

85TH GENERAL ASSEMBLY

REGULAR SESSION

MAY 21, 1987

PRESIDENT:

The hour of ten having arrived, the Senate will please come to order. Will the members be at their desk and will our guests in the gallery please rise. Our prayer this morning will be delivered by the Reverend Edward A. Hawkins, St. James AME Church, Chicago, Illinois. Reverend.

REVEREND EDWARD A. HAWKINS:

(Prayer given by Reverend Hawkins)

PRESIDENT:

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

SENATOR HALL:

Mr. President, I move that reading and approval of the Journals of Tuesday, May the 12th; Wednesday, May 13th; Thursday, May 14th; Monday, May 18th; Tuesday, May 19th and Wednesday, May 20th, in the year 1987, be postponed pending arrival of the printed Journals.

PRESIDENT:

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

SECRETARY:

Senator...Senator Savickas, chairman of the Committee on Assignment of Bills, reports the following House bills to committees:

Agriculture and Conservation - House Bills 84, 457, 2236, 2625; Elections and Reapportionment - House Bills 1508 and 2492; Elementary and Secondary Education - House Bills...233, 410, 2244, 1265, 1736, 1742, 2353, 2401, 2758; Energy and Environment - 748 and 2849; Executive - 161, 232, 306, 577, 858, 1194, 1259, 1317, 1349, 1798, 1904, 1923, 1924, 2011, 2018, 2043, 2056, 2643, 2694; Finance and Credit Regulations - 1859, 1922, 1956, 2123, 2530; Higher Education - 813;

Insurance, Pensions and Licensed Activities - 1198, 1222, 1298, 1319, 1500, 1540, 1548, 1836, 2007, 2766, 2789, 2834; Judiciary - 67, 310, 523, 787, 1603, 2062, 2590, 2740; Labor and Commerce - 1332, 2032, 2033; Local Government - 89, 396, 854, 866, 954, 1909, 2470; Public Health, Welfare and Corrections - 72, 272, 404, 405, 407, 464, 1118, 1230,...2230, 2258, 2370, 2840, 2842, 2843, 2845; Revenue - 462,...1753, 1832, 2823, 2866; Transportation - 48, 824, 1238, 1504, 1758, 1953, 2046 and 2060.

PRESIDENT:

Messages from the House.

SECRETARY:

A Message from the House...

PRESIDENT:

I'm sorry. Senator Hawkinson, for what purpose do you arise?

SENATOR HAWKINSON:

Thank you, Mr. President. Two purposes; first, I've spoken with Senator Luft and Representative Homer and I would like to ask leave of the Body to be substituted as the chief sponsor of House Bill 1603 so that the sponsorship would read Hawkinson-Luft.

PRESIDENT:

All right, the gentleman seeks leave of the Body to be shown as the chief Senate sponsor of House Bill 1603 along...hyphenated with Senator Luft. Without objection, leave is granted. Senator Hawkinson.

SENATOR HAWKINSON:

Second purpose is that given the press of business today and tomorrow, perhaps it would be well if the...the Chair would advise the members of Rule 26B regarding introductions.

PRESIDENT:

You know the rules better than I do. Senator Davidson, for what purpose do you arise?

SENATOR DAVIDSON:

Mr. President, I need to change the primary sponsors on two House bills, House Bill 612 should be Davidson-Daniels, House Bill...

PRESIDENT:

Wait...wait a minute...wait a minute, hold it. What are you doing? Senator...Senator Davidson.

SENATOR DAVIDSON:

Asking leave to be the primary sponsor of House Bill 612 at the request of the House sponsor.

PRESIDENT:

All right, gentleman seeks leave to be...be shown as the chief sponsor of House Bill 612. Without objection, leave is granted. Senator Davidson.

SENATOR DAVIDSON:

And the same thing on House Bill 2812, at the request of the sponsor it'll be Davidson-Barkhausen.

PRESIDENT:

All right. What...what you had said was Davidson-Daniels. That's where I got confused. Daniels is over in the other side of the building, I'm told.

SENATOR DAVIDSON:

O'Daniels, I'm sorry.

PRESIDENT:

All right, House Bill 2812, gentleman seeks leave to be shown as the chief sponsor. Without objection, leave is granted. We're going to try to start on recalls. The Chair would point out that today is Thursday and tomorrow is Friday, and today...as of today, we have four hundred and ten bills on the Calendar. That means we need two hundred and five bills a day for two days or fifty bills a day for five days or however you want to cut it. We will start at the top on the Order of Recalls, that is Senators Davidson, Berman, Holmberg, Netsch, Luft, Poshard, Collins, Etheredge,

SB 28  
Recalled

Etheredge, Etheredge, Barkhausen, Barkhausen, Barkhausen, Barkhausen. Page 2 on the Calendar. On the Order of Senate Bills 3rd Reading, Madam Secretary, is Senate Bill...Senator Mahar, for what purpose do you arise?

SENATOR MAHAR:

I'm sorry, Mr...Mr. President, if it's appropriate, I'd like to change sponsorship of a bill. Can we do that now?

PRESIDENT:

Wrong time. Later...we'll get to that later. On the Order of Senate Bills 3rd Reading, page 2 on the Calendar, is Senate Bill 28. Senator Davidson seeks leave of the Body to bring that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 28, Madam Secretary.

SECRETARY:

Senator Marovitz and Davidson offer Amendment No. 3.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. This reinserts the paragraph about sureties and also states that a individual cannot be detained twenty-one days without a hearing. He gets notice and if he's out, he will not be detained during that twenty-one day period. It's...it's been agreed to by both the sponsor and the Judiciary Committee and I would ask for the adoption of Amendment No. 3 to Senate Bill 28.

PRESIDENT:

Senator Marovitz has moved the adoption of Amendment No. 3 to Senate Bill 28. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Are there further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 187, Senator Berman. On the Order of Senate Bills 3rd Reading is Senate Bill 187. That's page 4 on the Calendar. Senator Berman seeks leave of the Body to bring this bill to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 187, Senator Berman.

SENATOR BERMAN:

Thank you...thank you...thank you, Mr. President. What I'm going to do is to move to reconsider the vote by which Amendment No. 1 was adopted. So that you're all aware...the bill as introduced...the bill as introduced was a vehicle shell bill for the School Aid Formula. Amendment No. 1 was the formula that was adopted in the Committee on Elementary and Secondary Education which is the same formula that was recommended by the Citizen's Council on School Problems. That is a formula that committed four hundred million dollars of new money to the revised School Aid Formula. In...I had hoped that we might be at a stage in the process where we would know the kind of money that might be available, if any, as a result of a proposed tax increase. We're not there yet. I don't think that, therefore, it's responsible to ask all of us to vote on a very dramatic commitment for increased funding of elementary and secondary education when at this point we don't know where the money is. So, I'm going to ask that we reconsider the vote, take the amendment off and tomorrow or later today pass the...the vehicle bill out and we'll address the formula changes when we have a better grasp of the monies available. So, with that explanation, Mr. President, I'd move...having voted on the prevailing side, I move to reconsider the vote by which Amendment No. 1 was adopted.

PRESIDENT:

All right, Senator Berman having voted on the prevailing side moves to reconsider the vote by which Committee Amendment No. 1 to Senate Bill 187 was adopted. All in favor of the motion to reconsider indicate by saying Aye. All opposed. The Ayes have it. The vote is now reconsidered. Senator Berman now moves to Table Committee Amendment No. 1 to Senate Bill 187. Any discussion? If not, all in favor of the motion to Table indicate by saying Aye. All opposed. The Ayes have it. The motion prevails. Amendment No. 1 is Tabled. Further amendments, Madam Secretary?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Bottom of page 4 on the Calendar, Senator Holmberg. On the Order of Senate Bills 3rd Reading is Senate Bill 200. Senator Holmberg seeks leave of this Body to return that bill to the Order of 2nd reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 200, Madam Secretary.

SECRETARY:

Amendment No. 3 offered by Senator Holmberg.

PRESIDENT:

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Amendment No. 3 is the result of extensive negotiations between myself and the Department of Commerce and Consumer Affairs. It deletes the provisions in Senate Amendment No. 1 that the findings be filed with Economic and Fiscal Commission one day after consummation of a deal with a foreign firm and...but it still requires that OCCA shall report to the Economic and Fiscal Commission, the General Assembly and the Governor but they will be doing it quarterly

AB 203  
Recalled

rather than on a next-day basis. Both DCCA and myself are...are very satisfied with this amendment and I ask for adoption of the amendment at this time.

PRESIDENT:

All right, Senator Holmberg has moved the adoption of Amendment No. 3 to Senate Bill 200. Discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. I just...

PRESIDENT:

All right, ladies and gentlemen, now we have about sixty bills on the recall. All I'd ask you to do is just lend a little attention so that nobody is attempting to throw a curve ball here, let's just all pay attention. Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President. Just to say to Senator Holmberg and to DCCA, we appreciate very much the willingness to continue to negotiate on this issue. We fought this the other day, a gallant battle, and...and I think we are all now in agreement and I would urge support of the amendment also.

PRESIDENT:

Senator Holmberg has moved the adoption of Amendment No. 3 to Senate Bill 200. Any further discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Top of page 5. On the Order of Senate Bills 3rd Reading is Senate Bill 203. Senator Netsch seeks leave of this Body to return that bill to the Order of 2nd

SB 232  
Recall

Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 203, Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Netsch.

PRESIDENT:

Senator Netsch on Amendment No. 1.

SENATOR NETSCH:

Thank you, Mr. President. This is the amendment...or a revised version of the amendment that we started to discuss last...a few days ago and Senator Rigney raised a question which we have now resolved by revising it. It has to do with the property...the tax exemption of property, primarily of YMCA's and...because they have some activities that are in the athletic area, there were some disputes with the Department of Revenue. We have made it clear that...that that kind of agency's property is tax exempt which I think it was expected all along. We have also made it clear that if there are any court...if there is any court litigation, right now, involving any past assessment practices, that this amendatory Act will not, I repeat, not purport to affect any pending litigation. I think that's fairly important and I would move the adoption of Amendment No. 1 to Senate Bill 203.

PRESIDENT:

Senator Netsch has moved the adoption of Amendment No. 1 to Senate Bill 203. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 232, Senator Luft. Bottom of page 5 on the Calendar. On the Order of Senate Bills 3rd Reading is Senate Bill 232. Senator Luft seeks leave of the Body to return that

bill to the Order of 2nd Reading for purposes of an amendment. Leave is granted. On the Order of Senate Bills 2nd Reading, 232, Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Luft.

PRESIDENT:

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Amendment No. 1 strikes everything after the enacting clause. The subject matter of Senate Bill 232 and the amendment is the procedure set forth in holding township caucuses. This amendment sets those procedures forth. There...it's a lengthy list. I'll try to go through them. If anybody has no questions, I'll just move for the adoption.

PRESIDENT:

Senator Luft has moved the adoption of Amendment No. 1 to Senate Bill 232. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 355, Senator Poshard. We are now on page 7 on the Calendar. On the Order of Senate Bills 3rd Reading, Senate Bill 355. Senator Poshard asks leave of the body to return that bill to Order of 2nd Reading of purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 355, Madam Secretary. 3-5-5.

SECRETARY:

Amendment No. 1 offered by Senator Poshard.

PRESIDENT:

Senator Poshard.

SENATOR POSHARD:

Thank you, Mr. President. Mr. President, this is an agreed amendment which pertains to a person being arrested taken to the nearest most accessible judge. This amendment changes the...the "shall" to "may" and limits it only to those areas that have a regional jail authority. It cannot pertain to any other area of the state. Thank you.

PRESIDENT:

Senator Poshard moves the adoption of Amendment No. 1 to Senate Bill 355. Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Would the sponsor yield for a question?

PRESIDENT:

Indicates he'll yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

That...that's the bill that provides that if there is no...no judge available where someone violates the law, you take them to the neighboring county for a judge. Is that correct? Well, have you provided in there that the trial of that offender has to be in the county in which the incident happened?

PRESIDENT:

Senator Poshard.

SENATOR POSHARD:

The trial will take place in the county where the incident happened.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Is that in your amendment?

PRESIDENT:

Senator Poshard.

SENATOR POSHARD:

Senator Geo-Karis, that's already law, and this amendment

does not affect that at all. Let me read the amendment to you. Let me read the amendment. "In that county except when such county is a participant in a regional jail authority in which event such person may be taken to the nearest and most...accessible judge irrespective of the county where such judge presides."

PRESIDENT:

All right, Senator Poshard has moved the adoption of Amendment No. 1 to Senate Bill 355. Further discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Bottom of page 7, Senator Collins. Can we move the group away from Senator Collins' desk? On the Order of Senate Bills 3rd Reading, bottom of page 7, is Senate Bill 368. Senator Collins seeks leave of this Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 368, Madam Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Collins.

PRESIDENT:

Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President and...members of the Senate. Amendment No. 2 deletes from the original bill the coordination of services and the development of community based support service systems by counties and cluster counties and puts the responsibilities in the Department of Mental Health. It further streamlines and clarifies the language in the bill and I would move for the...its adoption.

PRESIDENT:

Senator Collins has moved the adoption of Amendment No. 2 to Senate Bill 368. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Senator Etheredge. Top of page 9. On the Order of Senate Bills 3rd Reading, Senate Bill 478. Senator Etheredge seeks leave of this Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Madam Secretary, is Senate Bill 478.

SECRETARY:

Amendment...Amendment No. 1 offered by Senator Etheredge.

PRESIDENT:

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I have three amendments. Actually, each one is a very brief amendment and all three should have been rolled into one but they weren't, so...the first...these are...are amendments that have resulted from discussions with the Department of R and E and also in one instance with the physical therapists. The three amendments taken together put the...podiatric medical licensing bill in a form which everyone can support. I would move for the adoption of Amendment No. 1.

PRESIDENT:

Senator Etheredge has moved the adoption of Amendment No. 1 to Senate Bill 368. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

Amendment No. 2 offered by Senator Etheredge.

PRESIDENT:

Senator Etheredge on Amendment No. 2.

SENATOR ETHEREDGE:

This combines two fees into one and deletes the word "physical therapy." I would move for the adoption of this amendment.

PRESIDENT:

Senator Etheredge has moved the adoption of Amendment No. 2, Madam Secretary, to Senate Bill 368. Any discussion? If not, all in favor indicate by saying...I beg your pardon. 478. Senator Etheredge has moved the adoption of Amendment No. 2 to Senate Bill 478. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

Amendment No. 3 offered by Senator Etheredge.

PRESIDENT:

Senator Etheredge on Amendment No. 3.

SENATOR ETHEREDGE:

Amendment No. 3 is proposed at the suggestion of the Department of R and E and it changes ten dollars to twenty dollars. I'd move for its adoption.

PRESIDENT:

Senator Etheredge has moved the adoption of Amendment No. 3 to Senate Bill 478. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Middle of page 10, Senator Barkhausen. Senator Barkhausen on the Order of Senate Bills 3rd Reading has Senate Bill 509, and he seeks leave of this Body to

return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 509, Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Rigney.

PRESIDENT:

Senator Rigney on Amendment No. 1.

SENATOR RIGNEY:

What this does is to simply add in "caseworkers or other employees of a child welfare agency or child care institution" under the section of the law dealing with both aggravated assault and aggravated battery.

PRESIDENT:

Senator Rigney has moved the adoption of Amendment No. 1 to Senate Bill 509. Discussion? Senator Poshard.

SENATOR POSHARD:

Mr. President,....I had my light on as a point of personal privilege.

PRESIDENT:

State your point, sir.

SENATOR POSHARD:

Sir, in the gallery visiting with us today are the students and teachers and administrators from Mulkeytown Elementary School in my district, and I'd like to welcome them to the Senate.

PRESIDENT:

Will our guests in the gallery please rise and be recognized. Welcome to Springfield. Senator Rigney has moved the adoption of Amendment No. 1 to Senate Bill 509. If there's no discussion....Senator Marovitz.

SENATOR MAROVITZ:

Yeah, just a....a question.

PRESIDENT:

Sponsor indicates he'll yield, Senator Marovitz.

SENATOR MAROVITZ:

Currently, it's an aggravated battery if...if...if the employee is a state employee, employee of DCFS. Now, we're going to expand that beyond the state employees and say it's going to be an aggravated battery even if you're not a state employee?

PRESIDENT:

Senator Rigney.

SENATOR RIGNEY:

These...keep in mind, these are people who are licensed by DCFS, but...yes, it does back up to the...to that local level, the people who are really on the front line dealing with these...these people.

PRESIDENT:

Senator Rigney has moved the adoption of Amendment No. 1 to Senate Bill 509. If there's no further discussion, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Are there further amendments?

SECRETARY:

Amendment No. 2 offered by Senator Barkhausen.

PRESIDENT:

Senator Barkhausen on Amendment No. 2.

SENATOR BARKHAUSEN:

Mr. President and members, Amendment No. 2 to Senate Bill 509 is roughly the...equivalent of Senate Bill 738 which was introduced...last year, I think in identical forms, both by Senator Marovitz and I and never...it didn't get out of Rules then, and this year we just had such a crowded Calendar in the Judiciary Committee, we just didn't get to it. It would prohibit solicitation for legal business by attorneys while on courthouse property and the idea is...is not either one of ours. It came from the...the Greylord Commission,

the...Commission making recommendations in the wake of the Greylord judicial problems in Cook County. It...unlike the original bill, Senate Bill 738, rather than making such an offense a Class A misdemeanor, it makes it a business offense only, punishable by a fine of up to one thousand dollars. I'd be happy to answer any questions and...and would otherwise urge the adoption of the amendment.

PRESIDENT:

Senator Barkhausen has moved the adoption of Amendment No. 2 to Senate Bill 509. Discussion? Senator D'Arco.

SENATOR D'ARCO:

You know, Mr...Mr. President, Senator Barkhausen is making it a habit a...a real...you know, it...it's one thing when you have a serious bill that you lost in committee to come forward and say it's very...it's important enough to...to bypass the committee system and let the Body as a whole hear this important bill; but, Senator Barkhausen, you've got a list of bills on recall that you either lost in committee or didn't call in committee and you want this Body to address in this Chamber at this time for whatever reason. Now, I think that's an abrogation of the legislative process. I mean, if a bill is important, that's one thing, but every bill you've got...and this bill is totally ridiculous, I don't know of any problem of lawyers soliciting business on the stairs of the courthouse...yeah, I've heard of Greylord...yeah, I've heard of Greylord, you know,...and that's quite different than a lawyer soliciting business on the stairs of a courthouse while the judicial system is at work, I mean, that's a totally different matter we're talking about; and this is such a minor, incidental bill. To bring it before this Chamber at this time is a...a travesty to our system of legislative process, and you should have more sense than...than to do that, Senator Barkhausen, and you should know better than to do that now.

PRESIDENT:

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Well, on the same point. We had hundreds of bills in the Judiciary Committee and every single bill got called that...that any sponsor wanted called and we sat there the last day and...and there were a number of bills...several bills were Senator Barkhausen's bills and I said to Senator Barkhausen, do you have any more bills that you want to call? Do have you any more bills that you wanted a hearing? Every member of the Judiciary Committee stayed and they were all there and Senator Barkhausen decided not to even call several bills, this bill being one of them. I don't think it's fair to the process to say, I'm going to introduce a bill, I'm going to make my own decision not even to call it in committee, and I think this bill might have passed out of committee, I'm not going to call it in committee and I'm going to take up the time of the Body and...and debate it on the Floor. What is the point of the committee system? If you hear a bill in committee and you lose, that's one thing, but if you on your own...own determination decide not to call your own bill for no reason, it's...no rush, no hurry, no lack of opportunity and then decide to come before the Body, what's the point of the committee system? We might as well do away with the committee system. I don't think this a good idea and I suggest people on this...this aisle...on this side of the aisle ought to vote Present.

PRESIDENT:

Senator Barkhausen has moved the adoption of Amendment No. 2. Further discussion? Senator Barkhausen to close.

SENATOR BARKHAUSEN:

Just to...respond to the points made, Mr. President and members, in closing and...and that is that I believe it's true that the Judiciary Committee had a higher volume of

legislation than any other committee and...and I did not...and some other members did not have the opportunity to have bills called; in fact, I both made the suggestion to the chairman and formally moved that we recess to a later date. There were several other committees that scheduled additional hearing time because they did not have a chance to consider all the bills that had been assigned to them and for one reason or another that did not happen in the case of the Judiciary Committee. I don't...

PRESIDENT:

Senator Marovitz. Senator Marovitz.

SENATOR MAROVITZ:

On a...on a point of personal privilege.

PRESIDENT:

State your point, sir.

SENATOR MAROVITZ:

We had eleven members on the Judiciary Committee. Nine members were there until ten o'clock, eleven o'clock that night. Stayed the entire night. Any member in this Body that came in and wanted a bill heard got their bill heard and everybody stayed. We brought dinner in and everybody was there. Nobody got up and left. Nobody rushed anybody. Senator Barkhausen decided on his own volition not to call a series of bills. Nobody asked him not to. I said, David, you want to call some bills, we're here, and he decided not to call a bunch of bills and I don't think it's fair to the members of the Judiciary Committee on both sides of the aisle to say that he couldn't get a fair hearing or there wasn't enough time. We were there and every sponsor that wanted their bill heard got their bill heard.

PRESIDENT:

Senator Barkhausen to close.

SENATOR BARKHAUSEN:

Well, I don't want to get in a personal argument with the

chairman. The fact...that a motion was made to adjourn at a certain point when several bills still had not had...had not been heard and when the sponsors had not had a...had a chance to present their bills and this happened to have been one of them. I don't think that the bill is a...is a small matter. It is...it comes as a result of a well-publicized, well-documented problem. I think if those of us in the...in the legal profession are going to preserve intact the honorable reputation that I think most of us deserve, that this is just a small step that we might take of following up upon the recommendation of this commission that has looked in depth at the problems that the Greylord scandal have...has brought to light and it...it only makes it a business offense to...to...to do that which is already prohibited under the legal cannons but for which there is now no penalty whatsoever. And I would move the adoption of the amendment.

PRESIDENT:

Senator Barkhausen has moved the adoption of Amendment No. 2 to Senate Bill 509. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 29 Ayes, 25 Nays, 4 voting Present. Amendment No. 2 is adopted. Further amendments?

SECRETARY:

Amendment No. 3 offered by Senator Kustra.

PRESIDENT:

Senator Kustra on Amendment No. 3. I beg your pardon. Senator Lechowicz, for what purpose do you arise?

SENATOR LECHOWICZ:

I humbly request for a verification.

PRESIDENT:

...gentleman has requested a verification. That request is in order. Senator Lechowicz has requested a verification. Will the members please be in their seats. Madam Secretary,

read the affirmative roll.

SECRETARY:

Barkhausen, Davidson, DeAngelis, Donahue, Dudycz, Ralph  
Dunn, Etheredge, Fawell, Friedland, Geo-Karis, Hawkinson,  
Hudson, Karpier, Keats, Kelly, Kustra, Macdonald, Madigan,  
Mahar, Maitland, Philip, Raica, Rigney, Schaffer, Schuneman,  
Topinka, Watson, Weaver and Woodyard.

PRESIDENT:

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

SENATOR LECHOWICZ:

Thank you, Mr. President. Senator Davidson.

PRESIDENT:

Just returned to the Floor. He's in his seat.

SENATOR LECHOWICZ:

Senator Dudycz.

PRESIDENT:

Senator Dudycz is in his seat.

SENATOR LECHOWICZ:

Karpier.

PRESIDENT:

Senator Karpier is in the Chamber.

SENATOR LECHOWICZ:

Watson.

PRESIDENT:

Senator Watson is in his seat.

SENATOR LECHOWICZ:

Senator Etheredge.

PRESIDENT:

Senator Etheredge is...

SENATOR LECHOWICZ:

Okay. Usually he's on our side...

PRESIDENT:

Visiting...visiting with us, yes. All right, the roll

has been verified. On that question, there are 29 Ayes, 25 Nays. Amendment No. 2 is adopted. Further amendments?

SECRETARY:

Amendment No. 3 offered by Senator Kustra.

PRESIDENT:

Senator Kustra on Amendment No. 3.

SENATOR KUSTRA:

Thank you, Mr. President. If I may ask Madam Secretary if this amendment ends in 02. That's the one that I want to go with.

SECRETARY:

It does.

SENATOR KUSTRA:

Thank you. Last year, Mr. President and members of the Senate, the Chief Justice of the Supreme Court issued a...a new set of very difficult and tough disclosure requirements for judges. The results of those disclosure requirements now have been made available. The judges have had to comply with that new rule and recently the Chicago Sun-Times did a study of what and how judges have complied, and I will read to you just briefly the comments from the Sun-Times, "Recent filings indicate a majority of the judges have complied, yet others have given meager general disclosures, not specifics, about investments or bank accounts or indebtedness. Still others have refused to comply at all, and one judge instead of complying with the new regulation reverted to a variation of the old sealed envelope ploy," and there's a quote there that I won't bother reading. All this particular amendment does is apply to judges the same standard of behavior which we have already applied to ourselves. If we don't file a statement of economic interest, we're subject to a Class A misdemeanor. I'm suggesting that we ought to apply that same standard to judges and I would urge your adoption...

PRESIDENT:

Senator Kustra has moved the adoption of Amendment No. 3 to Senate Bill 509. Discussion? Senator Berman.

SENATOR BERMAN:

I...thank you, Mr. President. Ladies and gentlemen, I think we have to understand who we are. Senator Kustra, you're not the Supreme Court. Senator Barkhausen, you're not the Supreme Court. Judges and lawyers under our Constitution are regulated by the Judicial Branch. We are not the Judicial Branch, we're the Legislative Branch. Senator Kustra wants to make himself a hero on this kind of stuff. It's a waste of our time because this is unconstitutional. They must do this because the Supreme Court says they must do it, not because we do it, and I think it's a waste of time. You're grandstanding without making any meaningful...action towards the problems that exist and I...you know, I think...I just hope you realize that this kind of stuff is a meaningless gesture because we have no control over the activities of the...of the judges regarding their compliance with the Code of Judicial Conduct that's...that's adopted by the Supreme Court. We're the Legislative Branch, we don't control the Judicial Branch. I would urge a No vote.

PRESIDENT:

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

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

PRESIDENT:

Indicates he'll yield, Senator Marovitz.

