revenue, and so those of us who happen to represent that area said, hey, isn't it fair that we would receive a percentage of whatever capital projects are out there? We are all universally...irrespective of House, irrespective of party, we all are universally committed to the capital rehabilitation of our higher university system. That's a given. I don't care who's district it's in. I don't care if you're a Demo-

crat or Republican, that's a given. There is...I dare say, there's no one in this Chamber who is opposed to the finally realized Highway 51. I have been hearing about Highway 51 since Governor Ogilvie was the Governor. Nobody is against the Central Illinois Expressway, nobody is against the Thorndale Avenue, get-people-to-O'Hare Airport-road. Those are universal. We're all for that. Question is, how do you get there? Well, I suggest to you, you don't get there by delaying tactics and by suggesting to the other members of the summit that we do not choose to participate, that you don't get there by...refusing to sit down and talk about priority lists and allocation. So, now we are left with a bill with which many of you are unhappy. Well, frankly, many of us are unhappy about it too because that simply is not the way the process should work. But what do we do now on July 3rd at one-fifteen in the morning? My suggestion to you is that we ought to unanimously approve the Conference Committee report on 993, because what it says in broad outline is, yes, we want to Build Illinois and, yes, we have a commitment for one billion three hundred million dollars in expenditure and, yes, it will be fairly spent and, yes, there ought to be a municipal agenda, not only for Chicago but for every city in this State; and if we can't stand for that and quit nickle and dining around on little bitty projects, then we ought to rethink our position, then we ought to back up and say, no, we really don't want a Build Illinois initiative. Whether you're a Democrat or a Republican, for goodness sake, all of you from downstate ought to embrace this thing wholeheartedly and blindly, and what those of us who represent the people of Chicago are saying is, look, we're paying the tax, we'd like a fair share, we don't want it all, a fair share, and your Governor...your Governor has the pen. This is final action of this Chamber, but it is surely not final approval because you and I both know what he can do with that pen. Ladies and

gentlemen, if we are to move this Session to a conclusion, I urge an Aye vote for the motion to adopt the Conference Committee report on House Bill 993.

PRESIDING OFFICER: (SENATOR DENUZIO)

The question is, shall the Senate adopt the first Conference Committee report on House Bill 993. 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? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Last time. Take the record. On that question, the Ayes are 31, the Nays are 22, 2 voting Present. The Conference Committee report is not adopted and the Secretary shall so inform the House. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. I move that the Senate stand adjourned till...or stand in Recess until nine o'clock this morning.

PRESIDING OFFICER: (SENATOR DENUZIO)

All right, Senator Rock moves that the Senate stand in Recess till the hour of nine o'clock this morning. The Senate stands in Recess.