SENATOR MAROVITZ:

Senator Kustra, what is the penalty today without this legislation for failing to file a declaration of economic interest?

PRESIDENT:

Senator Kustra.

SENATOR KUSTRA:

There is...there is not one at this time.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Well, I...I beg to differ. I think under the Illinois Governmental Ethics Act, failure to file this statement will result...shall result in forfeiture of office, today, without this legislation, under the Illinois Governmental Ethics Act.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I'm going to speak against this amendment and I think if you just recall what happened a few weeks ago when the Supreme Court by its own volition requested that every member of the judiciary, statewide, fill out a statement of economic interest, not only detailing as far as...them...the judges and their wives but their families as well. Now, Bill Clark and the rest of the Supreme Court did that by their own volition because they realize the fact that the judiciary in this state, because of Greylord, was probably looked at with a jaundiced eye. What happened...and they did this voluntarily, the first thing that they did is they listed if there was any type of employment of their spouses. So, what they did voluntarily, the press proceeded immediately to possibly highlight a conflict when no conflict exists because their wives or the husbands, or whatever case may be, were employed by somebody and then knowing that somebody at any point in time will have...a possible recourse going as high as the Supreme Court. I don't believe what we're doing here today will amplify or correct a situation which they have done voluntarily. I think this is a step in the wrong direction where we're trying to mandate the Supreme Court and the rest of the judiciary to do something above and beyond what's our

responsibility and, for that reason, I'm opposing this amendment. Thank you, Mr. President.

PRESIDENT:

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Well, just...just to continue in...in...in my same vein. The law today, the Illinois Governmental Ethics Act, is that failure to file that statement results...shall result in forfeiture of office and we have the Statutes right here. Okay. Well, let me ask you another question then. What...what is the law today if you file a false statement of economic interest...a false statement, what's the law today?

PRESIDENT:

Senator Kustra.

SENATOR KUSTRA:

Senator Marovitz, you're...you're failing to distinguish between two kinds of statements of economic interest. You're aware, of course, of the statement of economic interest which you and I have to fill out and which judges had to fill out. Last year...last spring, the chief justice issued a new set of judicial disclosure requirements. That's what Senator Lechowicz is talking about. Those requirements have nowhere in the law any penalty attached to them for failing to file. What this amendment deals with is the failure to file the statement of economic interest required by the Chief Justice of the Supreme Court as of last spring. There's a Class A misdemeanor penalty in the law for us and all candidates for state office, but that...that statement of economic and...of economic interest, you and I know, doesn't tell you anything about what the chief justice thought the public out to know about a judge's economic interest, and that's what I'm dealing with. Forget the statement of economic interest you're reading about in the Governmental Ethics Act. We've already dealt with that. That's Class A misdemeanor. I say, let's

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Recall

apply the same standard of a penalty, Class A misdemeanor, to the judges under the chief justice's rule of last spring.

PRESIDENT:

Senator Kustra has moved the adoption of Amendment No. 3 to Senate Bill 509. All in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 515, Senator D'Arco. On the Order of Senate Bills 3rd Reading is Senate Bill 515. Senator D'Arco seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 515, Madam Secretary.

SECRETARY:

Amendment No. 3 offered by Senator D'Arco.

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

Thank you. This is Amendment No. 3...or 2?

PRESIDENT:

Amendment No. 3...

SENATOR D'ARCO:

3.

PRESIDENT:

...Secretary indicates, Senator...

SENATOR D'ARCO:

Let me ask you something. The LRB number is LRB8503421SLKBAM?

SECRETARY:

Actually, this has no LRB number. I do...

SENATOR D'ARCO:

All right, is the word "chiropractic" in that amendment?

SECRETARY:

Yes, it is. Page 1, line 3, chiropractic technique.

SENATOR D'ARCO:

Right. Okay. This amendment puts the word "chiropractic technique" immediate...immediately after electrosurgery. So, it's understood that a physical therapist cannot perform functions that chiropractors can perform. Is that right, Doc? Are we all set, Doc? Okay.

PRESIDENT:

Senator D'Arco has moved the adoption of Amendment No. 3 to Senate Bill 515. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

Amendment No. 4 offered by Senator D'Arco.

PRESIDENT:

Senator D'Arco on Amendment No. 4.

SENATOR D'ARCO:

Thank you, Mr. President. Amendment No. 4 provides that the accountant's privilege of confidentiality is intended to extend to any documents, information or evidence obtained or used in connection with any tax service...performed by a public accountant. We all know that the accountant does have the privilege of confidentiality with his client and this is just to define the extent of the privilege.

PRESIDENT:

Senator D'Arco has moved the adoption of Amendment No. 4 to Senate Bill 515. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Are there further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

S.B. 550  
Recalled

3rd reading. Senator Marovitz on 550. On the Order of Senate Bills 3rd Reading is Senate Bill 550. Senator Marovitz asks leave of the Body...page 9 on the Calendar, to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 550, Madam Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Marovitz.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Amendment No. 2 is the bill which...allows AIDS education in grades six through twelve in family life, health and sex education classes. It's a permissive bill only, allows the parents to opt their child out of that type of education. I've had cause to be passed out an article appearing a couple of weeks ago in the Chicago Tribune about teenagers and their confusion about AIDS, not knowing what AIDS is, how it's disseminated, how communicable it is. The Surgeon General is urging a massive education program, actually believes that it should start in third grade. I don't think it should start that soon, but it is permissive only and it's very important to get this kind of information to our kids and I would solicit your Aye vote.

PRESIDENT:

Senator Marovitz has moved the adoption of Amendment No. 2 to Senate Bill 550. Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. Senator Marovitz, you were complaining about bills not heard in committee being considered today, and now we're hearing a bill that's on postponed consideration. So, I think it deserves the same treatment as

it got yesterday.

PRESIDENT:

Senator Marovitz has moved the adoption of Amendment No. 2 to Senate Bill 550. All in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is...I beg your pardon. Roll call has been requested. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 30 Ayes, 22 Nays, none voting Present. Amendment No. 2 is adopted. Are there further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 567, Senator Luft. On the Order of Senate Bills 3rd Reading, Senate Bill 567. Senator Luft seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 567, Madam Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Luft.

PRESIDENT:

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Amendment No. 2?

PRESIDENT:

2.

SENATOR LUFT:

...is a result of an agreement between the clinical laboratory practitioners and the Department of Public Health. It provides for registration in two levels of clinical laboratory...practitioners, technologists and technician, establishes qualifications for registration at either level and

authorizes the Department of R and E to assess fines up to five thousand dollars.

PRESIDENT:

Senator Luft has moved the adoption of Amendment No. 2 to Senate Bill 567. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Are there further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 645, Senator Marovitz. We are now at the top of page 10 on the Order of Senate Bills 3rd Reading, Senate Bill 645. Senator Marovitz seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? On the Order of Senate Bills 2nd Reading, Senate Bill 645, Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Marovitz.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much. All this amendment does is change the effective date from 1-1-88 to 7-1-88, delays the implementation so that the bill will have no impact this fiscal year and I would ask for the adoption of the amendment.

PRESIDENT:

Senator Marovitz has moved the adoption of Amendment No. 1 to Senate Bill 645. Is there any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

I beg your pardon. You certainly can...you can recommit

it, you can Table it, you can do whatever you want. Okay. 2nd reading. The bill, Madam Secretary, at the request of the sponsor will remain on 2nd reading. 652, Senator D'Arco. Top of page 10, on the Order of Senate Bills 3rd Reading, Senate Bill 652. Senator D'Arco seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 652, Madam Secretary.

SECRETARY:

Amendment No. 2 offered by Senator D'Arco.

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

Yes. Mr. President, Amendment No. 2 deletes the words "in...in an aggregate of five hundred dollars or more" from the reporting requirements of campaign contributions within two business days from receipt...two business days from receipt of the contribution. The committee felt that a five hundred dollar contribution should be reported but the...not in the aggregate of five hundred dollars, and I would move to adopt Amendment No. 2.

PRESIDENT:

Senator D'Arco has moved the adoption of Amendment No. 2 to Senate Bill 652. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Middle of page 10, Senator Macdonald. Senator Macdonald, going once, going twice. Senator Macdonald, yo. You wish that bill called back? I can't call it back without the sponsor asking, you know. We don't do

that around here. Senator Macdonald seeks leave of the Body to return Senate Bill 681 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? On the Order of Senate Bills 2nd Reading, Senate Bill 681, Madam Secretary.  
SECRETARY:

Amendment No. 2 offered by Senators Barkhausen and Macdonald.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, Amendment No. 2 to...to Senate Bill 681 puts the bill in a...in a form that is both...both in keeping with a...with a bill that is over in the House and, probably more importantly, in conformity with a piece of legislation in Congress that looks like it is rapidly on its way to becoming law, sponsored by Senator Macdonald's and my congressman, John Porter. This is an attempt to provide...immunity to volunteers of 501 sea organizations but it...but it would not, I emphasize, extend immunity to the organization itself. It is our feeling and...and the feeling of others in this state and across the country that...that those who out of their good hearts are volunteering their services for these worthwhile organizations should not be incurring the potential of lawsuits based on negligence. It would not immunize them from any...any suit based on willful and wanton misconduct, but it would...it would immunize them for acts of mere negligence; however, as I emphasize it would not immunize the organization itself. So one who was...who was wronged by a volunteer could under normal circumstances go after the organization itself to...to recoup any losses and expenses. I'd be happy to answer any questions to further explain the need for the amendment.

PRESIDENT:

The Chair will just point out, there are now ten lights

on by virtue of this amendment. Senator Hawkinson.

SENATOR HAWKINSON:

Thank...

PRESIDENT:

Tell the sponsor to pull the amendment. Senator Hawkinson.

SENATOR HAWKINSON:

...thank you, Mr. President. Will the sponsor yield for some questions?

PRESIDENT:

Indicates he will yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, in an employer and employee situation, the employer organization would remain liable on respondeat superior. I'm not certain that's the law with respect to volunteers, and how can you ensure us that keeping the agency responsible is going to impose liability on that agency when one of its volunteers is negligent?

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

The...the bill...or the amendment specifically states this...I think maybe the original bill did, on...on page 2, lines 25-28, "That nothing in this section shall be construed to affect the liability of any nonprofit organization with respect to injury caused to any person." So, the liability is...is specifically imposed on...on the organization for acts within the...within the scope of that voluntary activity.

PRESIDENT:

Senator Hawkinson.

SENATOR HAWKINSON:

That's my point, Senator, ...what...what you've done is say that you're not going to change any liability, but I'm

not certain the liability is there now, and I don't read anything in your...in your amendment as imposing liability. I read your amendment as you read it with not changing the existing law, but I'm not sure that the agency is now responsible for the acts of the volunteer...but to the...to the amendment...there was substantial opposition in committee to the bill as originally drafted which is substantially in the form that it is now, and we suggested in committee that the bill would be all right and would adequately protect volunteers if we would provide that these agencies could completely indemnify the volunteers. You did that with Amendment 1 and I think to all intents and purposes with a...a minor change, you are now going back to the original bill and I stand in opposition.

PRESIDENT:

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Well, I'll tell you something, I...I really think the Body ought to know what's happening here, and...and Senator Hawkinson really laid it right on the line. This bill came out of the Judiciary Committee on the Agreed Bill List with an agreed amendment changing immunity to indemnification. That's what happened to this bill. Everybody agreed we should change it to indemnification. It came out on the Agreed Bill List and now you're coming back here again...

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

(Machine cutoff)...Mr. President, we have a full schedule. It's not my intention to bog us down with unnecessary argument and let me withdraw the amendment.

PRESIDENT:

Thank you...thank you. Further amendments, Madam Secretary?

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Recalled

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 697, Senator Berman. On the Order of Senate Bills 3rd Reading, Senate Bill 697. The Senator seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 697, Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Berman.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Amendment No. 1 is a...agreement worked out between the health insurance agencies...health insurance industries and the State Dental Society. The amendment limits the application of this bill to dental insurance...group dental insurance policies only. Move the adoption of Amendment No. 1.

PRESIDENT:

I was...I was communicating with my other leader. All right, Senator Berman has moved the adoption of Amendment No. 1 to Senate Bill 697. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 710 has been withdrawn, I understand. Senator Vadalabene.

SENATOR VADALABENE:

Yes, I...thought I'd take this opportunity also since I've withdrawn that amendment to give the members...the Memo-

rial Day speeches are here. This...this...this is the fourth printing and they're going like hot cakes.

PRESIDENT:

Notice the line. The line is a little heavy over there and Senator Sam has got the Memorial Day speech. Everybody get over and get it. We keep going like this, we're going to be here on Memorial Day. 719, Senator Joyce. On the Order of Senate Bills 3rd Reading, Senate Bill 719. We're at the top of page 11, the Senator seeks leave to ask that...of this Body to have that bill returned to 2nd reading for purposes of an amendment. Is leave granted? On the Order of Senate Bills 2nd Reading, Senate Bill 719, Madam Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Jerome J. Joyce.

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

Yes, thank you, Mr. President. This amendment is a compromise between the beer distributors and the breweries. It increases the limit on outside signs from five hundred to six hundred and eliminates the two hundred dollar limit on inside signs, raises the limits on window paintings and trim from two hundred to eight hundred and fifty. I would also like leave for Senator Art Berman to be added as a hyphenated sponsor. It is the compromise between the distributors and the brewers.

PRESIDENT:

All right, the gentleman seeks leave to ask Senator...that Senator Berman be shown as the hyphenated cosponsor on Senate Bill 719 and also moves the adoption of Amendment No. 2 to Senate Bill 719. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 722, Senator Joyce. On the Order of Senate Bills 3rd Reading, top of page 11, is Senate Bill 722. Senator Joyce seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 722, Madam Secretary.

SECRETARY:

Amendment No. 2 offered by Senator...Jerome J. Joyce.

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

Yes, this is the nursing home reimbursement rate and shall be indexed annually...utilizing the Dodge Regional Construction Inflater with 7-1-81 as the base. This will cost...let's see, fourteen million dollars the first year, 4.5 million the...each year following.

PRESIDENT:

Senator Joyce has moved the adoption of Senate Amendment No. 2 to Senate Bill 722. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Senator Welch, 774. On the Order of Senate Bills 3rd Reading, the middle of page 12, is Senate Bill 774. Senator Welch seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 774, Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Welch.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. What this amendment will do is tell the Illinois Commerce Commission in conjunction with the Department of Energy and Natural Resources to study the feasibility of wheeling electricity in Illinois.

PRESIDENT:

Senator Welch has moved the adoption of Amendment No. 1 to Senate Bill 774. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Top of page 13, Senator Kustra, on 809. On the Order of Senate Bills 3rd Reading is Senate Bill 809. Senator Kustra seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 809, Madam Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Kustra.

PRESIDENT:

Senator Kustra on Amendment No. 2.

SENATOR KUSTRA:

...Madam Secretary, could you read the LRB number? We want to withdraw one and adopt one.

SECRETARY:

LRB8505129SLJWAM.

SENATOR KUSTRA:

I'd like to withdraw that one.

PRESIDENT:

Okay. Further amendments?

SECRETARY:

Amendment No. 2 offered by Senator Kustra.

PRESIDENT:

Senator Kustra on Amendment No. 2.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. This is an agreed upon amendment by staffs on both sides. It adds some clarifying language and I would urge its adoption.

PRESIDENT:

All right, Senator Kustra has moved the adoption of Amendment No. 2 to Senate Bill 809. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Top of page 14, Senator Collins, 843. Senator Collins seeks leave of the Body to return Senate Bill 843 to 2nd reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 843, Madam Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Collins.

PRESIDENT:

Senator Collins.

SENATOR COLLINS:

Yes, thank you. What the amendment does...it responds to one of the...errors that was made in the bill which it did not give access to those...sealed records to the appropriate judicial and...and law enforcement authorities and amendment does that, and I would move for its adoption.

PRESIDENT:

Senator Collins has moved the adoption of Amendment No. 2 to Senate Bill 843. Is there any discussion? If not, all in

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

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Senator Barkhausen has indicated he's scratching 910. We thank Senator Barkhausen for his consideration for the membership. We are now on page 2 of the recalls. 943, top of page 17, Senator Jones. On the Order of Senate Bills 3rd Reading is Senate Bill 943 and he seeks leave of this Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 943, Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Jones.

PRESIDENT:

Senator Jones on Amendment No. 1.

SENATOR JONES:

Thank you, Mr. President and members of the Senate. Amendment No. 1 is a result of our agreement between the private alarm contractors and the fire alarm contractors that exempt electricians from...be under the supervision of a private alarm contractor. It also increases the...the private detective, private alarm and private security board from seven to nine so they can add a member from the...representing the employees as well as one public member, and I move the adoption of the amendment.

PRESIDENT:

Senator Jones has moved the adoption of Amendment No. 1 to Senate Bill 943. Discussion? Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. I'd like to be added as a hyphenated cosponsor.

PRESIDENT:

On 943?

SENATOR BROOKINS:

Yes.

PRESIDENT:

Gentleman seeks leave to be added as a hyphenated cosponsor on Senate Bill 943. Without objection, leave is granted. Senator Jones, at the same time, moves the adoption of Amendment No. 1 to Senate Bill 943. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Are there further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Senator Berman on the Floor? How about Senator Berman? Senator Jones, how about 1005? On the Order of Senate Bills 3rd Reading, top of page 19, is Senate Bill 1005. Senator Jones seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1005, Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Jones.

PRESIDENT:

Senator Jones on Amendment No. 1.

SENATOR JONES:

Thank you, Mr. President. This amendment is offered by...at the request of the Comptroller's Office and the State Employee...Retirement System. It is designed to resolve a problem which arose as a result of the Social Security Administration audit of the state, and I move its adoption.

PRESIDENT:

All right, Senator Jones has moved the adoption of Amendment No. 1 to Senate Bill 1005. Any discussion? If not, all

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Recalled*

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

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1009, Senator Savickas. Top of page 19. On the Order of Senate Bills 3rd Reading, Senate Bill 1009. Senator Savickas seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1009, Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Savickas.

PRESIDENT:

Senator Savickas on Amendment No. 1.

SENATOR SAVICKAS:

Yes, the Amendment No. 1 defines the powers and duties of Department of Registration in enforcing the...Physician Assistant's Act, and I would move its adoption.

PRESIDENT:

Dave Gross. Senator Savickas has moved the adoption of Amendment No. 1 to Senate Bill 1009. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Are there further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Senator Berman is back among the living. 998. Bottom of page 18. Senator Berman seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 998, Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Berman.

PRESIDENT:

Senator Berman on Amendment No. 1.

SENATOR BERMAN:

Thank you, Mr. President. This is the...similar to the amendment that was put on by Senator Joyce on his bill, and at the proper time I would ask that Senator Jerome Joyce be added as a hyphenated cosponsor on this bill. The amendment deals with the signage allowance in the taverns and also provides for the State Fair facilities...equality of...of contracts, and I would move the adoption of Amendment No. 1.

PRESIDENT:

All right, Senator Berman has asked leave of the Body to show Senator Jerome Joyce as a cosponsor of 998 and at the same...without objection, leave is granted. At the same time he has moved the adoption of Amendment No. 1 to Senate Bill 998. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Middle of page 19 is Senate Bill 1010. Senator Carroll seeks leave of this Body to return that bill to the Order of 2nd Reading...1010, for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1010, Madam Secretary. Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Having voted on the prevailing side, I would move to Table Amendment No. 1. Amendment No. 1 was offered by myself and Chairman Smith who is my...one of the cosponsors of the

bill. This deals with the Hospital Cost Containment Council. In committee, we had thought the issue of whether there should...there had always been an understanding that there be a for-profit and not-for-profit provider on the council. In committee, it would have thought that maybe the simplest solution was to just add another member to that council and, therefore, we had amended the bill to create that extra membership that would be not-for-profit. We found that the other participants in the original agreement creating the Health Care Cost Containment Council, to-wit, the Chamber of Commerce, insurance companies et al felt that would then imbalance the council, which was never our intent. So, we would, therefore, prefer to Table the amendment and go with it in its pure and pristine form to avoid further objection. I would, therefore, move to Table Amendment No. 1.

PRESIDENT:

Senator Carroll having voted on the prevailing side has now moved to reconsider the vote by which Amendment No. 1 to Senate Bill 1010 was adopted. All in favor of the motion to reconsider...any discussion? Senator DeAngelis. All right, Senator Carroll has moved to reconsider. All in favor of the motion to reconsider indicate by saying Aye. All opposed. The Ayes have it. The vote is now reconsidered. Senator Carroll now moves to Table Amendment No. 1 to Senate Bill 1010. All in favor of the motion to Table indicate by saying Aye. All opposed. The Ayes have it. Amendment No. 1 is Tabled. Are there further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Senator DeAngelis, for what purpose do you arise, sir?

SENATOR DeANGELIS:

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

PRESIDENT:

State your point.

SENATOR DeANGELIS:

In the gallery,...oh, there they are, behind me is the winner of the State Historian Award, Jim Mooney from Glenwood. I would like for him to stand and be recognized.

PRESIDENT:

Welcome to Springfield. Please stand and be recognized. 1014, Senator Severns. Middle of page 19, on the Order of Senate Bills 3rd Reading is Senate Bill 1014. Senator Severns seeks leave of this Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate bill 1014, Madam Secretary.

END OF REEL

REEL #2

SECRETARY:

Amendment No. 2 offered by Senator Rock.

PRESIDENT:

Senator Demuzio, will you handle that amendment for me, please?

SENATOR DEMUZIO:

Yes. Amendment No. 2 to Senate Bill 1014, it...it...actually what it does right now, it just provides that the Illinois Job Training Council will be a separate diverse...organization, the Illinois Job Training Coordinating Council. To provide the evaluation and given the responsibilities of evaluating programs on a statewide basis, it appears to me that...as well as others here, that in order for us to do that that it...ought to be a separate independent agency and away from the Department of Commerce and Community Affairs and be afforded the opportunity to be able to evaluate programs in an objective manner and therefore...quite frankly, when this thing was first started several years ago that was the specific purpose of the Illinois Job Training Program in its...in its embryo stages, it its beginning. It got away from that concept, I think it needs to go back to that concept. On behalf of Senator Rock, I would move the adoption of Amendment No. 2 to Senate Bill 1014.

PRESIDENT:

Senator Demuzio has moved the adoption of Amendment No. 2 to Senate Bill 1014. Discussion? Senator Woodyard.

SENATOR WOODYARD:

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

PRESIDENT:

Indicates he'll yield, Senator Woodyard.

SENATOR WOODYARD:

Senator, is this the amendment...would this allow the hiring of the independent staff...within DCCA or is that the thrust of the amendments?

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Oh, it...it, in fact, takes it out of the Department of Commerce and Community Affairs and gives the opportunity to the statewide coordinating council to hire their own staff. And I would again move adoption of Amendment No. 2.

PRESIDENT:

Senator Demuzio has moved the adoption of Amendment No. 2 to Senate Bill 1014. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1033, Senator Savickas. Bottom of page 19, on the Order of Senate Bills 3rd Reading is Senate Bill 1033. Senator Savickas seeks leave of the body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? On the Order of Senate Bills 2nd Reading, Senate Bill 1033, Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Savickas.

PRESIDENT:

Senator Savickas on Amendment No. 1.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, this amendment was the one that was requested by the committee chairman and the Department of Revenue. It was to limit by weight, I guess, the vehicles in the second division. I would move its

adoption.

PRESIDENT:

Senator Savickas has moved the adoption of Amendment No. 1 to Senate Bill 1033. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Top of page 21, Senator del Valle. On the Order of Senate Bills 3rd Reading is Senate Bill 1102. Senator del Valle seeks leave of this Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1102, Madam Secretary.

SECRETARY:

Amendment No. 2 offered by Senator del Valle.

PRESIDENT:

Senator del Valle on Amendment No. 2.

SENATOR del VALLE:

Thank you, Mr. President. Amendment No. 2 just simply establishes an effective date, 1990. I move its adoption.

PRESIDENT:

Senator del Valle has moved the adoption of Amendment No...unless you have it on the board, I can't read it...Amendment No. 2 to Senate Bill 1102. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1131, Senator Barkhausen. Top of page 22, on the Order of Senate Bills 3rd Reading is Senate Bill 1131.

Senator Barkhausen seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? On the Order of Senate Bills 2nd Reading, Senate Bill 1131, Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Barkhausen.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, Amendment No. 1 to Senate Bill 1131 was a bill, again, in Judiciary Committee that was never heard and I hope is...is somewhat noncontroversial. It would permit the drug testing of defendants charged with felony offenses or offenses involving cannabis or controlled substances who have consented, obviously, therefore, meaning that it's voluntary, who have consented to the testing as a condition of bail; prohibits such defendant's release on recognizance unless consent is given for testing. It permits the court to consider the defendant's...consent to testing when setting bail, it provides criteria for the method of testing, analysis and reporting. And it is based on a program in the District of Columbia which we are told has reduced the rearrest rate by a remarkable seventy percent. I emphasize that it is a voluntary program for defendants charged with these offenses. And I'd be happy to answer any questions, and would otherwise urge the adoption of the amendment.

PRESIDENT:

Senator Barkhausen has moved the adoption of Amendment No. 1 to Senate Bill 1131. Nine lights have lit up. Senator D'Arco.

SENATOR D'ARCO:

Well, I thought we were doing okay, Mr. President, but apparently we're not. Now this amendment is three pages long

and this is the first time I've seen this amendment. He never presented the amendment in committee, so we don't know what's in the amendment. Now, there's...we got a general idea about it, that it has to do with drug testing as a condition of bail. So...I mean, as another condition of bail for cannabis violations. I suspect it doesn't matter how much cannabis is involved, and if the...if the defendant doesn't agree to be tested for drugs, the judge can revoke his bail or refuse to grant...bail and the guy is going to stay in jail for however long it takes until he's tried. Mr. President, again, it's an aberration of the process for me to stand here and have to analyze this amendment before this Body when we are consumed with legislation that affects the future of this state. It's an aberration of the process and it's unfortunate. And, Senator Barkhausen, what you're doing is not correct and you should withdraw the amendment.

PRESIDENT:

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Well, let me just clarify. This bill is Senate Bill 1455 that was posted in the Judiciary Committee. The sponsor of the bill, Senator Barkhausen, despite the fact that every member on both sides of the aisle, the Judiciary Committee was there, decided on his own not to call the bill. So it didn't get a hearing in committee because the sponsor decided not to call it. Now, we are going to act as a Committee of the Whole...the amendment has just been dropped on our desk, it does have a lot of cost implications to the locals, it's got a lot of implications...to criminal law and we never got a hearing on the bill because the sponsor decided not to do it. It didn't lose in committee, but the sponsor decided not to call it. Now, if...it that's the precedent we're setting with two days left and a lot of bills to be heard on 3rd reading, I really don't think it's fair and I really don't

think it's right. If you got a hearing and you lost it, you didn't think it was fair, that's one thing. But the fact is the bill was posted and it was...and you decided not to call the bill and you're just putting on another bill and usurping the committee process...bypassing the committee process. I just don't think that's fair at all.

PRESIDENT:

Senator Barkhausen, you wish to close?

SENATOR BARKHAUSEN:

Mr. President, just very quickly. Again, this was a situation where there were a number of bills that weren't called, it certainly wasn't my choice not to have a bill called, I would have been there all evening that particular evening and, as I said, I requested additional hearing time so that more of the committee members' bills could be presented. Just to respond very quickly to the point made by...Senator D'Arco that the refusal to take a test on the part of the defendant would not result in the denial of bail, it would result in the inability to be released on recognition but bail would still be available at whatever amount would be set by the judge. I ask for a favorable roll call.

PRESIDENT:

Senator Barkhausen has moved the adoption of Amendment No. 1 to Senate Bill 1131. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 30 Nays, 23 Ayes, 1 voting Present. The amendment fails. Further amendments?

SECRETARY:

Amendment No. 2 offered by Senator Barkhausen.

PRESIDENT:

Senator Barkhausen on Amendment No. 2. Senator Barkhausen.

SENATOR BARKHAUSEN:

Yeah, very quickly, Mr. President and members, Amendment No. 2 is straightforward. It is a request of the Illinois State's Attorneys' Association and it has to do with...with drug treatment in lieu of...of punishment that now results in...in a defendant after...after conviction being able to choose drug treatment and thereby avoid punishment altogether. Right now prosecutors have the ability to...to have this choice prior to the prosecution itself if they elect to...to refer...defendants or offenders to drug treatment programs. But after the...after the trial, they do not have that same choice and this amendment would give them that option. I'd be happy to answer any questions.

PRESIDENT:

Senator Barkhausen has moved the adoption of Amendment No. 2 to Senate Bill 1131. Discussion? Senator D'Arco.

SENATOR D'ARCO:

Well, you know, I don't have the amendment in front of me. It sounds like now we're going to make the defendant a ping pong ball. You know, before he's prosecuted we got the choice, we can either put him in jail or send him to a drug...treatment program. But after he's convicted, the prosecutor is going to still have the choice to send him to jail or put him in a drug treatment program. He'll probably...he'll probably become a drug addict after this. Again, it's an aberration of the process, defeat the amendment.

PRESIDENT:

Question is the adoption of Amendment No. 2 to Senate Bill 1131. Those in favor will vote Aye. Opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 26 Ayes, 27 Nays, none voting Present. Amendment No. 2 fails. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1170, Senator...Senator Marovitz. Middle of page 23, on the Order of Senate Bills 3rd Reading is Senate Bill 1170. The Senator seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 1170, Senator Marovitz.

SENATOR MAROVITZ:

Thank you, Mr. President and members of the Senate. Amendment No. 2 to 1170 makes it a Class A Misdemeanor for a sport's agent to offer anything of value...provide anything of value to a college student participating in interscholastic activity if he's representing the...that particular student or attempting to represent that student as a professional athlete. We've had a lot of problems with this, other states have acted this way. These agents are taking advantage of these kids and other states have made it a Class A Misdemeanor and I suggest we do the same.

PRESIDENT:

Senator Marovitz has moved the adoption of Amendment No. 2 to Senate Bill 1170. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1171, Senator Savickas. Middle of page 23, on the Order of Senate Bills 3rd Reading is Senate Bill 1171. Senator Savickas seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate

Bills 2nd Reading, Senate Bill 1171, Madam Secretary. Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, I guess the proper procedure would be to...voting on the prevailing side, to Table Floor Amendments 2 and 3 and offer Floor Amendment No. 4. All Floor Amendment No. 4 does is change the effective dates. In the two amendments that were put on earlier they had conflicting effective dates. Although we have two effective dates in Amendment No. 4, they specifically go to each section of the bill that is different. The other amendment dates...effective dates on the other two amendments just conflicted and...when the whole Act or parts of it took effect. So all Amendment No. 4 would do once we eliminate 2 and 3 is put all the same language in and clean up the effective date.

PRESIDENT:

All right. Senator Savickas having voted on the prevailing side has moved to reconsider the vote by which Amendment No. 2 was adopted. All in favor of the motion to reconsider indicate by saying Aye. All opposed. The Ayes have it. The vote is now reconsidered. Senator Savickas now moves to Table Amendment No. 2 to Senate Bill 1171. All in favor of the motion to Table indicate by saying Aye. All opposed. The Ayes have it. Amendment No. 2 is Tabled. Amendment No. 3, Madam Secretary. Senator Savickas now moves to reconsider the vote by which Amendment No. 3 was adopted to Senate Bill 1171. All in favor of the motion to reconsider indicate by saying Aye. All opposed. The Ayes have it. The vote is now reconsidered. Senator Savickas now moves to Table Amendment No. 3 to Senate Bill 1171. All in favor of the motion to Table indicate by saying Aye. All opposed. The Ayes have it. Amendment No. 3 is Tabled. Further amendments, Madam Secretary?

SECRETARY:

Amendment No. 4 offered by Senator Savickas.

PRESIDENT:

Senator Savickas on Amendment No. 4.

SENATOR SAVICKAS:

Yes, Amendment No. 4 incorporates Amendments No. 2 and 3 and just...reconstructs the effective date so...they do not conflict with the whole bill or with the two sections. So I would move its adoption.

PRESIDENT:

Senator Savickas moves the adoption of Amendment No. 4 to Senate Bill 1171. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1192, Senator Barkhausen, I am told, has withdrawn his request. 1231, Senator Weaver. That's the top of page 25, ladies and gentlemen, on the Order of Senate Bills 3rd Reading is Senate Bill 1231. Senator Weaver seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1231. Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Weaver.

PRESIDENT:

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. This amendment would provide a fairly narrow exemption for specific scientific and technical equipment from competitive bidding. It's basically an agreement between the Department of Nuclear Safety and CMS,

and I'd move its adoption.

PRESIDENT:

Senator Weaver has moved the adoption of Amendment No. 1 to Senate Bill 1231. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1236, Senator Davidson. Going once. On the Order of Senate Bills 3rd Reading is Senate Bill 1236. Senator Davidson seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1236, Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Topinka.

PRESIDENT:

Senator Topinka on Amendment No. 1.

SENATOR TOPINKA:

Yes, Mr. President, Ladies and Gentlemen of the Senate. Amendment No. 1 would require the Department of Transportation to promulgate rules requiring the annual or periodic blood, urine or other testing of designated employees of all hazardous material transporters or storers doing business in the State of Illinois. The rules would be promulgated after consultation with the Department of Public Health.

PRESIDENT:

Senator Topinka has moved the adoption of Amendment No. 1 to Senate Bill 1236. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1245, Senator Alexander. On the bottom of page 25, ladies and gentlemen, is Senate Bill 1245. Senator Alexander seeks leave of this Body to return that bill to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1245, Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Alexander.

PRESIDENT:

Senator Alexander.

SENATOR ALEXANDER:

Thank you, Mr. President. This amendment simply allows the process of overcharge and undercharge to work both ways in the case where there has been a court adjudication for these amount of monies that would be due either to the customer to be made whole or to the utilities to be made whole.

PRESIDENT:

Senator Alexander has moved the adoption of Amendment No. 1 to Senate Bill 1245. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1268, Senator Savickas. 1278, Senator Newhouse. 1280, Senator Demuzio. Ladies and gentlemen, we're on the top of page 27, on the Order of Senate Bills 3rd Reading is Senate Bill 1280. Senator Demuzio seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1280, Madam Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Demuzio.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. All Amendment No. 2 does is to clarify that the representatives who file with the U. S. Department of Labor report simply don't have to comply with the fourteen-day provision that we added in by virtue of Senate Amendment No. 2. And I would move adoption.

PRESIDENT:

Senator Demuzio has moved the adoption of Amendment No. 2 to Senate Bill 1280. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1354, Senator Welch. The middle of page 28, on the Order of Senate Bills 3rd Reading is Senate Bill 1354. Senator Welch seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1354, Madam Secretary.

SECRETARY:

Amendment No. 3 offered by Senator Welch.

PRESIDENT:

Senator Welch on Amendment No. 3.

SENATOR WELCH:

Mr. President, this is going to be a clean-up...clean-up amendment of Floor Amendment No. 2. So at this time, I would like to, having voted on the prevailing side, move that Floor Amendment No. 2 be laid on the Table.

PRESIDENT:

All right. Senator Welch having voted on the prevailing side has moved to reconsider the vote by which Amendment No. 2 was adopted. All in favor of the motion to reconsider indicate by saying Aye. All opposed. The Ayes have it. The vote is now reconsidered. Senator Welch now moves to Table Amendment No. 2 to Senate Bill 1354. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. Amendment No. 2 is Tabled. Further amendments, Madam Secretary?

SECRETARY:

Amendment No. 3 offered by Senator Welch.

PRESIDENT:

Senator Welch on Amendment No. 3.

SENATOR WELCH:

Amendment No. 3 is offered to track with the original bill, Amendment No. 2 did not do that, it's merely technical in nature.

PRESIDENT:

All right. Senator Welch has now moved the adoption of Amendment No. 3 to Senate Bill 1354. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1361, Senator Dunn. We are now on the bottom of page 28, on the Order of Senate Bills 3rd Reading is Senate Bill 1361. Senator Dunn seeks leave of this Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 1361, Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Dunn.

PRESIDENT:

Senator Dunn.

SENATOR TOM DUNN:

Thank you, Mr. President. Amendment No. 1 makes the attempt fall into the class to provide that the person will be deaf eligible in a penalty form.

PRESIDENT:

Senator Dunn has moved the adoption of Amendment No. 1 to Senate Bill 1361. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Ladies and gentlemen, if we can backtrack to page 27. On the Order of Senate Bills 3rd Reading is Senate Bill 1278. Senator Newhouse seeks leave of this Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 1278. Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Newhouse.

PRESIDENT:

Senator Newhouse on Amendment No. 1.

SENATOR NEWHOUSE:

Thank you, Mr. President. This amendment is a result of agreements between the Physical Therapy Association and the Department of Reg. and Ed. It clarifies the relationship between the department and the Physical Therapy Licensing and...Disciplinary Committee. It also clarifies the grounds for discipline. It in no way expands or...or alters the scope of practice of physical therapists. I would move its adoption.

PRESIDENT:

Senator Newhouse has moved the adoption of Amendment No. 1 to Senate Bill 1278. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1386, page 29, Senator Zito. On the Order of Senate Bills 3rd Reading is Senate Bill 1386. Senator Zito seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? On the Order of Senate Bills 2nd Reading, leave having been granted, is...Senate Bill 1386. Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Zito.

PRESIDENT:

Senator Zito on Amendment No. 1.

SENATOR ZITO:

Yes, thank you, Mr. President and members. Amendment No. 1 to Senate Bill 1386 is the front-door referendum amendment that was suggested by Senator Watson and others. He's been gracious enough to give me that amendment, I appreciate his input and would move for its adoption.

PRESIDENT:

Senator Zito has moved the adoption of Amendment No. 1 to Senate Bill 1386. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1387, Senator Hall. On the Order of Senate Bills 3rd Reading, bottom of page 29, is Senate Bill 1387.

Senator Hall seeks leave of this Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Leave granted? On the Order of Senate Bills 2nd Reading, leave having been granted, is Senate Bill 1387. Madam Secretary.  
SECRETARY:

Amendment No. 2 offered by Senator Hall.

PRESIDENT:

Senator Hall.

SENATOR HALL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This amendment is the amendment that was suggested by Senator Schaffer, Watson and...and Kustra. So...what it does, it deletes the...the township meeting and inserts in there the front-door referendum. I move for the adoption of the amendment.

PRESIDENT:

Senator Hall has moved the adoption of Amendment No. 2 to Senate Bill 1387. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1391, Senator Hall. On the Order of Senate Bills 3rd Reading, bottom of page 29, is Senate Bill 1391. Senator Hall seeks leave of this Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 1391, Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Hall.

PRESIDENT:

Senator Hall on Amendment No. 1.

SENATOR HALL:

Thank you...thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendment No. 1 is also a...one suggested by Senator Watson, Kustra and Schaffer. So what it does, it deletes the...the...the township meeting and inserts in lieu of there the front-door referendum. I move for the adoption of this amendment.

PRESIDENT:

Senator Hall has moved the adoption of Amendment No. 1 to Senate Bill 1391. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1405, Senator Marovitz. On the Order of Senate Bills 3rd Reading, the top of page 30, is Senate Bill 1405. Senator Marovitz seeks leave of the Body to return that bill to 2nd reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1405. Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Marovitz.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Amendment No. 1 to Senate Bill 1405 establishes the offense of aggravated battery of a senior citizen when a person intentionally or knowingly causes great bodily harm or permanent disability or disfigurement to an individual sixty years of age or older in the commission of a battery. There is no automatic transfer provision in this legislation. That was in the original legislation, I disagree with it, I think the committee disagreed with it and we took that out, and

this is aggravated battery of a senior citizen if there's great bodily harm knowingly inflicted.

PRESIDENT:

Senator Marovitz has moved the adoption of Amendment No. 1 to Senate Bill 1405. Discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I rise in opposition to this amendment for a couple of reasons. One, in this form, in any event, we haven't had a hearing on it in committee, but secondly, this...this is now going to open up...I can see the whole new range of aggravated battery offenses that are...that are going to be coming before us. It used to be, you know, in Illinois we had battery and aggravated battery and we created, justifiably so, a few limited situations where aggravated battery...or battery would be raised to aggravated battery because of who the victim was, and...and we added policemen and...and senior citizens are already added to make it aggravated battery a felony. But aggravated battery up to this point has always been a Class 3 Felony. Now we see the first range of elevating not only from battery to aggravated battery but now we're going to elevate from Class 3 to Class 2. And I can see every single one of the aggravated battery people coming in and saying, hey, if this happens to us now, it ought to be a Class 2. I think this whole area probably needs some serious attention and I don't think the time to do it is in...is in the amendment form.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

I'll tell you what, Mr...Mr. President, in order to be consistent, I will withdraw this amendment.

PRESIDENT:

Amendment has been withdrawn. Thank you. Further amendments, Madam Secretary?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1416, Senator Luft. On the Order of Senate Bills 3rd Reading, top of page 30, is Senate Bill 1416. Senator Luft. I beg your pardon,...what? You don't wish...leave it alone. Then it stays on 3rd reading, never moved. 1443. Senator Degnan. On the Order of Senate Bills 3rd Reading, bottom of page 40, is Senate Bill...1443. Senator Degnan seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? On the Order of Senate Bills 2nd Reading, Senate Bill 1443, Madam Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Degnan.

PRESIDENT:

Senator Degnan on Amendment No. 2.

SENATOR DEGNAN:

Thank you, Mr. President. Amendment No. 2 to Senate Bill 1443 becomes the bill. It creates the offenses of solicitation for murder and solicitation of murder for hire, establishes penalties for those crimes and establishes a scale of enhanced penalties for the possession of certain controlled substances.

PRESIDENT:

Senator Degnan has moved the adoption of Amendment No. 2 to Senate Bill 1443. Discussion? Senator D'Arco.

SENATOR D'ARCO:

Mr. President, now we didn't hear this...this bill or do you want to call it an amendment? We didn't hear this in the Judiciary Committee. Now I don't have the amendment in front of me, but apparently he's creating new categories of crimes, he's enhancing astronomically penalties for certain crimes and God knows what else he's doing in this bill. I don't

know, this Chamber doesn't know, and this isn't the time for anybody to know what he's doing with this bill. This bill should have been heard in committee like all the other bills that weren't heard in committee. If he wanted a hearing, he had an opportunity to have it. This is not the time to pass such a major change in the criminal law.

PRESIDENT:

All right. Senator...Degnan has moved the adoption of Amendment No. 2 to Senate Bill 1443. Further discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Senator Maitland, for what purpose do you arise, sir?

SENATOR MAITLAND:

Thank you, very much, Mr. President, purpose of introduction.

PRESIDENT:

State your point.

SENATOR MAITLAND:

Mr. President, seated in the President's Gallery this morning are a group of students from Unity Junior High School at Tolono, and their teacher, Miss Carroll. They are regional winners and now are here in Springfield today, the...Illinois History Exposition. They are all winners, there are some parents up there, I'd like them to stand and be recognized, and Miss Carroll is retiring this year after many distinguished years in the teaching profession. I'd like to ask them to stand and be recognized, please.

PRESIDENT:

Will our guests in the gallery please stand and be recognized. Welcome to Springfield. Top of page 31, Senator

Savickas, 1448. On the Order of Senate Bills 3rd Reading, top of page 31, is Senate Bill 1448. Senator Savickas seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1448, Madam Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Savickas.

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, Amendment No. 2 addresses the concerns of Department of Registration and Education who submitted language to make it consistent with other licensing Acts, and wording was put in to exempt the mining areas, the farming areas and the common carriers, the railroads, who use their own cranes for constructing their own trestles and have their own construction operation. Those are the basic changes in the amendment. Oh, and we put in to accommodate the laborers' union the word "construction" to the title and to exclude by name, entitled "forklifts and bobcats." So there was a concern by the laborers that this might interfere with some of their employees and be put under one-fifty or the engineers' local. Those are the major changes, I would see...move its adoption.

PRESIDENT:

Senator Savickas has moved the adoption of Amendment No. 2 to Senate Bill 1448. Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

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

PRESIDENT:

Indicates he'll yield, Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, is this an amendment that we haven't seen that

we're adopting now or...just what is this order?

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

The amendment had been passed out this morning.

PRESIDENT:

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, this is...this is a new amendment then, apparently, but...and...and I only want to say this. I haven't seen the amendment, my friend and colleague tells me it's a good amendment. I would...I would ask downstate members to take a good look at this bill because what Senator Savickas is seeking to do...this is the crane licensing bill, right? What he's seeking to do is establish another licensing category in Illinois, licensing of cranes. Now in committee he explained that...what he was really after were these big cranes that are lifting huge loads in the cities, and I...you know, I have no problem with that. But the bill as originally drafted included a lot of common, ordinary irrigation ditch cleaners and...and things of that sort. Now I know he's taken a lot of that out but...but what I'm asking for is members of the Body to take a look at this amendment and see if, in fact, we're going to be asked to license people that we really don't want to license. Thank you.

PRESIDENT:

Further discussion? Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. A while back, I passed a...the Roofers Licensing Act and I thought I was doing a good thing when I did that, but I made a mistake. It really isn't a...a good law because it's piecemeal; you know, it says that roofers have to get a license. And, in fact, if any...anybody wants to repeal it, that's okay with me. It said that roof-

ers have to get a license, register with the department, but it doesn't say carpenters have to register or plumbers or home remodeling contractors or general contractors or electricians or crane operators or laborers or anybody else. The fact is that what we should really do is look at the construction industry as a whole and make an intelligent decision about whether or not we should license people involved in the industrial and residential construction industry in the State of Illinois. This is not the way to do it, this is the wrong approach, this is the piecemeal approach that I thought four years ago was the right approach and now know it's not. There is a jurisdictional dispute going on today between the operating engineers and the laborers' union and that's what this is about. That dispute will be settled between those two respective unions. This is not the way to settle that dispute because it's not going to settle it, it's only going to compound the problem. I sympathize with Senator Savickas in what he wants to do but, ladies and gentlemen, there are better ways to affect this industry and this is not one of those ways.

PRESIDENT:

All right. Senator Savickas has moved the adoption of Amendment No. 2 to Senate Bill 1448. You wish to close, Senator?

SENATOR SAVICKAS:

Well, yes. Mr. President, obviously, Senator D'Arco is mistaken again in his attitude on what this bill does, he talks about roofing, he talks about disputes...jurisdiction disputes with laborers and operating engineers. There are no laborers that can now operate a crane, we're talking about a two hundred ton crane, laborers cannot even come near that. At his request and the request of Ernie Commerow from the laborers' union, we removed the bobcats and the forklifts, put the word "construction" in there so that the...those

laborers that work on construction sites and use the small equipment are eliminated, that there is no concern that they will be eliminated from their jobs. Just like Senator Schuneman, had he read the first amendment he would have seen that we addressed his concern about the farmers. All farming areas are exempt from this, that is why we put in for the railroad industry, the common carriers...

PRESIDENT:

All right. Senator Savickas has moved...

SENATOR SAVICKAS:

...and I would move its adoption.

PRESIDENT:

...the adoption of Amendment No. 2 to Senate Bill 1448. Further discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1452, Senator Woodyard. On the Order of Senate Bills 3rd Reading is Senate Bill 1452, top of page 31. Senator Woodyard seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1452, Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Woodyard.

PRESIDENT:

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President, members of the Senate. Senate Bill 1452 is the ag. diversification bill and this amendment basically becomes the bill. Through negotiations between DCCA, Illinois Farm Development Authority, the Rural Council,

the Governor's Office, this amendment has been proposed, it does tighten up some of the language in the interest and collateralized loans and grants. The bill itself does allow us to capture Federal dollars and blend those with State dollars for this particular type of program. I think rather than going into this particular amendment, I would be glad to answer any questions.

PRESIDENT:

Any discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, this amendment deletes everything after the enacting clause, came out of the Senate Ag. Committee. And, you know, it purports to suggest that rural businesses have an opportunity to participate but at the same time it...explicitly says that businesses and cities of over twenty thousand. So am I to believe that...that communities of under twenty thousand are...are not eligible for this ag. diversification program? And also, isn't this a duplication of the Illinois Farm Development's diversification loan program that we established under the rural revival of last year?

PRESIDENT:

Senator Woodyard.

SENATOR WOODYARD:

Well, in answer to your question on the twenty thousand population, it's my understanding that this applies to communities under twenty thousand.

PRESIDENT

Senator Demuzio.

SENATOR DEMUZIO:

I...I don't want to take the time of the Senate to...to debate it, but can you point it out to me where, in fact, it does say that in the...in the amendment?

SENATOR WOODYARD:

JB 1463  
Brcall

Mr. President, would you withdraw this?

PRESIDENT:

I would be happy to. Amendment has been withdrawn, take it out of the record, Madam Secretary. 1463, Senator Berman. On the Order of Senate Bills 3rd Reading, top of page 31, is Senate Bill 1463. Senator Berman seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1463, Madam Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Berman.

PRESIDENT:

Senator Berman on Amendment No. 2.

SENATOR BERMAN:

Thank you, this is the Asbestos Abatement Act Authority bill, and the amendment merely outlines how funds recovered on behalf of school districts as a result of litigation instituted by the Attorney General would be disbursed pro rata back...partially back to the schools, partially back to the state. Move the adoption of Amendment No. 2.

PRESIDENT:

Senator Berman has moved the adoption of Amendment No. 2 to Senate Bill 1463. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1468, Senator Newhouse. 1475, Senator Joyce. Been withdrawn. 1497, Senator Demuzio. On the Order of Senate Bills 3rd Reading, top of page 32, is Senate bill 1497. Senator Demuzio seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amend-

ment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1497, Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Demuzio.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

This amendment is offered at the request of the Cook County State's Attorney. It clarifies provisions regarding the apportionment of...of amounts of...forfeited or criminal hazardous waste violations and clarifies the use of the forfeited property for the same violations. I believe what, in effect, that it does that it simply clarifies the language in...in this legislation and makes it similar to that which is in the Federal Statute. And I know of no opposition, move its adoption.

PRESIDENT:

Senator Demuzio has moved the adoption of Amendment No. 1 to Senate Bill 1497. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1513, Senator D'Arco. Been withdrawn. Senator Newhouse, 1468. Middle of page 31. Withdrawn, Madam Secretary. Ladies and gentlemen, we have now been through the sixty or so bills on the recall list. For your information, Senator Philip and I have formed a committee of two to attempt to put together another Agreed Bill List to cut down on the workload. Senator Philip and I are on the committee, yes, that's correct, arbitrary as...as can be. We are going to start on Senate Bills 3rd reading, page 10, on Senate Bill 711. I've also been requested by Senators Weaver and

Savickas to invoke the Donnewald rule, which rule states that we will limit debate severely. I think everybody has a pretty good idea what's on this Calendar. In order to facilitate and to afford every member on both sides of the aisle the opportunity for their measure to be heard, it is important that we do not filibuster, we just roll, and you vote up or down and let's go get them so that everybody will have a chance, and I'm afraid to say because it's only today and tomorrow you will have but one chance, so we'd like to move forward. And Senator Philip and I will be cajoling and persuading our members to keep it short and brief and to the point, and then we'll vote. We will attempt to have the Agreed Bill List...when Senator Philip and I have a chance to meet, we will have it in your hands, I hope, before the close of business tonight so it will show up on a separate Calendar tomorrow. And we will attempt, reasonably, to get out of here early tomorrow with the one admonition that I wish to afford every member the opportunity to be heard; as bad or as good as their proposal is, they have...they should have the opportunity to be heard. So, we'll work as late as we have to tonight and as late as we have to tomorrow to accomplish that. Senator Davidson.

SENATOR DAVIDSON:

Mr. President, with the...you...you and Senator Philip have some idea the bills are going to be on the Agreed Bill List, are we going to skip those today?

PRESIDENT:

I would prefer not to skip them because I don't want to skip any member...you know, the member has a right to roll them...Senator Philip and I have a tendency to be a little arbitrary, I think. Oh, I speak for myself atleast. Senator Vadalabene.

SENATOR VADALABENE:

Yes,...Senate Bill 710 was not on...was on recall but I

withdrew it. However, I would like to take...Senate Bill 710 because it seems to be a vehicle for...

PRESIDENT:

Senator Sam, with your kind of seniority, I think Senator Berman will yield to you, we're going to start with 710. On the Order of Senate Bills 3rd Reading...you don't want to take it, what do you want to do? Senator Sam, tell me what you want to do.

SENATOR VADALABENE:

Yes, it seems to be a vehicle for something or other every once in a while and...and I just want to Table that bill.

PRESIDENT:

All right. That's the way to start the day. Senator Sam moves to Table Senate Bill 710. All in favor of the motion to Table indicate by saying Aye. Senator Sam, you've made fifty-eight other friends. Senator Woodyard, for what purpose do you arise, sir?

SENATOR WOODYARD:

Thank...thank you, Mr. President and members of the Senate. I would move to recommit Senate Bill 744 and 1507 to...

PRESIDENT:

The gentleman has moved to recommit Senate Bill 744, which is on page 11, and Senate Bill 1507, which is on page 32. All in favor of the motion to recommit indicate by saying Aye. All opposed. The Ayes have it. Senate Bill 744 and 1507 are recommitted, one to Judiciary and one to Insurance. Thank you, Senator. Senator Berman, are we ready? On the Order of Senate Bills 3rd Reading...and, again, I would admonish the members that the Donnewald rule or the Weaver rule now is in force. The Chair will be attempting to enforce that. There are bills, obviously, that are going to take a little more discussion than others, but I would ask

the members to restrain themselves so that every member will have the opportunity to have his or her provision heard. On the Order of Senate Bills 3rd Reading is Senate Bill 711. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 711.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

That was the Donnewald rule, wasn't it? Ladies and Gentlemen of the Senate, Senate Bill 711 is not a crap shoot contrary to its number. It is a...a bill that has been amended to include the following bills that were in the pension subcommittee of the Insurance Committee: Senate Bill 150, by Senator Ralph Dunn; Senate Bill 711, which was mine; Senate Bill 712, which was mine; Senate Bill 866, by Ralph Dunn and Senate Bill 1134 by Emil Jones. Therefore, it addresses a number of pension problems including the Chicago Teachers' Union which is...the Chicago Teachers' Pension Fund which is a...establishes a minimum survivor's benefit equal to fifty percent of the pension of the deceased members for survivors of...of members who died before January 1, '87. The State University Pension System provides for recalculation of incorrect benefits as soon as practicable and recoupment of overpayments over a three-year period. General Assembly Retirement System provides ad hoc increases to members and survivors of members who annuities began on or before March 1, '72. And two provisions regarding judges,

allows credit for services after 1-1-'64, has a holdover master in chancery and allows the previous election to discontinue payments that was made before January 1 of '88 to be...revoked and to be caught up to date with a three percent per annum interest...added to the payments that would have been otherwise payable. Be glad to respond to any questions and ask your favorable vote.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. This is one of the six bills that I mentioned to the membership yesterday and is a part, although admittedly a relatively small part, of the total pension impact which adds up to almost a billion dollars in unfunded accrued liability. There are a couple of things in here, Senator Berman, that I questioned in committee and I would question again now. One of them has to do with the provision that would allow a judge apparently who has stopped making contributions to the plan by his own decision at some time, then at a later date decide to get back in. Could you explain how that would come about and why...why we need to correct it?

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Berman.

SENATOR BERMAN:

There...this...this amendment affects approximately a dozen judges. And what has...what happened is that when they made their elections to discontinue, they were up in years; matter of fact, the average age that they made their election, they were sixty-six and a half years old, most of them thought they were going to retire. At the time that they made that election, judges' salaries were pretty static as far as any increases. Since we have in the past few years made meaningful progress towards bringing them up to a decent

level and these judges have stayed on, they want to be able to revoke that election. Circumstances have changed, they have been giving of their services, and I think that this is only a fair approach to allowing them that revocation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Well, basically what it amounted then...to then was that they got out of the system at one time and now that the salary has gone up, they want to get back in, is that what you're...is that what you're telling me? I honestly...that's the way I understand it, Senator; now, if I'm wrong, please correct me.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

They're in the system, they...they stopped making their contributions, see...and what...and when they...just as...as an example, the...when...these judges, the average...length of their service was twenty-one years plus. They thought that they would be getting off the bench. They're...they have not gotten off the bench. But under the election that they made, they were...they were over sixty-five years of age, they wanted...they had the opportunity to stop making their contributions. Now they look back and they say, well, we've been working all these years, with the increased level of salaries and the additional time that we have put in, they want to pay back in plus a interest factor, that's...that's what this does.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

There's also a provision in here allowing credit for service after January 1 of 1964, for a holdover master in

chancery. What's a holdover master in chancery?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

There were a few positions in the chancery division of the Circuit Court of Cook County that...we used to have a lot of masters in chancery, they were, in effect, abolished. There were a few because of select cases and select responsibilities that remained and they were, in effect, like...almost like associate judges but they didn't have that title. That's what a holdover master in chancery were.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman:

SENATOR SCHUNEMAN:

Thank you, Mr. President. Well, I don't want to take a lot of time of...of the Body. I think...I think the point was made yesterday and I intend to make it on each pension bill, the question of whether or not we are following some kind of rational pension policy, rational pension practice in this General Assembly or if we're engaged in a process that is less than perfect. And...and as far as I'm concerned, I'm willing to see these bills held up here until we can have further discussions as to establishing some kind of guidelines to follow and not simply have every group and every special individual come in and ask for a change in the pension law. We've got to stop doing this, both on the judges and...and on other issues. And I would ask members on this side of the aisle to...to withhold votes at this time until we can establish some kind of a sense of where the Senate wants to go on all these pension bills.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not,...Senator Jones. All right.

Further discussion? If not, Senator Berman may close.

SENATOR BERMAN:

...thank you. May I just suggest to you in...in response to Senator Schuneman's suggestion that some members of this Body not vote for this. If you don't pass a bill out dealing with the pensions, the only vehicles you may have are House bills. And if you have a choice, and that's the choice that I am suggesting to you today, if you pass this bill out it will probably be reworked in the House, but it's going to come back here and it's a Senate bill, we have the last word. I would rather suggest to you that that's the way I want to do it, I think that's the way you want to do it and where it's a Senate bill that you and I get to look at before it goes to the Governor's Desk. If it's a House bill, we don't get the last shot, the House does. And I would suggest, therefore, that although, in Senator Schuneman's words, this is a less than perfect process, I'm not sure that any bill here is a perfect process. So I think that what we are doing here is addressing four or five areas that deserve recognition. I think...would suggest to you that between now and June 30th we will see Senate Bill 711 back here with some amendments where we will be able to sit down and get to a more perfect process. At the...at this time, I think it's a reasonable approach. I solicit your Aye vote so that's a Senate bill and we keep the last word. I...(Machine cut-off)...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 711 pass. 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 32, the Nays are 6, 19 voting Present. Senate Bill 711 having received the required constitutional majority is declared passed...Senator Schuneman, for what purpose do you arise?

SENATOR SCHUNEMAN:

Ask for a verification.

PRESIDING OFFICER: (SENATOR DEWUZIO)

All right. Senator Schuneman has requested a verification of the affirmative votes. The Secretary will read the names of the members who voted in the affirmative. All members will be in their seats. Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

The following voted in the affirmative: Alexander, Berman, Brookins, Carroll, Collins...

PRESIDING OFFICER: (SENATOR DEWUZIO)

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

SENATOR SCHUNEMAN:

I think the members are here and rather than delay, I would withdraw my request.

PRESIDING OFFICER: (SENATOR DEWUZIO)

All right. On a verified...Senator Schuneman has withdrawn his request for a verification. So on that question, Senate Bill 713, there are 32 Ayes, 6 Nays, 19 voting Present. And Senate Bill 713 having received the required constitutional majority...I beg your pardon. 711 having received the required constitutional majority is declared passed. All right. On the Order of Senate Bills 3rd Reading, Senate Bill 713, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 713.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEWUZIO)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. Senate Bill 713 does exactly what the Calendar states, it

requires the Educational Labor Relations Board to transmit an annual report to the Governor and the General Assembly. It also affords an opportunity to school boards later on in this Session should they see the need for a change in the Education Labor Relations Act that's been agreed upon by both sides of the aisle, and I solicit an Aye vote.

PRESIDING OFFICER: (SENATOR DEWUZIO)

Discussion? If not, the question is, shall Senate Bill 713 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 713 having received the required constitutional majority is declared passed. Senate bills 3rd reading is Senate Bill 714, Mr. Secretary. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 714.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEWUZIO)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and members. This bill deals with the Illinois-Michigan Canal National Heritage Corridor Civic Center Authority, and what the bill does is extends the boundaries to cover an area of unincorporated and incorporated Downers Grove Township. It makes a name change and at the request of the committee it requires at least seven voting...members voting to pass a ordinance or resolution.

PRESIDING OFFICER: (SENATOR DEWUZIO)

Discussion? Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. I...I think the bill is now in

pretty good shape as it's come out of our Local Government Committee. I still have one concern which I would like to enter for the record is I don't believe that the unincorporated areas have a...a member that will be on that board, is that still the way it is, Senator Mahar?

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Mahar.

SENATOR MAHAR:

That's true.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Further discussion? Senator...Senator Holmberg.

SENATOR HOLMBERG:

Well, that...as I say, that continues to be my concern and I would like that to be a matter of record that they are without representation.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Further discussion? Senator Mahar may close.

SENATOR MAHAR:

Thank you, Mr. President. Currently at this time, of course, the Illinois...this civic center authority has no ability to levy taxes, general obligation bonds or the like. They may issue...revenue bonds only; of course, they have no ability to...revenue source to pay off those bonds, so there really is no tax implications whatsoever, and I would ask for a roll call.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Question is, shall Senate Bill 714 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, 1 voting Present. Senate Bill 714 having received the required constitutional majority is declared passed. Senate bills 3rd reading is Senate Bill 716, Mr. Secretary. Read the bill,

please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 716.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and members. The...this bill deals only with the township school treasurers which are located in suburban Cook County only. It attempts to correct inequities in the law by which a person who resides in an elementary school district which crosses township boundaries may not be able to vote for the school township trustees in the townships which they reside.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 716 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. Senate Bill 716 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 717, Mr. Secretary. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 717.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President. Senate Bill 717 does what it's ascribed to do on the Calendar, it permits the postgraduate

teaching requirement for Illinois teaching scholarships to be done in a private school in the State of Illinois.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Discussion? If not, the question is, shall Senate Bill 717 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are 1, none voting Present. Senate Bill 717 having received the required constitutional majority is declared passed. All right. Page 11. 719 was on the recall list. 720, Senator Jerome Joyce. On the Order of...of Senate Bills 3rd Reading, top of page 11, is Senate Bill 720, Mr. Secretary. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 720.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Yes, thank you, Mr. President. I'd like to have leave for Senator Art Berman to be added as a hyphenated sponsor. This...

PRESIDING OFFICER: (SENATOR DEHUZIO)

All right. Is there leave granted to add Senator Berman? Leave is granted. Senator Jerome Joyce.

SENATOR JEROME JOYCE:

This is a technical change, it substitutes the effective date of this Act for the actual date and it's part of the arrangement between the distributors and the...and the wholesalers.

PRESIDING OFFICER: (SENATOR DEHUZIO)

All right. Discussion? Senator Fawell.

SENATOR FAWELL:

Thank you, very much. Will the sponsor yield for a question? Doesn't this have awful big wheels on it, what's it doing, really?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Well, it was part of the arrangement between the...the distributors and the...and the breweries and that's exactly what it is, it's a vehicle to try and get to the problem that they were having.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Fawell.

SENATOR FAWELL:

Well, I see that it...it went to the Pensions Committee and...and I have a little problem with any vehicles that are coming out of the Pension Committee. Do you have any idea why you are putting this vehicle in, I mean, what's...what's it for outside of a very technical change that merely says that it's going to have a different effective date?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

It is...as I explained earlier, is part of the...the ongoing negotiations between the...the beer distributors and the breweries, has nothing to do with pensions.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? If not...the question is, shall Senate Bill 720 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none...3 voting Present. Senate Bill 720 having received the required constitutional majority is declared

passed. Excuse me. 722 was on the recall list. 724, Senator Madigan. On the Order of Senate Bills 3rd Reading is Senate Bill 724. Mr. Secretary, read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 724.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Excuse me, I'm a little out of breath. Senate Bill 724 amends the School Code and addresses noncertified personnel for purposes of uniformity, changes the term of noncertified to educational support personnel as meant to include cooks, janitors, secretaries and teaching...aides. It is not intended to include volunteers and guest lecturers. Another aspect of this bill, excuse...another aspect of the bill deals with evaluation of this personnel. It is intended to place an evaluation process in the school districts with these personnel. It does call for an annual evaluation by the appropriate people. Who is appropriate is left to the local district. In those areas where a bargaining unit is in place, the instrument and procedure would be part of the bargaining process. In those areas where a bargaining unit is not present, the instrument and procedure would be left up to the district.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Madigan, I think your time has expired.

SENATOR MADIGAN:

Yeah.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Further discussion? If not, the question is, shall Senate Bill 724 pass. Those in favor will vote Aye. Those

opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are 4, none voting Present. Senate Bill...724 having received the required constitutional majority is declared passed. Senator Madigan, was that your first bill? Senator Madigan.

SENATOR MADIGAN:

Yes, Mr. President, and I'd like to thank all the Ladies and Gentlemen of the Senate for their kind consideration.

PRESIDING OFFICER: (SENATOR DEWUZIO)

Well, the...the filibuster was too much. Congratulations. On the Order of Senate Bills 3rd Reading is Senate Bill 728. Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 728.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEWUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, Senate Bill 28 is...728 is a bill that we have seen and we have passed before in another year. I'd first like to ask that Senator Carroll be added as a hyphenated cosponsor.

PRESIDING OFFICER: (SENATOR DEWUZIO)

All right. You've heard the request of Senator Barkhausen to add Senator Carroll as a hyphenated cosponsor. Is leave granted? Leave is granted. So ordered. Senator Barkhausen.

SENATOR BARKHAUSEN:

Yes, Mr. President and members, this is a bill that has passed out of this Chamber 58 to 1, I believe it was three or four years ago, and was not acted upon favorably in the House. It is an attempt to provide a very limited remedy for

a...really a troublesome problem that probably a few people...very few people suffer in this state, but those that...those that do have endured extraordinary pain that...that continues to this day. It is...it is aimed at providing a temporary guardianship for those who are...are captivated by groups who exert a...a consistent form of coercive persuasion over individuals and fraudulently misrepresent the nature of their activities. In...in popular terms we might refer to these groups as cults except that the bill makes no mention of cults as such. In...in some debate in previous years there...the question was raised as to whether this legislation could...could in any way restrict the...the free exercise of religion, and I believe the...that question was more than adequately answered by pointing out that not only an order for a guardianship of this kind to be set up would there have to be a substantial behavioral change on the part of the...the respondent, the person for whom the guardianship would be established; but in addition to that, there would have to be established to the satisfaction of the court that there has been a systematic course of coercive persuasion on the part of the...the individual or groups who are carrying out this behavior. And thirdly, and most importantly, that there would have to be a fraudulent misrepresentation of the nature of the group or its activities. I'd be happy to answer any questions and would otherwise ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEHUIZIO)

All right. Discussion? Discussion? If not, the question is, shall Senate Bill 728 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are 1, 1 voting Present. Senate Bill 728 having received the required constitutional majority is declared

passed. 732, Senator Etheredge. 736, Senator Marovitz. On the Order of Senate Bills 3rd Reading is Senate Bill 736, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 736.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DE#UZIONI)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. This bill amends the Public Utilities Act to include authority for the ICC to consider class action complaints on behalf of consumers. And in order for the ICC to be able to do this, they need specific statutory authority to hear class action complaints. Recently, before the ICC, consumers have been deprived of the opportunity to have billing problems solved. One recent case, some people came before...a family came before the ICC and said that they were incorrectly billed as a household, they were billed at the higher rate instead of the lower rate as a single family. The ICC admitted that this occurred but said that they couldn't order a change because it didn't want to solve this kind of billing problem on an individual case-by-case basis. And when a class action case was organized a year later to address the same problem, the ICC then said, well, unfortunately, we don't have the authority to do this. State law doesn't presently give the ICC the...the permission to hear class action cases. The ICC really is the place to hear this because they have the expertise in rate setting matters, number one; second of all, it would be very costly for consumers to go to...to an attorney to a...to have these cases heard and it would take a lot more time. I'd be happy to answer any questions, but all this does is give the statutory authority to

the ICC to hear these kind of matters.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President and members of the Senate. This really is a terrible idea. Those of us who served several years ago on the...the rewrite of the...of the Public Utilities Act addressed issues like this to a great extent and we, as you may well recall, created another mechanism by which consumers can be represented before the Commerce Commission. And it would seem to me that...that if we open up this floodgate today, we are really destroying in part what we did two years ago, first of all, but I think we would...would further bog down the Commerce Commission and...and really and truly wouldn't serve anybody's good. Once again, this is just an attempt by the General Assembly to intervene in an area where we've already polished up the process and...and made it work and now we're going to start undoing it again. I think we ought to take a careful look at this and then defeat this rascal.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

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

SENATOR MAROVITZ:

Thank you, very much. Well, all this rascal does is tell the ICC that they can hear a class action suit so that they can resolve these matters of consumers across the state that they don't have to go to court necessarily and have their case...hire attorneys and have the cases...languishing for four years. All it does is give them the statutory authority and I can't see why anybody would be against giving the ICC at least the authority to hear a class action suit especially if it's a valid one. I would ask your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Question is, shall Senate Bill 736 pass. 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 31, the Nays are 25, none voting Present. Senate Bill 736 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill...all right...Senator Maitland, for what purpose do you arise?

SENATOR MAITLAND:

I...I'm sorry, Mr. President, verify the affirmative votes. I thought we had 31 up there.

PRESIDING OFFICER: (SENATOR DEBUZIO)

All right. Printout says 31, the board says 32. I believe I announced 31. Let's see if we have a problem. On a verification, the Secretary will read those who voted in the affirmative. Mr. Secretary, would you please read the names of those members who voted in the affirmative.

ACTING SECRETARY: (MR. HARRY)

The following voted in the affirmative: Alexander, Berman, Brookins, Carroll, Collins, D'Arco, Degnan, del Valle, Demuzio, Dudycz, Thomas Dunn, Hall, Holmberg, Jacobs, Jones, Jeremiah Joyce, Jerome Joyce, Kelly, Lechowicz, Luft, Marovitz, Netsch, Newhouse, O'Daniel, Raica, Savickas, Severns, Topinka, Vadalabene, Welch, Zito, Mr. President.

PRESIDING OFFICER: (SENATOR DEBUZIO)

All right. Senator Maitland, do you question the presence of any person who voted...

SENATOR MAITLAND:

...Senator Lechowicz.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Is Senator Lechowicz on the Floor? Senator Lechowicz on the Floor? Senator Lechowicz is at the back of the Chamber.

SENATOR MAITLAND:

Senator Brookins.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Brookins on the Floor? Senator Brookins on the Floor? Senator Brookins on the Floor? Here he is, he's on the Floor.

SENATOR MAROVITZ:

I appreciate your indulgence, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Okay. On the verified roll call, there are 32 affirmatives, although the printout shows 31. Mr. Secretary...all right. The printout...the printout does show, apparently,...32, the board says 32 voted Aye, 25 voted Nay, none voting Present. Senate Bill 736 having received the required constitutional majority is declared passed on a verified roll call. All right. On the Order of Senate Bills 3rd Reading is Senate Bill 742, Mr. Secretary.

END OF REEL

REEL #3

ACTING SECRETARY: (MR. HARRY)

Senate Bill 742.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

For what purpose Senator Smith arise?

SENATOR SMITH:

Thank you. Would you do me a...inadvertently I switched the wrong...hit the wrong button, should be Yes on that bill, 736, please.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The record will so indicate.

SENATOR SMITH:

Please, thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Watson on Senate Bill 742. Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. 742 deals with public aid fraud and it deals with the forfeiture of assets of an individual or a...a vendor who has been charged with public aid fraud. It would prohibit them from selling those particular assets until the case was finally brought to court. It also establishes a Medical Fraud and Abuse Prevention Fund and it also sets up a situation by which the counties can generate money of twenty-five percent of the revenue that's...that's picked up from the...from the sale of these...of the assets; twenty-five percent would go to the county in which the prosecution took effect, twenty-five percent of it would go to the...the law enforcement agent which was involved in the investigation which could be the state or a unit of local

government and fifty percent of it goes to the General Revenue Fund. Be glad to answer any questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Sponsor yield to a question, please?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR NEWHOUSE:

Senator, you said that...that you pointed out that this was for those who are in business servicing the department, is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Watson.

SENATOR WATSON:

I didn't understand the question.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He didn't understand your question, Senator.

SENATOR NEWHOUSE:

Well, I'm...I'm confused because the Digest here says charged with public aid recipient fraud, but I understood from your explanation this was not aimed at recipients, it was aimed at vendors. Is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Watson.

SENATOR WATSON:

It's...it's both recipients and vendors.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall Senate Bill 742 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 742 having received the con-

stitutional majority is declared passed. Senate Bill 745, Senator Woodyard. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 745.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President, members of the Senate. The genesis of Senate Bill 745 evolved and started in the election in the fall of 1986. There was one county in the State of Illinois that opted to elect their county highway superintendent by referendum. In December of 1986, I called the Board of Elections to see if enabling legislation needed to be introduced and passed to actually allow that election of their county highway superintendent. I was told, yes, that we must have enabling legislation and Senate Bill 745 is the bill that does that. It does contain and set professional criteria and standards for an elected county highway superintendent. It would be a four-year term as opposed to the present situation is a six-year appointed term. The minimum salary was recommended by the committee, that it be set at thirty thousand dollars and could be increased by the...by the county board. We also had to take into consideration the residency requirements because many of the small rural downstate counties...do not even have a professional engineer registered within that county and, thus, the residency for this particular office would be anywhere in the State of Illinois. That's basically what the bill does and I would be glad to answer any questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 745 pass. Those in favor will vote Aye. Those

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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 49, the Nays are 6, none voting Present. Senate Bill 7-4-5 having received the constitutional majority is declared passed. Senate Bill 749, Senator Zito. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 749.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and members. Senate Bill 749 does exactly what the Calendar says it does. In addition to that, the amendment, if you recall, put on Senator Friedland and Senator Schaffer's Senate Bill 891 which extended the provision that I had in the bill from...a two-year time period, this amendment extended it to five years. I know of no opposition at this point. There may be some negotiations that will be ongoing in the House, but at this point, nobody is in opposition to this legislation. I would urge for its passage.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 749 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 7-4-9 having received the constitutional majority is declared passed. Senate Bill 756, Senator Macdonald. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 756.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. This bill came to my attention through one of my municipalities, Mount Prospect. It involves the dispute for resolution of rent and the Village of Mount Prospect by home rule authority now negotiates has passed...an ordinance whereby they arbitrate these differences. The statutory remedy as it appears in Illinois Statutes today for the distress of rent allows landlords to forceably enter a rental premise and seize the tenant's personal belongings as collateral for rent...for rent due to owing. The notice of the landlord's action is not required until after the property has been seized. Unfortunately, I believe this is a violent society and this particular aspect of our statutory permission has caused a great deal of time lost in police departments in my area, and all this bill does is to say that statutorily home rule units will have the ability to mediate these particular differences. So I ask for your support of this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 756 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 7-5-6 having received the constitutional majority is declared passed. Senate Bill 760, Senator Smith. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 760.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 760 permits the Department of Public Aid to rule...by rule to develop a child support amnesty program. This amendment was encouraged by the Department of Public Aid. According to the department, the language in this amendment gives them more flexibility to establish a child support amnesty program. The amendment also provides that the program adhere to Federal law and regulations. The purpose of Senate Bill 760 is to provide an incentive for paying child support and thus reduce public aid cost for the state. Several states are considering child support enforcement amnesty programs. The Department of Public Aid is neutral on Senate Bill 760. I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 760 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 760 having received the constitutional majority is declared passed. Senate Bill 762, Senator Topinka. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 762.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Topinka.

SENATOR TOPINKA:

Yes, this creates the Aquaculture Development Act which

is an outgrowth of an aquaculture study that we had last year and which was reported on and it has been encouraged by the Department of Conservation, the Department of Agriculture and the Governor's Office and everybody who is involved in this has signed off on it. It creates the whole program, answers all the questions and I would seek your favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 762 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? All voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. Senate Bill 7-6-2 having received the constitutional majority is declared passed. Senate Bill 767, Senator Woodyard. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 767.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President, members of the Senate. This bill was recommended by the Department of Mental Health and Developmental Disabilities to alleviate a problem created by a court case in Sangamon County. The bill actually eliminates the power of the department to appoint members of police and security forces, and I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, I...I've just notice that the State Employees' Association is opposed to this bill simply because of that

court case that you...that you mentioned. Perhaps if you could just tell us very briefly the substance of that court case. Since I was not in committee and didn't have the opportunity to hear this bill, perhaps you could briefly describe what the subject of that litigation was.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Woodyard.

SENATOR WOODYARD:

It's my understanding that in that court case there was...these security officers were actually determined to be peace officers which in turn means that they are empowered to carry weapons, enforce law and so on, and the department really had no intent, it's my understanding, for that to occur and so, thus, the removal of that section of the law. And also in response to your comment on AFSCME, I have had no communication, no letter or...in opposition or anything from them on that.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

It's...it's my understanding that the Department of Mental Health employs the security officers at the three facilities in Cook County and it's interesting that if there's not that much opposition from...from...from Cook in reference to this, why, I think I'll just...I'll be voting Present just simply because of the Illinois State Employees' Association's position relevant to this matter until I really become more informed as to what it's all about.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall Senate Bill 767 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, 4 voting

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Present. Senate Bill 7-6-7 having received the constitutional majority is declared passed. Senate Bill 771, Senator Smith. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 771.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 771, the intent of this bill is to protect the health and safety of medical and funeral personnel. The bill also attempts to address the reporting of AIDS. Senate Bill 771 is modeled after the 1960...86 Tennessee law. It's similar to House Bill 2644 which became Public Act in 84-1341. The Department of Public Health is neutral on this particular piece of legislation and I ask your favorable consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Schaffer.

SENATOR SCHAFFER:

I'm just kind of curious. As I understand it, this bill requires notice when a...a deceased person has been diagnosed as having AIDS or has been exposed to any causal agent, if I understand that correctly, but the notice must be confidential. Does that mean they put a sealed envelope in the coffin? How does that work?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Smith.

SENATOR SMITH:

Senator Schaffer, I don't happen to be a mortician, we do have...happen to have a mortician here on the floor and he would be happy, I'm sure, to tell you. We have two morti-

cians here on the Floor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Topinka and Senator Brookins? Senator Brookins.

SENATOR BROOKINS:

Yes, Mr. President, what happens is that you're notified when you hit the hospital and you can only...and it's for your information because you are handling the fluids and dealing with the blood, and if you do not take the proper precautions, you can then attract AIDS. And it is not put in the casket, it's just for...placed on the Body, a notice and that's how we know.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Topinka.

SENATOR TOPINKA:

I would just like to comment on Senator Schaffer's request because in...in support of Senator Smith's bill, when we did ask for some kind of confidentiality, she was willing to put that on and did amend the bill according to our wishes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further...discussion? Senator Smith may close.

SENATOR SMITH:

Thank you, Mr. President and members of the Senate. I merely ask for a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 771 pass. 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, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 7-7-1 having received the constitutional majority is declared passed. Senate Bill 772, Senator Smith. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 772.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and members of the Senate. Senate Bill 772 merely requires county clerks to distribute pamphlets detailing the cause and effects of Fetal Alcohol Syndrome to persons obtaining marriage licenses. The Department of Alcohol and Substance Abuse shall develop, publish and distribute the pamphlets free of charge to each county clerk in sufficient quantities. The Fetal Alcohol Syndrome is the third rank known cause of birth defects that produce mental retardation Babies especially in head size, with Fetal Alcohol Syndrome are abnormally small at birth, some have short attention spans, learning disabilities and behavioral problems; few achieve normal growth and some die as a result of Fetal Alcohol Syndrome. DASA has estimated the fiscal cost to be approximately two hundred and seventy-five thousand dollars but we know that that is inflated. If just one pamphlet, however, prevents one birth defect per year, the cost of printing would be much less than the institutionalization of one child at state expense. I ask your favorable...consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Fawell.

SENATOR FAWELL:

Thank you, very much. At the committee hearing there were some questions that were brought up. I understand what you're trying to do and I appreciate what you're trying to do, but there is the question of whether this is the most effective means of combating the Fetal Alcohol Syndrome problem. And there also has been some discussion among the DASA people whether this information is getting to the proper

people. I understand...and you are correct that this is a...a problem that we've got with low birth weight babies but, unfortunately, most people who are getting a marriage license have other things on their mind than the birth of a child, and I wonder if you would like to answer on any of those objections.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Smith.

SENATOR SMITH:

Thank you, Senator Fawell. But I still emphasize the fact because of the damaging consequences of babies who do not ask to come into this world, if just one pamphlet prevented one birth...defect per year, the cost of printing would be much less than the institutionalization of one child in any state institution and for the state's expense. It's better to...try to prevent than to have these babies plagued in our state institutions which will cost the state something on and on and on and on until that child is deceased. I still ask for your favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Fawell.

SENATOR FAWELL:

Just one...one question to the sponsor, if she would yield. It is the state that is going to be required to...print a pamphlet for everyone that applies for a marriage license, is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Smith.

SENATOR SMITH:

Yes, it would be. But may I remind you that there are a hundred and ten thousand marriage license that are issued in Illinois per year and the cost of that will be very, very small and very nominal, a sheet of paper in order to apprise people of...of the danger of this.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Alexander.

SENATOR ALEXANDER:

Thank you, Mr. President. I heard this bill in Local Government and I inquired to those persons who spoke in opposition if the agency did not already have in the...possession certain pamphlets dealing with this subject and they replied yes. My response to that that they could utilize that pamphlet they already have out and make the distribution which would make the cost of caring for Senator Smith's bill a lesser problem to the state. There are pamphlets already out there on this subject that could be distributed.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR SMITH:

Thank you, Mr. President and Ladies of the...I merely ask for a favorable vote. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 772 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 46, the Nays are 7, none...4 voting Present. Senate Bill 7-7-2 having received the constitutional majority is declared passed. Senate Bill 774, Senator Welch. Read the bill, Mr. Secretary. Senator, those bills that have been on recall...although I would have liked to have called them, we do not physically have the bills, they are upstairs in Enrolling and Engrossing. So those that have been on the recall list will be skipped over. Senate Bill 776, Senator DeAngelis. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

SB 777  
3rd Reading

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Senate Bill 776.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President and members of the Senate. Senate Bill 776 is an administration bill at the urging of the Illinois Department of Public Health. The Blood Bank Act has not been changed in twenty years. There have been significant changes in the medical delivery service systems and the medical technology. This bill is a rewrite of that Act, there's some rather comprehensive proposals in it. What I'd like to do is have the people here available, if anybody has any questions about any of those changes, I'd be more than happy to try to answer them; if not, I urge its passage.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 776 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, 1 voting Present. Senate Bill 7-7-6 having received the constitutional majority is declared passed. Senate Bill 777, Senator Weaver. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 777.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. Senate Bill 777 would phase in an increase from a hundred to two hundred dollars the licens-

ing fees for currency exchanges and also the examination fees from seventy-five dollars a day to a hundred and fifty dollars a day. If there's any question, I'd be happy to try to answer them.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussions? If not, the question is, shall Senate Bill 777 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 7-7-7 having received the constitutional majority is declared passed. Senate Bill 782, Senator Welch. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 782.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This is a bill that we had in the Senate last year and it passed out to...with thirty-two votes. What this bill does is it allows for universities throughout the State of Illinois in...for graduates in public administration to have those graduates work on a fellowship...with municipalities under fifty thousand people. One of the reasons for this is the reduction in Federal revenue sharing and...to allow the benefits and the advantages of having a...a full-time planner for small towns to be in a town, and it will provide for matching grants between municipalities and the Board of Higher Education. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR ETHEREDGE:

Senator, my notes indicate...and this comes from our discussion in the Higher Education Committee that there would be an amendment to make this program a matching grant program whereby the...municipalities would match the State dollars on a dollar-for-dollar basis but, yet, I see that this bill is not amended.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch.

SENATOR WELCH:

I vaguely remember that promise and I'll be glad to do that in the House. We...one of the problems with doing that, we hadn't agreed it was a fifty-fifty or a seventy-thirty match, Senator Etheredge. But I'd be glad to discuss that with you and amend it to do that in the House.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Etheredge.

SENATOR ETHEREDGE:

Okay. Well, I think that...that would...would be very important that that actually happen. I have a second question, is there an appropriation for this program?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch.

SENATOR WELCH:

There is not yet, Senator, I would anticipate a modest appropriation for a pilot program at...perhaps one or two universities.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Welch may close.

SENATOR WELCH:

I just urge an affirmative vote. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 782 pass. 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 41, the Nays are 14, none voting Present. Senate Bill 782 having received the required constitutional majority is declared passed. Senate bills 3rd reading is Senate Bill 787, Mr. Secretary. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 787.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rigney.

SENATOR RIGNEY:

Well, Mr. President, there are some of our smaller downstate counties that would like to be able to assign their supervisor of assessment to some other county duties. These other duties would be compensated type of duties. This legislation would allow for that in counties under one hundred thousand population. They have to be approved by the county board and the...by amendment we have established that they cannot hold an elective office.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 787 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Oh, I beg your pardon, Senator...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, 2 voting Present. Senate Bill 787 having received the required constitutional majority is

declared passed. 790, Senator Rigney. On the Order of Senate Bills 3rd Reading, Senate Bill 7-9-0, Mr. Secretary. ACTING SECRETARY: (MR. HARRY)

Senate Bill 790.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Rigney.

SENATOR RIGNEY:

There are some utilities located outside the State of Illinois that are seeking here to be relieved from some of the requirements as far as lease cost planning and audits are concerned. So what the...what 790 is doing is allowing those utilities that have less than either twenty thousand gas customers or twenty thousand electric customers to be relieved from some of that planning. I don't think it makes sense to impose those kind of requirements on out-of-state utilities that have very few customers in Illinois. I...I would point out that this legislation passed out of the Energy Committee without opposition.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Discussion? Senator Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Indicates he will yield. Senator Welch.

SENATOR WELCH:

Senator Rigney, when the bill passed out of committee, it was limited to two particular firms and I believe it only dealt with electricity, and your amendment included gas utilities serving fewer than twenty thousand customers. Could you tell us how many utilities that includes and who they are?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Rigney.

SENATOR RIGNEY:

I think probably...I was informed anyhow that there are approximately four, and I think if you will check the original legislation, Senator Welch, it did include both gas and electric; in fact, I think you'll find that on page 3 of the original bill. The amendment just was a clarifying amendment that apparently the Commerce Commission felt was needed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Could you tell us which gas companies are included?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rigney.

SENATOR RIGNEY:

No, I really cannot, Senator Welch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Hall.

SENATOR HALL:

Did you place an amendment on that to change the word "less" to...to fewer or did you...did you or did you not?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rigney.

SENATOR RIGNEY:

Let's see...no, I think in the original language and...in the amendment in both cases the word was..."less" was used.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

Well, I'm just reading where that was a technical thing there and I was just wondering if you...cleared that up, but since you left it, you must...maybe you weren't approached on it or not.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...further discussion? If not, Senator Rigney may close.

SENATOR RIGNEY:

I think the...you know, the bill is pretty straightforward in its dealings. It seems to me that it's kind of foolish to demand the same type of auditing and lease cost planning requirements on an out-of-state utility that has relatively few customers in the State of Illinois. It's a big expense for them and, frankly, I don't think we accomplish much. So I think 790 is a good bill and worthy of your passage.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right. The question is, shall Senate Bill 790 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, 1 voting Present. Senate Bill 790 having received the required constitutional majority is declared passed. Senator Luft, I wish you'd put your glasses on. Put your glasses on will you, Senator Luft? On the Order of the Senate Bills 3rd Reading, Senate Bill 794. Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 794.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Welch.

SENATOR WELCH:

Thank you. The effect of this bill would be to prohibit the Commerce Commission from authorizing utility rate increases due to a municipality opting out of a particular service area. For instance, Geneva decided to buy power from Wisconsin and what we want to do by this bill is to prohibit

any further...is...is to take that same situation in case some other city gets out of a service area and prohibit the utility from then passing on increased cost due to the loss of that particular city to the other customers so that they will keep their bottom line up at the expense of utility consumers.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Discussion? Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. I certainly have to rise to oppose this particular piece of legislation. I...I believe that the bill could negatively affect the public utilities' ability to participate in fair negotiation with the...municipality. The municipality could pass a large usage tax onto the utility and possibly the utility could not recover this tax through the consumer and, therefore, the municipality may actually use the tax as a negotiation tool. I think that this bill could disrupt the current stable market and I oppose it.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Further discussion? WCIA-TV has requested permission to tape the Senate proceedings. Is leave granted? Leave is granted. Senator Maitland.

SENATOR MAITLAND:

Well, thank you, very much, Mr. President and members of the Senate. I, too, rise in opposition to the bill and I...I guess my concern, Senator Welch, is...along with what Senator Macdonald has already said, but when we begin to consider the issue...the whole issue of wheeling, it appears as though, you know, we're on the opposite side of this issue now and that's been our concern about what would happen with wheeling the enterprise zone legislation and...and what it would do to customers down the road, and it seems like this is just almost the reverse approach of this. And I...I...I think

this is a...I think I know what you're trying to do and I understand the purpose, but I...I think this is a bad...really a bad consumer bill and ought to be defeated.

PRESIDING OFFICER: (SENATOR DEBUZIO)

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

SENATOR WELCH:

Well, Senator, I would take issue with whether this is a good or bad consumer bill, but let me say this is an issue totally separate and apart from wheeling. Wheeling concerns bringing competition into the industry, this particular bill tries to help consumers who are at the mercy of utility companies. You know, the City of Chicago is going to be having its franchise agreement expire in just a couple of years, and many of us who represent areas that have Commonwealth Edison power fear that if Chicago does decide to become independent and develop their own plant or buy power who knows where that the rest of us in that particular service area will then be burdened with picking up the lost profit Commonwealth Edison will suffer due to Chicago getting off the system and vice versa. If some other town gets off the system or some other area, then consumers in Chicago as well will pick that up, and...any one of us here with other utility companies can assume a similar situation in their area if one of the major towns gets out of a franchise agreement, the rest of the consumers are going to be stuck because these franchise agreements are negotiable and they can change from time to time when they end. So I would say that in order to encourage stability in prices for utilities in order to give consumers some assurance that rates won't go up automatically, we should tell the Commerce Commission what our opinion is and that's the purpose of this bill, and I would urge an affirmative vote.

PRESIDING OFFICER: (SENATOR DEBUZIO)

The question is, shall Senate Bill 794 pass. 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 30, the Nays are 27, none voting Present. Senate Bill 794 having received the required constitutional majority is declared passed. Senator Maitland...Senator Maitland, for what purpose do you arise?

SENATOR MAITLAND:

I'm sorry, Mr. President, verification of the affirmative votes, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Maitland has requested a verification of the members who voted in the affirmative. If the members will be in their seats. The Secretary will read the names of the members who voted in the affirmative. Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

The following voted in the affirmative: Alexander, Berman, Brookins, Carroll, Collins, D'Arco, del Valle, Demuzio, Thomas Dunn, Friedland, Hall, Holmberg, Jones, Jeremiah Joyce, Jerome Joyce, Kelly, Luft, Harovitz, Netsch, Newhouse, O'Daniel, Poshard, Raica, Savickas, Severns, Smith, Vadalabene, Welch, Zito, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR MAITLAND:

Senator Carroll.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR MAITLAND:

Senator Jones.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll is on the Floor to the Podium to the right, restore his name. Senator Jones. Senator Jones is in front of the Podium. Senator Maitland. All right.

SENATOR MAITLAND:

Senator Marovitz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz on the Floor? Senator Marovitz on the Floor? Senator Marovitz is right behind me.

SENATOR MAITLAND:

Hi, Billy. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. On the verified roll call, there are 30 voting Aye, 27 Nays, none voting Present. Senate Bill 794 having received the required constitutional majority is declared passed. Senate Bill 795. On the Order of Senate Bills 3rd Reading is Senate Bill 795, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 795.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, Senate Bill 795 is an amended bill to allow parimutuel racing...or parimutuel betting on greyhounds in two areas of our state; one, in Peoria where they've expressed an interest in obtaining a dog track and one in Cahokia where there's been a commitment to invest nine to eleven million dollars in refurbishing the track and employing over a thousand people. There's been a lot of concern about the humanitarian aspects of dog racing. I would just like to remind you that one of those concerns is the use of live lures in training animals.

There is no state in this union that allows the use of live lures; in fact, in some of the states the penalty for the illegal use of live lures, as in Idaho, is greater than for the crime of manslaughter. We're talking about seven years imprisonment and fifty thousand dollar fines. This morning I had a conversation with Doctor Piermonte of the Colorado State University Teaching Hospital who has been working with greyhound dogs for the last fifteen years at the State University. His comments were that the dogs are well treated, they were better than any of the other pet animals that he had occasion to treat. One of the questions and one of the concerns we talked about was that if a dog is taught to chase these mechanical lures, what kind of a pet does he make? His comments were that this is a natural aspect of any dog, that just the teaching and the...of racing and the chasing of a lure will not inhibit that dog to be used as a pet at the end of the racing days. In fact, he said that this is their God-given ability to go out to race, to chase and to run. I think that when we talk about the inhumane aspects of it, we're trying to cloud the issue, and the real issue is, is dog racing too competitive for horses? Will dog racing interfere with the horse racing industry? I would ask you to look at what is happening now in all of our surrounding states that surround Illinois. Every state that surrounds us is either allowing parimutuel wagering on dogs or will be very shortly. Missouri is looking at a place now in St. Louis, an old General Motors factory, to put a dog track in. So those of us that are saying that you're concerned about the horse, thoroughbred, standardbred and...harness racing industry that if will...dogs are allowed it would diminish...just think, not only...when these states complete their transactions and these dog tracks are allowed to race, not only will that diminish, if this is your concern, the horse racing concerns in our state but the money...the money that

will be bet on these animals...these dogs will be taken right out of the State of Illinois and deposited in Missouri, Idaho, Wisconsin, Indiana. Today...the present day there are...about thirty busloads a day leaving the State of Illinois to go to Iowa for the dog racing. I think that if we're talking about a state that allows gambling, a state that is concerned with revenue that we should support these two communities in their ability to construct dog racing facilities for not only their use but for the State of Illinois' position to bring in some revenue.

PRESIDENT:

All right. The Chair would just admonish the membership that the Weaver-Donnewald rule is...we're attempting to comply with. Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate, this is our annual dog racing bill, and if...if this were such a humane sport as Senator Savickas would imply, then I can hardly understand why we continue to have very, very strong opposition from the U.S. Humane Society and all regional chapters, the Anti-Cruelty Society, the Animal Welfare League. It still is...is very well documented that in order to get ten thousand some new racing greyhounds a year, you've got to breed about fifty thousand to achieve that ten thousand. The question then becomes what happens to the other forty thousand? These are not house pets, they are...not kept as house pets, a very, very small number of them are kept in a home. They are destroyed and in some cases not in a humane manner. Yes, there's no question that we in Illinois do not at this point allow for live lures, but there is no...way to regulate the use of live lures in other states around us. It is going on and if you don't believe it, you can read in the greyhound manuals how they actively oppose legislation be it on a state or Federal basis on the

importation of jack rabbits which are used over and over again in training until they finally die and are disposed of, but that's just the humane aspects of it. Let's also look at with the fact that last year we put out a very good horse racing package which has not even been allowed to take root and...and function yet, we don't even have our OTB parlors out there. That being the case, I think it would be wise not to throw another monkey wrench into that before it even gets going and hopefully will generate some state taxes. Furthermore, the...horse racing industry has extremely deep roots in the agriculture industry of this state. We are a farm state and...if it were not of concern to our breeders and our farmers, they wouldn't be in opposition. The Horse Breeders Associations, upstate and downstate, standardbred and thoroughbred especially standardbred, the ones that like to run at those state fairs, continue to remain in strong opposition. I would bring forward...the...the fact that I realize Peoria would like to have a track, they're also seeking an OTB parlor. Where does that all leave Quad-City Downs in the Moline area? Totally wiped out. Representative DeJaegher in the House right now is going crazy over that. All of these things I think impinge on what we're talking about here and I think there is no call for this at this time and no need for Illinois to once again add another form of gambling to the same definable pot.

PRESIDENT:

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

SENATOR MAITLAND:

Thank you, Mr. President. In the President's Gallery there is a group of high school students from Melvin-Sibly High School and their teacher,...I'd like for them to stand and be recognized by the Senate, please.

PRESIDENT:

Will our guests in the gallery please stand and be recognized. Welcome to Springfield. The question is passage of Senate Bill 795. Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDENT:

Sponsor indicates he will yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

If...I'd understand the people of Peoria County do want the dog racing track and I understand the people in St. Clair County want it very badly and I guess Peoria has been very distressed economically. However, if we were to give you a vote to pass this bill, are you going to limit your bill to just those two areas or are you going to let them change it in the House and add more areas because, frankly, I'm not for dog racing and the only reason I might consider giving you a vote is because of the...the complaints and the requests I've had from so many people from Peoria County.

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Senator, it'd be my intention to keep it to these two tracks and let us find out that if this is a viable cohabitation between the dogs and horses; no, I would not accept any changes on...cohabitation...I would not accept any changes to the bill...it would be just the two tracks, Cahokia and Peoria.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Senator Savickas, if they change your bill would you Table the bill then if it adds anything else to it?

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Senator, I would change it back to its original form and it would either go up or down in its original form and that's the two tracks.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

I just want you to answer me definitely, if you can't get it in the original form, will you Table the bill?

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Senator, ...Senator, if I can't bring it back to its original form, I would Table the bill.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

And by original form you mean you will limit it only to two tracks, one in Peoria County and one in St. Clair, is that correct?

SENATOR SAVICKAS:

So help me God.

PRESIDENT:

Till...till death do us part. Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. I stand in strong opposition to this legislation not from any...for many of the reasons that were already brought up. I stand in opposition to it because it's inhumane to our Quad-city area, to my district, a district that already has lost over twenty-five thousand jobs. The...the starting of a dog track in...in Peoria, along with the off-track betting, along with the opening of a dog track in Dubuque would put a thousand people out of work

in my community, a community that's already hard hit, a community that could not stand any further losses; therefore, I'm in violent opposition to this bill.

PRESIDENT:

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you, very much, Mr. President. To follow up Senator Savickas' comments, I have been trying to find out about this greyhound and inhumanity to greyhounds and the...what have you for the last couple of weeks. I have talked to Doctor Arndt, who a lot of you know is the kind of veterinarian that never asks how you are when you meet him, he always asks how your dog is. He in turn told me to call up a Doctor Boone in Lyle who...who takes care of the greyhounds in...in the Chicago area. Doctor Boone assured me that these greyhounds are indeed well taken care of but he said if I wanted to verify it even further to call up a gentleman...a...a doctor who all our veterans in this state go to in Colorado and a veteran in...in...in Florida. This was done; indeed, these veterans are...veterinarians are saying that these dogs are extremely well taken care of, that they...they love to run, that they will run whether they are on a track or not. I...I asked specifically if there are animals that are used as...as bait for training these dogs, I will tell you one thing that I was told by one of them was it isn't alive when it's up there, it may have been alive half an hour earlier, but they don't put a live one up there but they put...they may put the skin up to run it around the track. You know, make your own choice, but apparently these dogs are extremely well taken care of.

PRESIDENT:

Further discussion? Senator Hall.

SENATOR HALL:

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

Senate. I get up in strong support of this legislation. Cahokia is in my area in St. Clair County. I've gotten a call from the mayor there and they're just elated to think that this is going to bring close to a thousand jobs. Now, there might be some place that lose, but Cahokia Downs closed and when it closed, it just put another big burden on the State of Illinois here. This is an opportunity to give employment to...children. It increases more for...in the...agricultural funds, it's also a great service. Now dogs and horses live in Florida and down in Memphis, all around. I'm a strong supporter of race horses, they can live together, we can have both. I tell you, we're looking for some ways for some more revenue for this state and this will certainly bring it in here, and by all means that when you can give a community that is dying, revive it, this is really the way to go and I rise in strong support and ask for all the green lights that we can get.

PRESIDENT:

Further discussion? Senator Vadalabene.

SENATOR VADALABENE:

Yes, I might as well rise in opposition to this bill. I happen to be the sister county of...St. Clair County, Madison County. Now if we want to put Madison County and Fairmont Race Track who's enjoying one of the finest seasons they've ever had, we've gave them incentives here in Springfield on a thoroughbred and standardbred racing programs, and if you want to...to close down Fairmont Race Track of which a lot of people from St. Clair County work in Madison County at the race track, if you want to put those people out of work and make a...a ghost town out of Fairmont Race Track, why are you...robbing Peter to pay Paul? I think you ought to use a little bit common sense here and...try to realize how many people work at a race track of thoroughbreds and standardbreds, the people that are related, the farmers,

the...the hay, the straw, the gasoline and so forth, and I don't know...I don't think there's about a half a dozen people can operate a race track...or a dog track, over hundreds and hundreds of people that run a...a thoroughbred and standardbred track. So in retaliation to Senator Hall, if you want to make a ghost town out of Madison County to help St. Clair County, you're going the wrong way and I'm in strong opposition to this bill.

PRESIDENT:

Further discussion? Further discussion? Senator Topinka for the second time.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate. I am sorry to...to speak a second time, but I think the issue is big enough to debate it this way. Let me suggest and according to statistics where horses and dogs have been put together in one state, horse racing has diminished except in the State of Florida which by and large has a very significantly different tourism trade than we have in Illinois. If we can also import the Atlantic Ocean and Disneyland and all of that good stuff, then maybe we might be comparable; other than that, it's apples and oranges. Also, I think you ought to be aware that in order to...to stay competitive, our race tracks which are located in other areas although they oppose this legislation at this point do note that if it is opened up in Illinois, in order to stay competitive, they will seek to have dog racing as well. So it will ultimately be statewide, this is just a foot in the door. And then I ask you, what are we are going to do with the unskilled workers who currently can find employment because it's...it's a high labor industry for unskilled workers? Where are we going to put the horse walker now on an IMB machine? I mean, in some cases, we can't train these people again and as our supply of unskilled jobs goes away,

where are we going to them? Let me submit that for your consideration overall as well.

PRESIDENT:

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President, members of the Senate. I had not intended to speak on this bill but, Senator Savickas, it looks like you don't have too much help on this side of the aisle. I had traditionally supported the concept of...of dog racing probably from a very different viewpoint than most members who are pro or con on this particular issue. Going back about three or four years ago when we first started taking testimony in committee hearings in...in the House Revenue Committee, people came out here from Ohio and Florida and New Jersey where we do have compatible racing of dogs and horses and there was no indication at that time that there was any impact or...or problems with the horse racing because of that. The second area and the main area that I have supported dog racing happens to be because of its impact on the agricultural community. It's a very good agricultural bill. You know why? Because the dogs eat six pounds of food a day, half of which is a soy bean meal product and that equates to a...an additional twelve and a half million pounds of soy bean meal a year consumed by these dogs. To the humane issue, I don't know how this ever got into this type of discussion. What do you think, that the older horse racing...horses from the horse racing...industry, what happens to them? You think they stay out in the pasture and ride off in the sunset? Well, I'll tell, I can't be sure what happens to every one of them but in Paris, France, the finest quality restaurants today are paying twenty-four dollars a pound for horse meat, because the frogs over there seem to like horses better than they do beef and I can tell you where a lot of the older horses go. If you think that's

humane, I'll disagree with you. Thank you.

PRESIDENT:

Senator Savickas may close.

SENATOR SAVICKAS:

Yes, Mr. President, I would like to clarify a few points here. First of all, I want...must thank Senator Woodyard for his enlightening remarks as far as our economy and soy bean production, but we do have a concern there when Senator Topinka was talking about the humaneness. She forgets to mention that we allowed Lasix for horses now to stop all that bleeding so they could run. She forgets to mention like in the Kentucky Derby where many of us had witnessed the race watching that horse getting whipped all the way through the race and bleeding and coming out throughout the screen. Obviously, that humaneness extends only to those animals that are in competition with the horse field. Senator Vadalabene was concerned about Fairmont. I would like to remind him that the people that own the Fairmont Track in Cahokia are the one in the same group. It's not their intention to take from one and give to the other. The racing dates that they would propose would be to accommodate at a different time so that we would have the horse racing industry, a viable industry there, and we would also bring the dogs into Cahokia. It's not a...a competition for the same dates; yes, that there has been a...a greater interest in the dogs when they're racing than in horses when they compete together and I think that's the concern that we should have. If we keep subsidizing the horse racing industry as we did last year to the tune of twenty million dollars out of General Revenue Fund, twenty million we gave to the horse people to protect them and take care of them, that twenty million out of our General Revenue Fund and now we're looking at a tax increase. We're being asked to vote for an income tax just to subsidize the horse industry as we have for the last twenty-one years

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Severns

that I have been here. I am saying that if they cannot compete legitimately, they shouldn't be in the business. If this is too much competition, they should get out. If it isn't, if it can bring the necessary benefits to two of our communities here in Illinois and bring additional revenue to the State Treasury, I think we should have it. I would move that this legislation pass.

PRESIDENT:

The question is, shall Senate Bill 795 pass. Those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 16 Ayes, 42 voting Nay, 1 voting Present. Senate Bill 795 having failed to receive the required constitutional majority is declared lost. 796, Senator Severns. On the Order of Senate Bills 3rd Reading is Senate Bill 796. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 796.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This legislation before you expands the original employee stock ownership legislation, cosponsored by Senators Collins and Senators Keats in 1982 which left this Chamber with a very strong vote. What it does in essence is expand the existing legislation to make the Act, we think, a more viable economic tool for employees and communities facing closure of significant businesses and industries. It expands the purpose of the Act to provide assistance not only to employees attempting to acquire plants facing closure but

also to provide assistance to communities in which the plants are located. It authorizes the establishment of...community ownership associations formed on or behalf of a community for the purpose of assuming ownership or control of the plants and operating such plants until a buyer can be found. It expands the assistance made available under the Act to include not only loans but also grants, interest subsidies and loan guarantees. The Act is intended as a last resort. The changes made by this legislation are...primarily modeled after the Michigan law which has implemented a very successful piece of the...emergency business legislation. It came out of committee with no opposition, there have been no changes made since the committee hearing. The IDFA authorities supports this legislation and I would urge a favorable vote.

PRESIDENT:

The question is the passage of Senate Bill 796. Discussion? Senator Hudson.

SENATOR HUDSON:

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

PRESIDENT:

Sponsor indicates she will yield, Senator Hudson.

SENATOR HUDSON:

Senator Severns, the...this bill did come out of committee, it had some present votes on it, however, because there was some confusion. Would you tell me why...why is it that you're now expanding the existing program which provides for only grants and loans to now include loan guarantees and interest subsidies? It seems to be a...a change there that might be explored a little bit.

PRESIDENT:

Senator Severns.

SENATOR SEVERNS:

Just...yes, thank you, Senator Hudson. It just gives...it's really pattering after current efforts in DCCA which gives the Illinois Finance Development Authority more flexibility in trying to assist communities in keeping their...their doors open of businesses or industries that are facing closure. And, again, it is used as a last resort.

PRESIDENT:

Senator Hudson.

SENATOR HUDSON:

Senator, I would in addition ask you as to what you feel the effect of this expansion will have on the current program and what do you estimate the cost might be?

PRESIDENT:

Senator Severns.

SENATOR SEVERNS:

The...the effect at least based on the information provided by the...well, by the track record of IDFA who currently operates the program should increase its possibilities. The...the track record that we can look to more specifically with this expanded legislation is to Michigan who has very successfully saved thousands of jobs with this legislation. It is the sense that local communities, and I'll use my own as an example, that have economic development foundations working to keep the doors of local businesses and industries open will have increased flexibility and tools available to keep those doors open. It's worked extremely well in Michigan, at least our own IDFA authorities believes that this legislation will enhance their efforts and what they have is a very good track record just in the last couple of years when dollars were appropriated. In answer to your final question, there's not been a specific dollar targeted for the cost of this program. Two years ago...I believe it was two, was it two, three...it was two years ago two million dollars was appropriated to make this program work. Until

that time, frankly, ESOP had not worked and it worked well because they didn't have the dollars to make it work. In those two years they have helped keep three different locations open, they've used all but five hundred thousand dollars of the existing appropriation.

PRESIDENT:

Senator Hudson, I'm afraid your time has now expired under the Weaver-Donnewald rule. Senator Hudson.

SENATOR HUDSON:

May I speak to the...

PRESIDENT:

You certainly may, sir.

SENATOR HUDSON:

...to the amendment then, Mr. President.

PRESIDENT:

You certainly may.

SENATOR HUDSON:

Thank you, very much. I do think, Senator, that the concern that we have revolves around the possible additional cost to this...to the state in this program. Currently, IDFA, as I understand it, insists...assists employee owned enterprises and now under...under your bill, we would expand that and...community owned...ownership associations would be...would be included. Some of us are having difficulty understanding exactly what community ownership associations are and how they qualify and it seems that some safeguard provisions on the repayment of these have also been deleted in the bill. So I would simply urge that the members take a close look at this and possibly consider a Present vote or a No vote on this piece of legislation until some of these concerns are cleared up.

PRESIDENT:

The question is, shall Senate Bill 796 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open.

All voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 46 Ayes, 7 Nays, 3 voting Present.

Senate Bill...796 having received the required constitutional majority is declared passed. Senator Savickas, 798. On the Order of Senate Bills 3rd Reading, bottom of page 12, ladies and gentlemen, is Senate Bill 7-9-8. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 798.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, Senate Bill 798 amends the Illinois Dental Practice Act and it includes in the definition of dental laboratory a firm which employs a dental technician. It defines dental technician. It creates the teaching license for visiting dental professors at approved dental schools or hospitals and it extends immunity from liability for a peer review committee to professional organizations. The amendment required that all the fees received by R & E under this Act be deposited in the Illinois State Dental Disciplinary Fund. This was an oversight in 1985 when they had passed the legislation. I would move its passage.

PRESIDENT:

Any discussion? Senator Netsch.

SENATOR NETSCH:

One question of the sponsor, if I might, Mr. President.

PRESIDENT:

The sponsor indicates he'll yield, Senator Netsch.

SENATOR NETSCH:

Is the Dental Practice Act, Senator Savickas, one of those that is scheduled for sunset this year and is therefore subject also to the sunset review process?

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

I'd have...I don't know, Senator Jones indicates no.

PRESIDENT:

Further discussion? Senator Poshard.

SENATOR POSHARD:

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

PRESIDENT:

I beg your pardon?

SENATOR POSHARD:

A point of personal privilege, please.

PRESIDENT:

...oh, yes, sir, I'm sorry. State your point.

SENATOR POSHARD:

Mr. President, Ladies and Gentlemen of the Senate, I have here with me on the Senate Floor a gentleman who's visiting the Statehouse today, Mr. Ray Davis. Ray is the assistant majority leader of the Tennessee House of Representatives and he's here working on some economic development projects between Tennessee and the southern end of the state. I'd like to welcome him.

PRESIDENT:

Welcome to Illinois. All right. The question is...Senator Savickas, you wish to close? The question is, shall Senate Bill 798 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting...1 voting Present. Senate Bill 7-9-8 having received

the required constitutional majority is declared passed. Senator Severns, 801. On the Order of Senate Bills 3rd Reading, Madam Secretary, is Senate Bill 801. Read the bill, please.

SECRETARY:

Senate Bill 801.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President and members of the Chamber. Senate Bill 801 amends the 911 Emergency Telephone Number Act by establishing penalties for persons making false complaints or reports under 911. It was originally on the Agreed Bill List. It's a noncontroversial bill supported by the Association of Firefighters, the language suggested by the Fraternal Order of Police and the Illinois Commerce Commission. It's not a vehicle, it received unanimous support in committee and I would urge a favorable vote.

PRESIDENT:

Discussion? Senator Macdonald.

SENATOR MACDONALD:

Will the sponsor yield?

PRESIDENT:

She indicates she will yield, Senator Macdonald.

SENATOR MACDONALD:

Yes, Senator Severns, since our original passing out of this bill from the committee, it has come to my attention to ask this particular question. Why are we reducing the transmission of a false fire alarm from a felony to a misdemeanor? I guess currently it's a disorderly conduct and is a Class 4 felony.

PRESIDENT:

Senator Severns.

SENATOR SEVERNS:

Senator Macdonald, we're not reducing any penalties. What we're...there were no penalties in...in the language, what we're doing is adding penalties.

PRESIDENT:

Senator Macdonald.

SENATOR MACDONALD:

Yes, in Article XXVI under disorderly conduct, 26-2, it says, "Transmits in any manner to a fire department of any city, town, village or fire protection district a false alarm of fire knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists." Violations...then it goes on to...to give the violation under Subsection 26 and it said, "A violation of Subsection 26 1A 2 is a Class 4 felony."

PRESIDENT:

Senator Severns.

SENATOR SEVERNS:

Senator Macdonald,...the section of this bill only deals with nuisance calls or the abuse of 911 calls. There are no penalties in the law now. What this legislation does, pure and simple, is provide penalties for enforcement of the abuse of 911.

PRESIDENT:

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Question for legislative intent. I just have the analysis in front of me, Senator, but as I understand your bill not only does the call information have to be false but in order for it to be a criminal offense under your proposed Statute, the purpose or intent of making the call is to make a false report. Is that correct?

PRESIDENT:

Senator Severns.

SENATOR SEVERNS:

That is correct.

PRESIDENT:

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

This bill came out of committee 10 to nothing and, you know, I don't know what we're doing here. We're going to be here all night.

PRESIDENT:

You may be but we're not going to be. The question is, shall Senate Bill 801 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, 2 voting Present. Senate Bill 801 having received the required constitutional majority is declared passed. Senator Schuneman, 804. On the Order of Senate Bills 3rd Reading, top of page 13, is Senate Bill 804. Madam Secretary, read the bill, please.

END OF REEL

REEL #4

SECRETARY:

Senate Bill 804.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Senate Bill 804 requires the Department of Public Health to prepare and make available to health care providers, parents and guardians a pamphlet explaining the benefits as well as the dangers of the immunization process for pertussis which is whooping cough. Illinois law now requires all children to be inoculated with the DPT vaccine at ages two months, four months, six months plus booster shots at eighteen months and one year before entering school. Everyone agrees that our present system has been successful in reducing disease in Illinois, but there is an increasing concern about the severe reaction that some children suffer because of the pertussis vaccine. This bill simply requires that...that a child's parent or guardian be given a copy of this pamphlet before immunization; it sets up a record keeping procedure and reporting process for severe...adverse reactions to the immunization and it exempts children who have a written statement from their physician stating that pertussis should not be administered. I know of no opposition to the bill. I would ask for its approval.

PRESIDENT:

Discussion? Discussion? The question is, shall Senate Bill 804 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all

voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. Senate Bill 804 having received the required constitutional majority is declared passed. 809 was on the recall, was it not, Senator Kustra? 812, Senator Savickas. On the Order of Senate Bills 3rd Reading, Senate Bill 812. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 812.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, all Senate Bill 812 does is change part of the MFT distribution formula as follows. The current counties under one million get 18.27 percent, Senate Bill 812 they'd get 18.26 percent; road districts, current 15.89 and under 812 they get 15.9 and I would move its passage.

PRESIDENT:

Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, will the sponsor yield for a question?

PRESIDENT:

Indicates he will yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

Our analysis says that in counties of less than one million inhabitants, you're reducing it from 18.27 percent to 18.26 percent and you're reducing allotment to the road districts from 15.89 percent to 15.9 percent.

PRESIDENT:

Senator Savickas...Savickas.

SENATOR SAVICKAS:

Senator, it obviously sounds like a vehicle bill to me and I would seek your support, at least get it over and see what we're going to do with transportation.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, obviously, doesn't help my county. So, I don't know where it's going to help my county.

PRESIDENT:

Further discussion? Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. The previous speaker is exactly right. Any of us who are concerned about the revenue that our local governments are going to be receiving ought to be voting No or Present on this because it does cut...cut that revenue and it's...passed out of the committee on an obvious partisan roll call and...it's got wheels on it and we'll probably see it again, but...I think I ought to bring that to the attention of the members. Thank you.

PRESIDENT:

Question is, shall Senate Bill 812 pass. Those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, there are 26 Ayes, 19 Nays, 12 voting Present. Senate Bill 812 having failed to receive the required constitutional majority is declared lost. 813, Senator Poshard. On the Order of Senate Bills 3rd Reading, Madam Secretary, is Senate Bill 813. Read the bill, please.

SECRETARY:

Senate Bill 813.

(Secretary reads title of bill)

3rd...3rd reading of the bill.

PRESIDENT:

Senator Poshard.

SENATOR POSHARD:

Yes, thank you, Mr. President and Ladies and Gentlemen of the Senate. Nationwide and, indeed, in this state also we're experiencing an epidemic of child abuse and neglect. Many times these cases or at least the investigation of these cases...simply slip through the cracks because the Department of Children and Family Services do not have enough staff handling the cases. This bill will require DCFS to meet certain standards and staff and workload requirements by June 30th, 1992, to try to resolve the problem and I would just ask for a favorable vote.

PRESIDENT:

Discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate, with great admiration toward the sponsor in what he's trying to achieve, I would like to point out that this bill is...is costing somewhere around nineteen million dollars which is currently unbudgeted, and although the cause is laudable, I think if anybody is concerned about the budgetary constraints, this is a real budget buster.

PRESIDENT:

Question is, shall Senate Bill 813 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, there are 29 Ayes, 21 Nays, 9 voting Present. Senator requests that further consideration of Senate Bill 813 be postponed. Senator Poshard.

SENATOR POSHARD:

Mr. President, I...I would have liked the opportunity to close on that bill.

PRESIDENT:

I beg your pardon.

SENATOR POSHARD:

My...my closing would simply ask the question, if that is true that that's the cost of the bill, why were we never given that figure and...no one ever told us the bill was going to cost that much and I seriously doubt that it does. We put an amendment on the bill at the department's request and were told that the department accepted it with the amendment, and now the department comes back and says that there's a fiscal cost of nineteen million dollars on this bill? My goodness.

PRESIDENT:

All right,...further...further consideration will be postponed. We'll get back to it. 814. On the Order of Senate Bills 3rd Reading is Senate Bill 814. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 814.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Poshard.

SENATOR POSHARD:

Yes, thank you, Mr. President. Mr. President, this...right now, in the rural areas of the state, especially in those medically underserved areas, we're having ambulance problem...in keeping our ambulances alive because we've lost Federal revenue sharing funds and local property tax base is dried up. So, this bill would simply permit the development of an authority for the purpose of developing a system of sharing resources between two or more counties to effect such things as centralized dispatch and centralized purchase of materials, uniform methods of collecting fees as well as Medicare-Medicaid reimbursement and so on. It's an attempt

to be more cost effective and more efficient than the way we run our rural ambulance services, and I would simply ask for your kind consideration of the bill.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 814 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 814 having received the required constitutional majority is declared passed. Senator Demuzio. On the Order of Senate Bills 3rd Reading is Senate Bill 820. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 820.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Demuzio.

SENATOR DEHUZIO:

Well, thank you, very much, Mr. President and Ladies and Gentlemen of Senate. Contrary to some of the other bills that I've seen during this Session, this is a front-door referendum tax increase. The bill was requested by the Illinois Association of Fire Protection Districts. As I indicated, it does include a front-door referendum. It allows for the fire protection districts to levy a .05 percent rate but it has to be approved by the electorate...by the voters first at the...at the election and...that's simply what it is. It just authorizes by front-door referendum the imposition of a .05 tax increase for fire protection supplies and...and equipment and I would ask your support.

PRESIDENT:

Any discussion? Any discussion? If not, the question

is, shall Senate Bill 820 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, no Nays, 4 voting Present. Senate Bill 820 having received the required constitutional majority is declared passed. Senator Marovitz. On the Order of Senate Bills 3rd Reading is Senate Bill 822. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 822.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Senate Bill 822 was requested by the chief judge of the probate division and the bar associations and provides that notice of proceedings in probate would be given to trustees and beneficiaries of a trust who have a vested interest and are heirs or legatees. There was no opposition to the bill. It's a simple bill and I would ask for your Aye vote.

PRESIDENT:

Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Just a simple question. Is your Amendment 1 still in the bill which provides for notice to the...notice to the beneficiaries that...that have a present vested interest and et cetera?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Yes.

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PRESIDENT:

Further discussion? Senator Karpiel, for what purpose do you arise?

SENATOR KARPIEL:

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

PRESIDENT:

State your point, ma'am.

SENATOR KARPIEL:

I would like to introduce to you up in the gallery over there...the Winfield School District from Winfield, Illinois, District 34, and they're accompanied by their principal, Joe McHaley.

PRESIDENT:

Will our guests in the gallery please rise and be recognized. Welcome to Springfield. Question is, shall Senate Bill 822 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, none voting Present. Senate Bill 822 having received the required constitutional majority is declared passed. 827, Senator Savickas. On the Order of Senate Bills 3rd Reading is Senate Bill 827. Read the bill, Madam...

SECRETARY:

Senate Bill 827.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, this bill was introduced at a constituency's request. It seems that we do have a loophole in our firearm owners identification card,

for those that have been convicted of a felony can never...can never get a fire owners identification card for either the purchase of a weapon or purchase of ammunition to...to go out hunting. This bill would cover that one opening and would say that if the person convicted of felony and at least twenty years have elapsed since that conviction and since the end of any period of imprisonment imposed in relation to that conviction, that if he has been judged by society to be capable to be out, vote, to do all of the things that our normal citizens do that after twenty years of this...dedication to legitimate living, that he can get a card and can go out and go duck hunting, whatever it is, with his family...and I...I know this has been a concern of Senator Vadalabene's, some of mine...I...I would say it's a good bill. We should pass it.

PRESIDENT:

Discussion? Senator Schaffer.

SENATOR SCHAFFER:

One point that I don't believe Senator Vickas...Savickas has mentioned which I think is worthy of note, this would only allow the person to go to the director of the Department of State Police to get his permit. The...head of the State Police would have to review this person's history and then grant it. I don't think there's anything wrong with this. I think it's an appropriate bill. Well,..that's what our analysis tells me.

PRESIDENT:

Senator Savickas, you wish...oh, I beg your pardon, Senator Hawkinson.

SENATOR HAWKINSON:

Will the sponsor yield for a question?

PRESIDENT:

Indicates he will yield, Senator Hawkinson.

SENATOR HAWKINSON:

Our analysis indicates that the bill strips from the director of the Department of State Police the discretionary authority to review. So, does he or...or does he not retain discretionary authority under your bill?

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Well, Senator, would have...it was my intention that he does and our staff indicates that he does have this authority.

PRESIDENT:

All right, question is, shall Senate Bill 827 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 42 Ayes, 5 Nays, 6 voting Present. Senate Bill 827 having received the required constitutional majority is declared passed. 828. Senator Savickas, 828...Senator Savickas, 828. 831, Senator Brookins. On the Order of Senate Bills 3rd Reading is Senate Bill 831. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 831.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. Senate Bill 831 simply provides that a suburban bus board may not build a new public transportation facility in a city with population between sixty-five thousand and five hundred thousand inhabitants without first obtaining the city's consent. This bill is meant to address the situation in Evanston where the Pace Bus

Company has indicated that it will build a garage against the City of Evanston's wishes, and...I ask for a favorable vote on this bill.

PRESIDENT:

Discussion? Senator Keats.

SENATOR KEATS:

I can appreciate what the bill says but there's a misunderstanding that it really involves one town and this issue has been going on for sometime. The town of Evanston has CTA service, has Metro service, Pace runs along the edge. Per capita they are probably as heavily subsidized a town...per capita probably heavier subsidized than Chicago, but they don't want the hassle of having a bus barn. They want all the advantages of subsidized mass transit, they want us to help pay for it, but they don't want the bus barn 'cause it's inconvenient for them. Their concern had to do with a loss of tax revenue...which I understand, but think of the other towns have put in a bus barn so that they can have less subsidized service than Evanston. It just really is an unfair imposition. The city...Pace went to the city, has talked to them, offered to help if there's some problem financially, it couldn't have been more cooperative. Evanston just doesn't want the barn but they do want all the subsidized bus service. Hey, what's fair is fair; if they want the service, they should also have the maintenance and storage facilities. A town like Evanston, a pretty...I mean, a town like Wilmette, pretty ritzy town, has got the end of the CTA lines where they store hundreds of cars at night in a very classy residential area. They want that service, so they put up with the little hassles. That's kind of fair and I would appreciate a No vote on this bill.

PRESIDENT:

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate,...in committee it was kind of discussed that this was going to be limited to the City of Evanston because of...of how it worked out populationwise, but the cities that right now this would apply to include Arlington Heights at sixty-six thousand, Aurora at eighty-one thousand, Oak Lawn which is coming up very quickly at sixty-two thousand, Elgin sixty thousand. I know I have towns in my district that are already beginning ready to verge on this, and if we pass this bill, then every time one of our communities grows, well, then they're going to be coming down here asking for the same type of legislation. So, I would call to your attention that maybe this does set a very bad precedent.

PRESIDENT:

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I want to talk on behalf of a nonritzy town. The problem here is a...is a simple one. There ought to be some local control as to where a bus...facility, garage is going to be put, and what...what Evanston is asking for...and let me say, Senator Topinka...Senator Topinka...okay,...we'll be glad to amend this bill so that it applies only to Evanston, that's the only...area that a...that it...that is seeking this...relief, but the problem has been that the...RTA, Pace, has not been able to work out anything and I just suggest to you that with two municipal bodies, Pace and the City of Evanston, they ought to sit down and work it out so that the local control has some say. That's all this bill does. That's all it does is allow them to negotiate. Without this, they don't have that ability. Now, you know, Pace can be very nice, but they'll put it in where they want to put it in and that's not the intention I don't think when we passed the RTA bill or anything else, but there's a...this particular problem we're

asking for some...local input in here and I'm sure that we'll put it in if we've got some say as to what ought to be done. So, I would ask for an Aye vote on this bill.

PRESIDENT:

Further discussion? Any further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Senator Berman, is this an opt-out bill for Evanston?

PRESIDENT:

Rhetorical, I'm sure. Further discussion? Senator Brookins may close.

SENATOR BROOKINS:

Yes, it was our intention just to include Evanston and we will see that amendments that will do that and we thought that Amendment No. 1 did that, and I ask for a favorable vote on this matter.

PRESIDENT:

Question is, shall Senate Bill 831 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, there are 31 Ayes, 25 Nays, 1 voting Present. Senate Bill 831 having received the required constitutional majority is declared passed. 833, Senator Poshard. On the Order of Senate Bills 3rd Reading, bottom of page 13, is Senate Bill 833. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 833.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Poshard.

SENATOR POSHARD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Illinois has attempted to reduce the infant mortality through the implementation of the Infant Mortality Reduction Act. We still rank forty-third among all states in our infant mortality rate. This bill will require the Department of Public Aid to provide Medicaid coverage both during a pregnancy and for the sixty-day period commencing on the final day of the pregnancy. Medicaid coverage for infants up to one year of age will also be provided. The bill was amended to limit the fiscal impact of the bill allowing the Department of Public Aid to use its discretion in establishing income standards between the medical assistance standard and the Federal poverty level. The effective date was also moved back to July 1, '88. It's an attempt to help us to further reduce the infant mortality rate in this state and I would ask for your favorable consideration.

PRESIDENT:

Discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate, I would like to stand in support of Senator Poshard's outstanding bill. He removed the fiscal problems that were involved, made it much more flexible and I'd love to see every green light on that bill.

PRESIDENT:

Senator Poshard, do you wish to close?

SENATOR POSHARD:

Thank you, Mr. President. Just to ask for a favorable vote. Thank you.

PRESIDENT:

Question is, shall Senate Bill 833 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59

Ayes, no Nays, none voting Present. Senate Bill 833 having received the required constitutional majority is declared passed. Top of page 14. On the Order of Senate Bills 3rd Reading is Senate Bill 834. Madam Secretary, read the bill, please.

SECRETARY:

Senate Bill 834.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Poshard.

SENATOR POSHARD:

Yes, thank you, Mr. President. Mr. President, one of the great strides that we have taken in this state in the past few years is the increased support that we've had for labor management negotiations and setting up formal committees to support those negotiations. This bill would simply extend the present local labor management committees that has been developed in the Office of Department of Commerce and Community Affairs and I would ask for your favorable consideration.

PRESIDENT:

Any discussion? Is there any discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President. Just to lend my support. I think there was good faith effort and agreement all around that this was a good...good proposal. I commend you, Senator Poshard.

PRESIDENT:

Question is, shall Senate Bill 834 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59

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3rd Reading

Ayes, no Nays, none voting Present. Senate Bill 834 having received the required constitutional majority is declared passed. Senator Karpiel on the Floor? Madam Secretary, on the Order of Senate Bills 3rd Reading, at the top of page 14, is Senate Bill 841. Read the bill, please.

SECRETARY:

Senate Bill 841.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. Senate Bill 841 is really a very simply bill. It simply says that if JCAR...if JCAR makes an objection to a rule of an agency, that rule shall not take effect for at least forty-five days before the Secretary of State will file it or certify that rule, and that's all the bill does.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 841 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. Senate Bill 841 having received the required constitutional majority is declared passed. 843 was on the recall. 848, Senator Jacobs. On the Order of Senate Bills 3rd Reading, top of page 14, is Senate Bill 848. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 848.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I think we discussed this pretty much just a day or so ago. The Governor in his State of the State Address indicated that a development authority should be created to revitalize the ailing economy. This bill has taken a first step in that direction. I really don't know of any opposition to this that's not going to be taken care of in ongoing conversations with the Governor's Office. I ask for a favorable vote.

PRESIDENT:

Any discussion? Is there any discussion? Senator Hawkinson?

SENATOR HAWKINSON:

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

PRESIDENT:

Sponsor indicates he will yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, it's my understanding that your intent in this legislation is to limit the bonds to revenue bonds. Is that correct?

PRESIDENT:

Senator Jacobs.

SENATOR JACOBS:

That is correct, yes.

PRESIDENT:

Question is, shall Senate Bill 848 pass. Those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. Senate Bill 848 having received the required constitutional majority is

declared passed. Senator Maitland. On the Order of Senate Bills 3rd Reading is Senate Bill 854, Madam Secretary. Read the bill, please.

SECRETARY:

Senate Bill 854.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 854 as amended seeks to address the problems that we have with truancy in this state and it...the bill sets forth procedures for instituting court proceedings against a chronic or habitual truants. We debated this issue in committee. We amended the bill to meet the objections of the...of the State Board. It has the support of the Illinois Principal's Association, the State Board of Education and the Chicago School Board. I seek...your support...but willing to answer any questions you might have.

PRESIDENT:

Any discussion? Is there any discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Senator Maitland, by which method would a truant be brought into court?

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Senator, the...the individual would only be brought into court after all of the procedures that are defined are followed by the truant officer in the school. In other words, they to be, first of all, in...determined to be a chronic or habitual truant and they would have to seek out all ways by

which to get the student back in to school before the petition would be filed with the state's attorney.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Does that include counseling with the parents and other things like that?

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

It...it appears to me, Senator, that that is not...counseling with the parent is not defined in...in...in the law at this point, but it does set forth a number of procedures by which they have to follow.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I hate to...to rise in opposition and I really wish the bill would pass, but I want to point out to you some of the concerns that some people have regarding this. For a long time there have been judges who have bemoaned the fact that we took truancy out of the juvenile court system some years back with my bill. In fact, your own Judge Witte...is that his name from McLean County? Witte? I called him personally because he raised a heck of a ruckus and I found out that in the entire time that he had been sitting on the bench, only six truant cases were...brought to his attention. I called Roberts from Sangamon County, which was another area that was raising a lot of stink, and found out they had never had one case brought before the court under the old law. I called the Chicago Board of Education and of the twenty-five thousand truants in that system, not one, prior to my bill, had ever been brought to the state's attorney's office and I kind of resent the fact that people are coming back now and

asking us to impose the system that wasn't working in the first place, and I have no problem if you assure me that in the process they're going to use the...the things at their disposal first before they go to that court rather than running to the court to solve a problem that ought to be treated with, first, in the schools, second, in the family and third, in community agencies. The court is a poor place to resolve a truancy problem and I'm going to tell you, locking a kid up doesn't put him back in school.

PRESIDENT:

Further discussion? Is there any further discussion? Senator Maitland, you wish to close?

SENATOR MAITLAND:

Thank you, Mr. President. Just to...to respond to the...to the previous speaker. The court, ladies and gentlemen, is the last resort. When the bill was passed several years ago, we really eliminated compulsory attendance in this state, and many young people know that. Now, when the court is there as the last resort, the truant officer as he's working with those young boys and girls and counseling with the parents can use that as the last resort, kind of a hammer over the head of the young person, that's all we are asking for. This is a good bill. It had...it...it came out of committee with no opposition. I would urge the Body's support.

PRESIDENT:

Question is, shall Senate Bill 854 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, 2 voting Present. Senate Bill 854 having received the required constitutional majority is declared passed. 855, Senator Friedland. On the Order of Senate Bills 3rd Reading, the middle of page 14, is Senate Bill 855.

Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 855.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Friedland.

SENATOR FRIEDLAND:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 855 is a bipartisan effort to assure that overweight fines collected on township roads be returned to the townships and it's supported by the Township Commissioners Association of Cook County and the township officials of Illinois, passed committee unanimously and urge your favorable support.

PRESIDENT:

Discussion? Senator Berman. Question then is, shall Senate Bill 855 pass. I beg your pardon, Senator Davidson.

SENATOR DAVIDSON:

Question of the sponsor.

PRESIDENT:

Sponsor indicates he will yield, Senator Davidson.

SENATOR DAVIDSON:

Senator Friedland, if you're going to remove the fines that may be collected which...when they do have a fine, it goes in the county treasury anyway, but if there's no funding for the State Police who mainly are responsible for the enforcement of overweight...how are you going to have any enforcement on overweight trucks whatsoever?

PRESIDENT:

Senator Friedland.

SENATOR FRIEDLAND:

Mr. President, and thank you, Senator Davidson,...you remember the committee and you were there when we discussed

this. As you know, the...the State Police will continue to give overweight violations on nontownship roads. I just want to point out to you and the Body that over fifty-five percent of the mileage of roads in Illinois are township roads and this is a bipartisan effort to...to help the overburdened townships. Thank you.

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Well, I normally don't...and I did vote for it in committee 'cause you said you wanted it out on the Floor and I...still it was a bad bill then and it hasn't got any better....for those people that don't know, the fine money for overweight goes in the Road Fund. Forty percent of the state troopers' funding comes from the Road Fund, and if you think that you're going to have any enforcement out on a township road, it's not as good as it should be now, but you're certainly not going to get any if the funds that would help at least pay part of the cost for that enforcement is going to be removed from them. This is a bad bill.

PRESIDENT:

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

SENATOR FRIEDLAND:

Urge your favorable roll call.

PRESIDENT:

Question is, shall Senate Bill 855 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, 4 Nays, none voting Present. Senate Bill 855 having received the required constitutional majority is declared passed. 856, Senator Kustra. On the Order of Senate Bills 3rd Reading is Senate Bill 856. Read the bill, Madam Secre-

tary, please.

SECRETARY:

Senate Bill 856.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. Now this is a bill that addresses a specific problem that affects forty-three school districts in the northwest section of Cook County. The problem is that the Cook County Board has decided to move from a system of quadrennial assessment to biennial assessment and in doing so, they have had to single out some townships which are going to get assessed after the fifth year instead of after the fourth year. Those townships are Barrington, Evanston, Nutria, Niles, North Field, Palatine and Wheeling; and within those townships there are forty-three school districts, as I said, who have already achieved their maximum tax rate so they will not be able to increase their taxes on...on their own without going to referendum to make up for the loss of revenue which will occur as a result of that reassessment taking place a year late. What this bill does is give to those...those school districts, forty-three of them, who have already achieved their maximum tax rate, the authority to raise...a supplemental tax to raise the monies that they would have received...if the fifth year had not kicked in. In other words, they can raise no more money than they spent last year; therefore, it is an increase in the levy but it is not, in fact, an increase in the amount of property tax dollars that the taxpayer will be paying. I will be happy to answer any questions and I solicit an Aye vote.

PRESIDENT:

Discussion? Is there any discussion? Senator Dudycz.

SENATOR DUDYCYZ:

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

PRESIDENT:

Indicates he will yield. Senator Dudycz.

SENATOR DUDYCYZ:

Senator Kustra, you mentioned that...due to the action of the county board, we're now in the biennial rather than the quadrennial reassessment. How about those in the northwest corridor that...received the assessment, how will that affect us? Will we...will we just be reassessed earlier than everybody else now?

PRESIDENT:

Senator Kustra.

SENATOR KUSTRA:

Senator Dudycz, you're going to be reassessed a year late and you have three school districts which as a result of being assessed a year late will realize a revenue loss, two nineteen in Niles, seventy in Morton Grove and seventy-one in Niles.

PRESIDENT:

Further discussion? Senator Jacobs.

SENATOR JACOBS:

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

PRESIDENT:

Indicates he will yield, Senator Jacobs.

SENATOR JACOBS:

Two points...or two questions, if I might. We'll try to get them both out together. One, this is a...tax increase without referendum. Is that correct?

PRESIDENT:

Senator Kustra.

SENATOR KUSTRA:

Yes, Senator Jacobs, as I pointed out, it is an...it would allow them to increase the levy. They can only increase the levy to raise the same amount of dollars they took out of the levy last year.

PRESIDENT:

Senator Jacobs.

SENATOR JACOBS:

Secondly, then, also...I guess I'm a little confused. Whenever you increase the assessed valuation, it almost always goes to say that there's an increase in taxes, even if you're not home rule.

PRESIDENT:

Senator Kustra.

SENATOR KUSTRA:

All...all I can do is...is tell you that the way we drafted the language, we tried to restrict the language in such a way that they can only raise the revenues which they were able to raise in the...in the previous year.

PRESIDENT:

Further discussion? Senator Berman.

SENATOR BERMAN:

I just rise, Mr. President, in strong support of Senate Bill 856. There was a request to do more than this bill does. We rejected that. This only holds them harmless because of the action where their assessment is not being done in the year that it...would otherwise have been done. I urge an Aye vote.

PRESIDENT:

All right, question is, shall Senate Bill 856 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 36 Ayes, 13 Nays, 6 voting Present. Senate Bill

856 having received the required constitutional majority is declared passed. 858, Senator Savickas. 861, Senator Schuneman. On the Order of Senate Bills 3rd Reading is Senate Bill 861. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 861.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is a bill which would simply prohibit auto insurance companies from raising your car insurance premium solely on the basis of the fact that you had one speeding ticket of not more than ten miles over the speed limit. I think companies are sometimes carrying to ridiculous extremes the basis on which they charge premium increases and I think that this will eliminate at least one of those.

PRESIDENT:

Question is, shall Senate Bill 861 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, 1 Nay, none voting Present. Senate Bill 861 having received the required constitutional majority is declared passed. 865, Senator Schuneman. On the Order of Senate Bills 3rd Reading, Senate Bill 865. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 865.

(Secretary reads title of bill)

2nd...3rd reading of the bill.

PRESIDENT:

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Senate Bill 865 would create a Pension Laws Commission. As you know,....as the members know, I have been striving to get the Senate and the Legislature to come to grips with pension problems, and I really think one of our problems is the fact that not enough members of the Legislature are able to spend enough time to study and become really familiar with what's going on in the field of pensions. I think the Pension Laws Commission could provide that forum. Now whether or not it will will...be dependent upon the way the leadership of the Senate and the House decides to structure the commission and I'm very well aware of that. I'm not interested in setting up another commission that's going to become a tool of...the people seeking benefit increases, I don't think we need that. But I think we do need an independent advisory group that would rationally look at pension ideas and make recommendations to this General Assembly and then have spokespersons speaking for that commission here in the...in the Senate and in the House. So, it's on that basis that this is offered and I would ask for your favorable consideration.

PRESIDENT:

Discussion? We have nine lights lit up on this bill. Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I rise in opposition to Senate Bill 865. I fully understand the motivation and in no way do I impugn the good faith of Senator Schuneman. I think his...he is reflecting a frustration with attempting to get the Legislature to deal with what we are doing not just to ourselves but to those who come after us in the area of pension liability. I would strongly suggest though that the problem is...or that it will not be...solve the problem,

Senator Schuneman, by recreating a commission which itself had not really done anything effective, at least in its later years. I'm not just...this is not just a self-serving thing, although I think the staff of the Economic and Fiscal Commission has done a magnificent job in analyzing and making available to us the pension impact notes but most of all in trying to propose some long-range solutions to our problems. Their report which was published not too long ago was one of the most thoughtful and responsible...and foresighted that we've really had in a very long time. I think the real problem, Senator Schuneman, is not in recreating another commission but in getting the Legislature to pay any attention to what anyone tells it about the impact about...of the various pension bills that we propose. I would suspect that even if you had a commission of one hundred members and mandatory attendance that you would still not necessarily get the kind of attention and response that you are looking for. The real problem is that we don't want to face up to the cost impact of what we are passing year after year, and I don't think creation of another commission is going to do that. For those who felt that it was a good idea for us to clean house of commissions, I don't think it's a good idea to start that process all over again and there is a better way to solve the pension problem. This is not it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Yes, Senator Schuneman, I...I had a request from over here a few minutes ago wanting to know whether or not you would accept an amendment to reestablish the Commission on Women in conjunction with your reinstatement of the Pension Laws Commission?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, Senator, you know how...how dedicated I am to that issue and...I wouldn't want to deny your attempt to do that...my only concern is that if we did that, we'd just have a flood of all these other amendments wanting to recreate every other commission. So...is that a satisfactory answer, Mr. President?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jones.

SENATOR JONES:

Thank you, Mr. President and members of the Senate. I rise in support of Senate Bill 865. I had talked with the sponsor about this at great length. As you know, we had approximately sixty-six pension bills in the General Assembly and if this...if the commission that...would be reinstated by the passage of this bill is enacted, then all legislation as it relate to pensions would more or less clear this particular committee. Now, I understand what Senator Netsch is talking about as you relate to the fiscal impact, but this commission will be composed of legislators who are involved in the area of pensions on...on this committee in...in the Senate as well as in the House, and I call upon my esteemed colleague on the other side of the aisle. If we join as we pass this piece of legislation, we must also join together and support the other pension bills now currently on the Calendar, but I'd like to join with you as a joint sponsor, as I indicated, on 865 because I...I think it is a good measure and a good direction to go as it relates to all the pension bills that we have.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. I rise to support this bill. When we had the Pension Laws Commission, and Cal was here at

that time and others were here at that time, when a recommendation from the commission came before this Body, it was unanimously approved by the Body. Whether it was a recommendation of yes or a recommendation of no, that's how strong the voice of the commission was to the ears of the legislators. Why? Because the public members that served on that commission were some of the most respected and knowledgeable people regarding pension impacts of the State of Illinois. There's no question about that. This bill...and I'm telling you the way it is because Illinois...the...the Fiscal Commission is not doing their job. There's been impact statements that have been totally inaccurate on their part. They have had unreliable estimates of pension impact statements before this Body presented in this General Assembly this Session. Ask anybody. In fact, the firemen had one fiscal impact that said it would increase their unfunded liability four million dollars; the Fiscal Commission came back and said it would increase their unfunded liability only two million dollars when the actuary for the firemen...the Chicago...Firemen System said it would increase it twice as much. They're, unfortunately, not equipped to handle this situation. We need the commission back to help us understand the impact statements before the General Assembly and I would recommend an Aye vote on...on this proposal.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Mr. President and Ladies and Gentlemen of the Senate, I wasn't going to get into the subject matter of the debate, but I think the record should be made clear that this Body as well as the House would listen but would not act in unison as far as the Pension Laws Study Commission's recommendations. Only at one time when Representative Wolf was chairing it, and that wasn't Jake Wolfe, it was Representative Wolf from

the southwest side in the City of Chicago, and maybe Sam Romano that there was almost complete adherence to the recommendation of the commission's recommendations. Now, I'm sure I'm not the only one here that remembers Dick Kay's investigatory analysis on commissions and possibly the work of the Chicago Tribune as well where they pinpointed it specifically to this commission, the Pension Laws Study Commission, they lost track of some equipment, employees, which brought about a further investigation of all commissions. This General Assembly realized that we had an adequate funded amount for staff and an analysis of their respective committees and the responsibilities is not the commissions, it's not the Economic and Fiscal Commission, it's the actuaries who made those recommendations to either one of those bodies. The actuaries are still the same. The only difference is you have to read the material and make a judgment of what comes...available to you from the Economic and Fiscal Commission. It's the same actuary that did this work for...for the Pension Laws Study Commission. So, the question here is whether we're starting a...back on the road of recreating every one...one of the commissions we eliminated, and I, for one, will be voting No on this issue and I strongly recommend you make a decision and do so as well.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? For what purpose Senator Jones arise?

SENATOR JONES:

Yes, thank you, Mr. President. I hate to break in, but a point of personal privilege. I'd like to welcome the Elementary School...Whistler Elementary School from the 17th Senatorial District who is here joining with us today.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Would they please rise and be recognized. Is there further discussion? If not, Senator Schuneman may close.

SENATOR SCHUNEMAN:

Well, thank you, Mr. President and Ladies and Gentlemen of the Senate. First of all, I would like the record to show that Senator Jones is the hyphenated cosponsor of this...of this bill and, secondly, in responding to those who have spoken, I don't want to recreate that old Pension Laws Commission. Senator Lechowicz, some of the things you said were absolutely true and I agree with you. I don't want that kind of a patronage dumping ground. That's not what we need. We need and...and you call it any name you want, you know, if you don't like this name, pick a different name, but we need an advisory body that will do some of the work that's being done now by the Economic and Fiscal Commission, and I don't fault their work, they are providing actuarial information. The point is, nobody is paying any attention to it, and I think that we need a commission-type organization made up of legislators who care about what the pension system of this state ought to be, and I submit to you that this will work if the leadership of the General Assembly is dedicated to the idea; if they're not, then, you know, it would be a mistake to create it, and I'll be the first to...to be here to try to undo it. I'll have to take issue with some of the things Senator D'Arco said. It's my impression that during the last years of the Pension Laws Commission, nobody paid any attention to them, and I don't want to establish that kind of a group again, and I've had discussions with Senator Rock and Senator Philip and I think they're both dedicated to this idea and that's the reason I'm asking for your approval of the bill. I urge adoption of the measure.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall Senate Bill 865 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes

are 34, the Nays are 19, none voting Present. Senate Bill 865 having received the constitutional majority is declared passed. Senate Bill 868, Senator Dunn...Ralph Dunn. Senate Bill...Senator Severns, for what purpose do you arise?

SENATOR SEVERNS:

Mr. President, a point of personal privilege.

PRESIDING OFFICER: (SENATOR SAVICKAS)

State your point.

SENATOR SEVERNS:

I'd like to be recorded on 861 as a Yes vote. I inadvertently voted No.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The record will so indicate. 868, Senator Dunn. 869, Senator Dunn. 873, Senator Kustra. Read the bill, Mr...Madam Secretary.

SECRETARY:

Senate Bill 873.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. Even though I might get a few votes if I were to lead you to believe that the Calendar's description of this bill was accurate, the fact is, it is not. And the...the bill does not impose new legal fees on lawyers at all. All this bill does is create or name one particular fund, it's called the Attorney and Registration Disciplinary Fund, to be a public fund of the State of Illinois. This is a bill that is trying to address a ten-year long dispute between the Illinois Supreme Court and the Auditor General, who, of course, is our officer appointed by the Illinois General Assembly. Auditor Cronson audits all agencies of State Government. He is given

that power by the Constitution of the State of Illinois. He audits, for example, the Supreme Court itself. He audits the Judicial Inquiry Board and the Illinois Courts Commission which are agencies within the Judicial Branch of Government, but the Supreme Court claims that he has no authority and cannot audit the Attorney Registration and Disciplinary Commission. All this bill does is says that that fund into which all lawyers across the state place their fees for disciplining and regulating lawyers is a public fund and thereby can be audited by the Auditor General. I will be more than willing to answer any questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I had asked the sponsor just moments ago to hold this bill because I rise in very strong and unabashed opposition. He is correct...he characterized it correctly. This is a bill that would have those of us who are practicing attorneys licensed by the Supreme Court, pay a fee into a fund instead of as we now do pay to the Attorney Registration and Disciplinary Commission which is an arm of the Supreme Court; and rather than burden everyone with the constitutional problem that this bill presents, let me just say that we have been arguing between the Auditor General of Illinois and the Supreme Court of Illinois, as he says, for ten years and this Body has come down, it seems to me, consistently on the side of the Supreme Court, and the Auditor General in his arrogance and his audacity has said, nobody can tell me what to do, I'm going to do what I want. He's been to court. The court has ruled against him, and I, for one, attempt...or will be attempting to take him to task because he is literally, in my judgment, almost in contempt of court. He is certainly, in my judgment, in contempt of his duties as the

auditor, but be that as it may, this is a....I suppose a circuitous route to accomplish what he can't accomplish directly, and that is that the sole authority over the practice of law in this state is the Supreme Court, which is that third branch of our government, not the Auditor General, not the General Assembly, the Supreme Court and we ought to honor their wishes. I would urge strongly, strongly a No vote on this. I asked the gentleman to hold it, but if he insists on going ahead, I hope we reject it overwhelmingly.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR KUSTRA:

Well, first of all, Mr. President, the gentleman did not ask me to hold it. You asked me if I was going to call it. There's a difference, I think, between those two questions and I said, of course, I'm going to call it. You did not ask me to hold the bill. If you had asked me to hold the bill, I probably wouldn't have anyway. Frankly, I think this is an important piece of legislation. Of course...of course, the Auditor General has to come back to the Legislature to deal with this problem, Senator Rock. You're right, the Supreme Court ruled against him, or to put it another way, the Supreme Court ruled for themselves. That's what they did. The Supreme Court decided that they had the right to protect themselves and their fellow lawyers. All we're doing here is giving the Auditor General the right to audit that particular fund. We're not quibbling over how the money is used, we just want the Auditor General the right to get in there and take a look at it. He doesn't have that right right now. Why should any public body be immune from the constitutional requirement of the audit? I suggest to you, Ladies and Gentlemen of this Senate, that if we don't resolve this issue and we allow the Supreme Court to think that one of their agencies can be im-

mune from an audit, that next it may be the tollway that decides that, well, you know, we're not really a state agency either, so we'll set up...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Just...Senator Kustra...Senator Rock, for what...for what purpose do you arise?

SENATOR ROCK:

Point of order. The gentleman is leaving the distinct impression that there is no audit whatever of these funds. The fact is, I have a copy in my office which was also provided to the Auditor General, so that...that's a mistaken impression. The question is one of constitutionality, and it's not a question of use or misuse or...or hiding funds or any of that kind of stuff, there's twenty-six thousand registered, licensed attorneys in this state and all of us pay a fee, it's our money, it's not state money, it's not appropriated, it's not spent by the state and there is an audit and he's had a copy of it, I've got a copy of it, you can have a copy of it any time you want.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

We are a coequal branch of government in this state. We in the Legislature have the right to have our Auditor General who audits every other agency in State Government to do in the Supreme Court to the Attorney Registration and Disciplinary Fund what he does to all other agencies; in fact, the whole business of the...violation and separation of powers doctrine doesn't apply because, remember, the Auditor General already audits the Supreme Court, he audits the Illinois Courts Commission, he audits the Judicial Inquiry Board. If he audits those, then, obviously, the Supreme Court has already admitted that the Legislative Branch of Government has the right to audit the...the Supreme Court, the Judicial

Branch of Government. So, I say, let's simply add to that list and close this argument once and for all, it's ten years old, the Attorney Registration and Disciplinary Fund. I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall Senate Bill 873 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 33, the Nays are 22, 1 voting Present. Senate Bill 873 having received the constitutional majority is declared passed. Senator Rock, for what purpose do you arise?

SENATOR ROCK:

Seek a verification of the affirmative vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

A verification of the affirmative vote has been requested. Would all the members please be in their seats. Will the Secretary please call the affirmative roll.

SECRETARY:

Barkhausen, Carroll, Davidson, DeAngelis, Degnan, Demuzio, Donahue, Dudycz, Ralph Dunn, Etheredge, Fawell, Friedland, Hawkinson, Hudson, Jacobs, Karpel, Keats, Kustra, Luft, Macdonald, Madigan, Mahar, Maitland, Netsch, Philip, Raica, Rigney, Savickas, Schaffer, Schuneman, Topinka, Watson and Woodyard.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock, do you question any of the affirmative vote? On a verified roll call, there are 33 Ayes, ...22 Nays, 1 voting Present. Senate Bill 873 having received the constitutional majority is declared passed. Senate Bill 875, Senator Holmberg. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 875.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. First of all, I would like to add as hyphenated co-sponsors to this piece of legislation Senator DeAngelis and Senator Collins. This is one of three bills that will be before this Body dealing with college tuition prepayment. This particular bill is the smallest component of those three bills, it could stand by itself. It is the one that allows the state to sell GO Bonds which could then be called College Savings Bonds. It is an outgrowth of hearings done by the task force of the Senate and was brought to us as a suggestion from the banking community and has been endorsed by the Illinois Board of Higher Education. Basically, what it would do is that it would create Zero Coupon Bonds that could be set aside for a child's future education. One of the assets for it is that it would not be limited to...to tuition, it could be used for any kind of expense, that it would provide a great deal of flexibility for the consumer. This approach is aimed at persons who have a sufficient income to make such an investment but would otherwise be excluded from both scholarship and grants because their incomes fall into that middle range or slightly higher. The bonds sold would be exempt from all Federal and state taxes. The program would be of no cost to the state. The Governor and director of the Bureau of the Budget in the bill would be eligible to provide additional incentives to participants. Discussions at task force meetings suggested the addition of one-half percent of additional yield to the investor who chooses to use these proceeds for his child to attend an Illinois public university. We also would exclude from the Scholarship...Commission's total accumulation of assets any of this

money that had been set aside through the savings bond proach. This would be an added incentive for people to invest. It is a bill that is simple, not of...a great deal of expense; in fact, no...no expense, except perhaps for some promotion on the part of the Board of Higher Education and the Illinois Scholarship Commission. I would certainly ask for its passage.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senator Holmberg has worked very hard on this, as has Senator Collins and myself. We have three different approaches to this. Senator Holmberg's and my approach is a little closer. I think all three bills ought to go out of this Body and somewhere at the end of the Session I am sure we will find the appropriate program to ensure that the children in the future will have adequately funded college programs. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, Senator Holmberg.

SENATOR HOLMBERG:

I would just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall Senate Bill 875 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Would you vote me? Thank you. Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. Senate Bill 875 having received the constitutional majority is declared passed. Senate Bill 883, Senator Friedland. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 883.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Friedland.

SENATOR FRIEDLAND:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill...883 corrects an inequity in the current school law. Several school districts that have merged have complained that their assessments were inequitably treated when the assessors in the respective areas were diligent and...received their monies prior to the mergers, and this bill was heard in the Education Committee, supported by ED-RED and the Illinois Association of School Boards and it passed on a...unanimous roll call and I'd urge your favorable consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 883 pass...those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 883 having received the constitutional majority is declared passed. Senate Bill 884, Senator Demuzio. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 884.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 884 is a bill that would amend the duties of the county extension services. It would change the name of the Farmer in Transition Program, which we estab-

lished last year to a Rural Transition Program. It expands the...the responsibilities and the duties of the individuals who work in the program to include career counseling, financial management training, job...search skills, et cetera. It also expands the eligible...eligibility of the farmers that are involved in the program to include those who can demonstrate proof of financial stress. And finally, it provides eligibility for other rural residents which are included in the...or...or shall I say are residing in rural areas whose employment or...or standard of living has been reduced due to the poor economic conditions. There is no appropriation with this bill. It simply expands the duties and changed the Rural Transition Program, gives it a new name from the Farmer in Transition Program, and I would seek your support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator DeAngelis.

SENATOR DeANGELIS:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR DeANGELIS:

Is this program in effect yet, Senator Demuzio?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

It is not in effect as of...as of yet. We are all...hoping that it will become in effective and if it...in fact it does become effective, it will have these expanded duties and this new definition.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I think that's what my point is. You're expanding a program that isn't in effect and I think that if you expand

it even further, you might ensure that it will never be in effect, because you are loading this down with dollars that...with appropriation dollars necessary to fund it that might very well sink the total program. I think it would probably be a little more appropriate if we wait for the first part of the program to go in effect and get funded before we start expanding a program.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR DEMUZIO:

Well, Senator DeAngelis, I...I don't quarrel with what...with what you have indicated. This bill as put forth by...as the request of the extension service...over at the...the County Extension Service and it just seems to me that if we are, in fact, ever going to make this program effective, particularly in the rural communities, then it's absolutely necessary that we, by definition, include some additional people who are in this program that need to be in this program that are currently not in this program by definition and also to expand the kinds of duties that they are, in fact, already doing...that they're already providing in terms of their local offices in their respective rural communities of Illinois, and I would ask for your support on Senate Bill 884.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall Senate Bill 884 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 50, the Nays are 4, 3 voting Present. Senate Bill 884 having received the constitutional majority is declared passed. Senate Bill 886, Senator Demuzio. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 886.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Yes, thank you. This bill I...probably undoubtedly have a little more problems with than I did the last one. In...this program would establish a rural health care system unit within the University of Illinois. In this last Session of the General Assembly, this Body was kind enough to approve a one hundred thousand dollar appropriation that was included with the elementary and secondary education budget of...of last year which the Governor amendatorily vetoed out which would have provided us the opportunity to really get this program going. I put forth this program simply because of the problems that are existing in the rural communities particularly with rural hospitals. I said yesterday during the debate of one of the pieces of legislation that I think Senator Topinka had, that there were seven or eight hospitals that have closed in rural Illinois...in...in Illinois over the last twelve months, seven of those in the last six months, as I recall correctly, and I know that in the next three to four to five years are going to be probably thirty-two to thirty-five additional rural community hospitals that are going to fold up. This health care system that we're attempting to establish within the University of Illinois is also being sought after by the Southern Illinois University and, of course, we're continuing to negotiate to determine whether or not...in this substantive bill whether or not there's going to be any money to fund this particular program at the end of this Session and, of course, only time will tell as to whether or not that's the case; and, therefore, since this program is simply not set in granite, it's

not set in stone, it just seems to me that I'd like to send it over to the House to continue the negotiations and if we are unable to secure the kind of funding that's necessary to provide for a good program, to provide for the goals and the plans and the objectives that we all strive for in rural community health programs, particularly our hospitals, then it...frankly, the additional duties would be such that I would, in fact, Table this bill if the proper appropriation is not...is not forthcoming from the General Assembly.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Etheredge.

SENATOR ETHEREDGE:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR ETHEREDGE:

Senator, I heard you state at the end that there is at the present time no money available for this program. What is...what about the...the status of the...your discussions with the trustees and the administration at the university? Have they agreed to...to undertake this new mandate, because that's what it is?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

END OF REEL

REEL 85

SENATOR DEMUZIO:

This program was brought to me a year ago by the University of Illinois, one of the...one of the employees that I had been working with, frankly, by...hesitate to mention to him by name but he's familiar to many of us who work in the area of farm land assessment. And we had a...a continuing dialogue about the problems that are existing in...in rural Illinois and, as you well know, the Governor this past year established the Rural Task Force which Lieutenant Governor Ryan went around from Illinois and accepted testimony. Now there is a provision, as you well know, in the...I think it's the Board of Regents' budget for the Western Illinois University for a rural component to be added there. It did not take substantive language in order for that to be established. Frankly, I doubt very seriously if we undertook this particular task at the university that simply a...affirmative vote of the Board of Trustees at the U. of I. would all be...would be all that would be necessary rather than this substantive piece of legislation. I would suspect that since the Board of Trustees at the University of Illinois themselves have not approved of this specific program that they would, in fact, be in opposition. And, therefore, as I have indicated, if there is no appropriation for this particular piece of legislation by the end of June 30th, then the...frankly...then the substantive bill should...I will Table it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, Senator Demuzio may close. Question is, shall Senate Bill 886 pass. 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

SB 897  
3rd reading

record. On that question, the Ayes are 47, the Nays are 6, 1 voting Present. Senate Bill 886 having received the constitutional majority is declared passed. Senate Bill 896, Senator Demuzio. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 896.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Yes, thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 896 simply indicates that those individuals who have qualified for scholarships...teaching...teacher's scholarship can fulfill their obligation to pursue an education at both a public or private university or college in...in Illinois. And what this...what this actually is doing is it's simply putting into private universities which were...previously were excluded from the utilization of...of qualifying for teacher training...undergraduate scholarships to the Board of...of Education.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion?

SENATOR DEMUZIO:

It came out of committee, I think, 19 to...to nothing.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall Senate Bill 896 pass. 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, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 896 having received the constitutional majority is declared passed. Senate Bill 897, Senator

Marovitz. Senator Marovitz seeks leave to handle Senate Bill 897 in the absence of Senator Jones. Is there any objection? Hearing none, leave is granted. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 897.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, Mr. President. I would also ask leave at this time to have the sponsorship on this bill changed to read Marovitz-Jones at the agreement of...of Senator Jones. He...he reiterated that agreement in the Education Committee where two bills were let out, vehicle bills, and Senator Jones agreed that I would be the sponsor of this bill. It is a noncontroversial bill, it's a vehicle bill for the recommendations of the Joint Committee on Elementary and Secondary Sports. The bill itself says that the IHSA would have to report on female athletic trends in writing. And I would ask for the adoption of...passage of 897.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 897 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, none voting Present. Senate Bill 897 having received the constitutional majority is declared passed. Senate Bill 898, Senator Topinka. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 898.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate, this is the second of two vehicle bills, the one preceding that Senator Marovitz brought up, which are to ultimately reflect the reports of the high school task force that we've been putting together and the report of which is not yet out. And we would just ask your favorable response on this.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 898 pass. 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, the Ayes are 59, the Nays are none, none voting Present. Senate Bill 898 having received the constitutional majority is declared passed.

PRESIDING OFFICER: (SENATOR DEHUIZIO)

On the Order of...of Senate Bills 3rd Reading is Senate Bill 900, Madam Secretary.

SECRETARY:

Senate Bill 900.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEHUIZIO)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. Senate Bill 900 establishes a situation...really a tough situation we're having in our area, tries to solve it. In...in 1965, we gave the Department of Transportation authorization to enter into contracts and agreements with...with communities and water users along the

Kaskaskia River, we gave them the authorization to establish these contracts. Well, now that was in 1965, here it is twenty-two years later and the Department, now, of Transportation has come before JCAR trying to promulgate rules which will have a real negative effect on the water users in my particular area and all along the Kaskaskia River. Right now, in JCAR the situation is that they have extended forty-five days the implementation of these rules until they find out what the legislative intent will be, and there are several bills in, one of which was in the House and it's passed and is now over here, and this particular piece of legislation which is sponsored by myself and Senator Ralph Dunn to try to alleviate the problem. But what...what the Department of Transportation wishes to do is contract with the water users along the Kaskaskia River and this contract would allow the Department of Transportation to charge the water users for the actual water being used and maintenance and construction of the lake systems, both Carlyle and Shelbyville Lakes. The contract is triggered by a situation in which the lake levels would drop, probably during a drought, and the lake...the lake is, of course, primary purpose...one of the primary purposes for navigational release and that is to float the barges through the locks down at the Mississippi River. If the level reaches a certain point, then this contract is implemented and triggered, and at that particular point and from that time on the contract goes on, it doesn't stop at any time, it's forever. And, of course, that's a...that's a situation regardless of what...whether the lake level raises or what, the contract continues and the costs continue to those water users. So, we come forth with this legislation and what this legislation does is grandfather in all of those current water users, public water users. This is not going to have any effect on private users, only public water users. And it does say that the

department may enter into contracts with users but the charge would only be for water that's actually used during that particular time of drought and that those charges couldn't be for the construction, storage and maintenance of...of the lake system. I'd be glad to answer any questions or...

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? Senator Joyce...Jerome Joyce.

SENATOR JEROME JOYCE:

Yes, thank you, Mr. President. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator...Senator Joyce.

SENATOR JEROME JOYCE:

All right. Senator, when...when this contract was negotiated, weren't there four elements to be considered in determining if the project...was acceptable to build Lake Carlyle and Shelbyville?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

You mentioned four elements, I don't...I don't have any idea what those might be. Are you talking about flood control, recreation, water supply and navigational purposes?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Back when the...when the lakes were established and the decision was made to...to build the lakes, those were the four purposes, you're quite correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

Did...did not the corps of engineers and the state...DOT hold public town meetings and ask those communities if they would be willing to pay for a water supply that would...they could be sure of? And...and did not those communities all agree that they would, indeed, pay for this water when the time came?

PRESIDING OFFICER: (SENATOR DEWUZIO)

Senator Watson.

SENATOR WATSON:

Well, the lakes were built sometime in the 1950's so any of those hearings that would have been held, I'm not sure exactly what went on at that particular time, so I really can't honestly answer your question.

PRESIDING OFFICER: (SENATOR DEWUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

How much would the average homeowner have to pay...or the water user have to pay per year...increase if this happens?

PRESIDING OFFICER: (SENATOR DEWUZIO)

Senator Watson.

SENATOR WATSON:

Well, the impact on the state if, in fact, the contract is ever implemented, which it would be during that time of drought, is somewhere in the neighborhood of three hundred and ninety thousand dollars. To spell that out into a particular water user and how much it's going to cost, I...I couldn't do at this particular point but I know that those costs then would be passed on to the municipalities and those users along...along the Kaskaskia River but I'm not sure exactly what the household cost might be.

PRESIDING OFFICER: (SENATOR DEWUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

Yes, our analysis says it would be six dollars a year. Now another thing that DDT tells us is that Illinois Power Company uses three-quarters of all the water that is withdrawn from that, so the State of Illinois would be subsidizing Illinois Power to do that with this legislation?

PRESIDING OFFICER: (SENATOR DEWUZIO)

Senator Watson.

SENATOR WATSON:

This legislation only affects those public users; Illinois Power is considered a private user and they would not...not be involved in this legislation. And also in the negotiations that we've had with the Department of Transportation and the corps of engineers, the...the contract would have to be signed between those water users and...and the State of Illinois. What that would do is guarantee a water supply for those particular users for...for whenever its necessary. Illinois Power says they're not going to sign a contract anyway because they have an adequate reservoir, Baldwin Lake, which supplies them with the water that's necessary and they won't...they wouldn't sign a contract anyway, so it would have no impact on them whatsoever.

PRESIDING OFFICER: (SENATOR DEWUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

Well, I would just like to say that, you know, people in Chicago pay for water, people in DuPage County pay for water, people in Kankakee County pay for water, people all over this state when they have a water source have to pay for that and...and these communities entered into a contract and now it seems to me that we're trying, you're trying to get them out of that contract and...and it's...doesn't seem like it's that much money, fifty-cents a month per house. I...I think that this is just something that we ought not do. I mean, if

they enter into a contract and,...you know, these are beautiful areas anyway, these lakes are very nice things, I think anyone would like to have them in their community. So I think that just the little extra money that they have to pay seems a little unreasonable. So, I would...I would oppose this bill.

PRESIDING OFFICER: (SENATOR DEBUZIO)

All right. Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I, too, rise in opposition and I have just taken the time, as I hope everyone over there has, to read the Illinois Department of Transportation fiscal note. Have...have you, by the way, Senator Watson, if the sponsor will yield?

PRESIDING OFFICER: (SENATOR DEBUZIO)

Sponsor indicates he will yield. Senator Rock.

SENATOR ROCK:

The fiscal note indicates that this proposed legislation will cost the State three hundred and forty-three thousand dollars in general revenue funds as soon as the first major drought occurs and every year thereafter, and the loss of general revenue will increase to four hundred and twenty-six thousand per year when a severe drought event occurs. And as a result, it says, all water users including Illinois Power and Vandalia will use "free" water. This is a great idea, I do not blame you for doing this. All I'm saying is that if I was proposing this on behalf of the County of Cook, there'd be all kinds of screaming and yelling and gnashing of teeth, I am sure, and I am just screaming and yelling and gnashing my teeth too. I urge a No vote.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Further discussion? If not, Senator...all right, Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I'd just like to make a point and that is that, as Senator Rock said, with the drought the bill kicks in, and there's already been a notification today by the Army Corps of Engineers that they are planning on a...a drought happening, and so we're going to have to pay out of this fiscal year's General Revenue Fund the three hundred and forty-three thousand dollars.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Further discussion? If not, Senator Watson may close.

SENATOR WATSON:

Well, thank you, Mr. President. I understand the opposition here but the situation is, these people were drawing water out of the Kaskaskia River long before the Carlyle Lake and Lake Shelbyville was ever built. I have...I see no reason why we should be charging them for water, they're paying for their water, they're paying for their water right now, they've got to process the water just like anybody else does. They're...all I'm saying is, I don't believe the Department of Transportation or the corps of engineers should come in here and force this type of thing onto people of my particular area and I think this thing ought to pass and...appreciate your support.

PRESIDING OFFICER: (SENATOR DEHUZIO)

The question is, shall Senate Bill 900 pass. 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 29, the Nays are 24, 2 voting Present. Senate Bill 900 having received...failed to receive the required constitutional majority is declared lost. Senator Watson. Postponed consideration. Senate Bill 901. Senator Watson. On the Order of Senate Bills 3rd Reading is Senate Bill 903, Madam Secretary.

SB 905  
3rd Reading

SECRETARY:

Senate Bill 903.

(Secretary reads title of bill)

3rd reading of the bill.

SENATOR DEMUZIO:

Senator Friedland.

SENATOR FRIEDLAND:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 903 would bring into conformance with the Federal law the name change as outlined in the...this legislation. It's an administration bill, I'd urge passage of it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator Friedland, the News Gazette in Champaign has sought leave to take still photographs. Is leave granted? Leave is granted. Is there discussion? If not, the question is, shall Senate Bill 903 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are 2,...0 voting Present...on that question, the Ayes are 52 Yes, 2 No, none voting Present. Senate Bill 905 having received...903 having received the required constitutional majority is declared passed. That was 903. On the Order of Senate Bills 3rd Reading is Senate Bill 905, Madam Secretary. Read the bill.

SECRETARY:

Senate Bill 905.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. This is a Department of Insur-

ance bill and is described, I guess, best as a clean-up bill that cleans up some of the language that was in the producers article that was passed a couple of years ago. It makes a variety of changes; one including...or regarding the termination of contracts between companies and agents. It...redefines the term describing insurance companies under the Act, makes some changes regarding insurance producer licenses and fees, determines when a premium is deemed to be paid and removes an exemption which was in the...the law dealing with an insurance producer bonding requirement. I know of no opposition to the bill. Ask for your vote.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Discussion? If not, the question is, shall Senate Bill 905 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 905 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 907,...Madam Secretary. Read the bill.

SECRETARY:

Senate Bill 907.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Keats.

SENATOR KEATS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill passed out of the Financial Institutions Committee 11 to 0 with 1 voting Present. What it does, it allows the commissioner during a bank acquisition to use the standards of soundness, management ability, the traditional judges of whether a bank is doing a decent job to decide

SB 909  
3rd Reading

whether it should be allowed to acquire rather than using what is presently the law that's a seven percent capital to asset ratio. Seven percent is just a fixed number where someone who could be above that, as the commissioner points out, might really not be someone who ought to be allowed to make the purchase and, yet, he would be unable to limit them in that case. The other problem is the State of Indiana has determined that this requirement may put us out of...out of sync with their requirements which would not allow us to have reciprocity with Indiana; but it leaves it in the commissioner's hands, but he has set some extremely tough standards and allows him to use the experience of our regulators to decide whether a bank truly is sound rather than just using arbitrary numbers. I'd appreciate your affirmative roll.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 907 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are 1, none voting Present. Senate Bill 907 having received the required constitutional majority is declared passed. 909 was on the recall list but it was taken out of the...the memo was taken out of the record; therefore, it...there's been no action. On the Order of Senate Bills 3rd Reading is Senate Bill 909. Madam Secretary, read the bill.

SECRETARY:

Senate Bill 909.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

SB 910  
3rd Reading

Mr. President and members, Senate Bill 909 is a simple and straightforward measure that was at one point on the Agreed Bill List. It simply amends the Illinois Criminal Justice Information Act to allow the authority to prescribe the form, manner and fees for requesting and furnishing criminal history record information. It's a...companion bill to Senate Bill 926 on this subject that we'll be taking up in a few minutes. I know of no opposition and would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 909 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are...59, the Nays are none, none voting Present. Senate Bill 909 having received the required constitutional majority is declared passed. Top of page 16. 910, Senator Barkhausen. On the Order of Senate Bills 3rd Reading is Senate Bill 910, Madam Secretary.

SECRETARY:

Senate Bill 910.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, this is a similar measure requested by the Criminal Justice Information Authority, also was once on the Agreed Bill List. It apparently clears up an inconsistency in definitions and the intent is to provide a consistent definition of criminal history record information. Again, no opposition and I'd ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

DB 914  
3rd reading

910 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. Senate Bill 910 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 914, Madam Secretary. Read the bill, please.

SECRETARY:

Senate Bill 914.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President,...Ladies and Gentlemen of the Senate. Senate Bill 914 is part of the state's continuing effort to attract the SSC to the State of Illinois. As you all know, this is a six billion dollar Federal project which will enable us to learn more about the secrets of the nucleus of the atom than we now know. The project is a very large one, we're talking about constructing a...a tunnel under...underground that with...that would have a total length of about sixty miles...fifty-five to sixty miles, it will cross through the jurisdictions of many or several units of local government, probably at least two counties. So what this bill does is say that for the purposes of this project and this project only, the state will be the responsible agency for determining compliance with the various rules regarding construction projects. I am aware of no opposition. I would be happy to respond to any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 914 pass. Those in favor will vote Aye. Those opposed will

vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. Those...on that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 917 having received the required constitutional majority is declared passed. 917, Senator Donahue. On the Order of Senate Bills 3rd Reading is Senate Bill 917, Madam Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 917.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEWUZIO)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 917 amends the Illinois Seed Law to update the Act and bring it into conformity with present practices...technological changes and terminology used in the industry. I believe we've worked out all the...the concerns by both the grain industry and the grass seed industry. And I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEWUZIO)

Discussion? If not, the question is, shall Senate Bill 917 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 917 having received the required constitutional majority is declared passed. Senate bills 3rd reading is Senate Bill 919, Mr. Secretary. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 919.

(Secretary reads title of bill)

SB924  
3rd Reading

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Alexander.

SENATOR ALEXANDER:

Thank you, Mr. President. Senate Bill...919 does exactly what the bill analysis says. It would increase Chicago's free tax book rate from eleven cent to fifteen cent per hundred of the assessed valuation. It would also accelerate the extension of this tax to the Calendar Year 1987. At present, there has not been any increase in this particular part of the Chicago School Board. Sixteen years has passed since there has been such an increase. This has been...occasion for...by...and the increase is being asked due to the cuts of the Federal budget under the ESEA Title 2 Program. The children in the Chicago school needs this increase in textbooks which would furnish to them film strips, records, slides, tapes, film loops,...flash cards, maps, charts and globes and other things that are essential, invisible and educational instruction. I would sincerely ask this Body to approve Senate Bill 919.

PRESIDING OFFICER: (SENATOR DENUZIO)

Discussion? If not, the question is, shall Senate Bill 919 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 19, the Nays are 39, none voting Present. Senate Bill 919 having failed to receive the required constitutional majority is declared lost. Senator Alexander. All right. 924, Senator Davidson. On the Order of Senate Bills 3rd Reading is Senate Bill 919, Madam Secretary. I beg your pardon, it's 924...924.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 924.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, this bill does exactly what it says on the Calendar. It's necessary so we can get the Illinois law in track with the Federal Wildlife Services regulation. If we don't change the state law that duck hunting in nine Illinois counties will be closed this fall. In spite of what some of the rhetoric you have got this past year...would you wait a minute, please...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Yes.

SENATOR DAVIDSON:

...past rhetoric the last day, yesterday and today, Willis Corbet the regional vice-president of the NRA has been here talking to you...the NRA is in support of this bill, the Illinois Wildlife Federation both by their legislative chairman and their registered lobbyist, Dick Lockhart and Frank Bender in support of this bill. I would appreciate a Yes vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? Senator Schaffer.

SENATOR SCHAFFER:

Where are the various...you've mentioned the Wildlife Federation, where are Ducks Unlimited, the various other hunting groups around the state? I've heard from a lot of them that have said don't pass the bill and take the Feds to court. And I've said, are you prepared to jeopardize your hunting season, and they said, yes, we are. Where are those groups? After we vote on this bill, are we going to hear from them about how we sold out for all this and all the evils of nonlead shot?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

The Illinois Duck Hunters and Goose Hunters Alliance is in support of this bill, the Ducks Unlimited chapter have all this information here. The people who oppose this happen to be by some unique situation willing to jeopardize the hunting season for the rest of us, 'cause they come from counties that are not affected by this 'cause they're in the steel shot area along the Mississippi and Illinois River that's been there, it's not going to change and these people want to take the chance of closing the season for we nine counties this year, seventeen counties next year, just because they want to argue about it, and I don't believe we should take that chance.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Well, the people I've heard from come from areas in northern Illinois that aren't anywhere near those counties. I want to know, do you have these endorsements in...in writing? I keep hearing quietly in private, well, maybe you ought to do it, but in writing, I...all I've got is opposition. And if we're going to do this and then find out a week from now that every hunting group in the state is on our back, well, it bothers me. I think we ought to have these things in writing from these groups so we can defend our position. You'll pardon me if a note on the back of a card doesn't impress me a whole lot. No offense meant to you, Senator Davidson, it's not your card.

PRESIDING OFFICER: (SENATOR DEHUZIO)

All right. Senator Davidson.

SENATOR DAVIDSON:

...Senator Schaffer, I will be glad to have a letter written to you personally by Willis Corbet, I'm sure he's

SB 925  
3rd Reading

listening 'cause they were both still here. I do have the letter from the president of the Ducks Unlimited, I do have the letter from the...Randy Vogel, the president of the Illinois Duck and Goose Hunters Association of Illinois, I do have the letter from the Illinois Wildlife Federation, they're all right here in this big pack of information including all those people who happen...may live in your district 'cause a number of these are from McHenry and Lake County, three thousand plus signatures on these petitions in support of the bill as it is, and I'll be glad to make copies available to you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Thomas Dunn.

SENATOR THOMAS DUNN:

Thank you, Mr. President. As a duck hunter for thirty years, I urge you to support this bill and not jeopardize the hunting season for ducks for the rest of the Illinois duck hunters.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Davidson may close.

SENATOR DAVIDSON:

Just ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 924 pass. Those in favor will vote Aye. Those opposed Nay. The voting...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. Senate Bill 924 having received the required constitutional majority is declared passed. 525, Senator Keats. On the Order of Senate Bills 3rd Reading is Senate Bill 925, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 925.

(Secretary reads title of bill)

SB 926  
3rd Reading

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3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Keats.

SENATOR KEATS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill came out of the Financial Institutions Committee on a 12 to nothing vote. I'm only going to give you the briefest description 'cause just the...just the analysis that shows what portion of the Acts that are amended is five pages long. But essentially it's a kind of clean-up bill the commissioner has to do every couple of years, nothing particularly controversial. If anyone has any questions, I'd be more than happy to answer.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Discussion? If not, the question is, shall Senate Bill 925 pass. 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 59, the Nays are none, none voting Present. Senate Bill 925 having received the required constitutional majority is declared passed. 926. On the Order of Senate Bills 3rd Reading is Senate Bill 926, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 926.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, this is the companion bill to Senate Bills 909 and 910 which we passed a few minutes ago. It is the product of, I am told, nine years of negotiations between agencies and interests that would be affected by this

bill. It provides a uniform and centralized system within the Criminal Justice Information Authority and the Department of State Police for public access to conviction information as provided in the Act. The conviction information would relate to felonies and Class A and B misdemeanors only and could be requested for employment licensing and...and investigative purposes. It does not broaden the authority or access to this information, it simply provides a centralized system which is now lacking for providing this access. In the interest of...of those who might be wronged by the release of inaccurate information, it provides...for the first time, it provides remedies of...for such wrongful dissemination in that it provides for monetary penalties and including the recovery of attorneys' fees. It also provides for a notice within seven days to the person about whom information is released of the nature and the content of that information so that such person would have a chance to...to respond if they felt that that information was inaccurate. The bill passed 10 to 1 in our Senate Judiciary Committee. I'd be happy to answer any questions and would otherwise ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DENUZIO)

Discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR DENUZIO)

Sponsor indicates he will yield. Senator Hawkinson.

SENATOR HAWKINSON:

Senator, in committee I pointed out what I felt was an ambiguity in Chapter 68, Section 2103 about who would have access to conviction information and we indicated that an amendment to clarify that could be made. Would you consider an amendment to clarify that ambiguity which might create an

inconsistency with this bill on this bill in the House?

PRESIDING OFFICER: (SENATOR DEMUZIIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

I...I vaguely remember that discussion, Senator Hawkinson. I am told that the...the authority looked at that question and...and its legal counsel did and...and concluded in their own judgment that such an ambiguity didn't exist. I can't say that I looked very closely at that question myself.

PRESIDING OFFICER: (SENATOR DEMUZIIO)

Senator Hawkinson.

SENATOR HAWKINSON:

Well, I can tell you that employers and others in my district and elsewhere have been under the impression that it...that it does not allow them access to conviction information or even to ask that question on their applications. And I think you're going to continue that present ambiguity if you don't correct it.

PRESIDING OFFICER: (SENATOR DEMUZIIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

It certainly is the intent of the proponents of this legislation to allow employers and others that I mentioned to have access to this information and that's why so many of them were testifying in support of the bill, but certainly to the extent that an ambiguity exists, we certainly need to...to clear it up in the House and we'll make an effort to do so.

PRESIDING OFFICER: (SENATOR DEMUZIIO)

All right. The question is, shall Senate Bill 926 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none

voting Present. Senate Bill 926 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 931, Mr. Secretary. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 931.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEWUZIO)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President, members of the Senate. Senate Bill 931 removes the present requirement that the Department of Transportation review applications for waste disposal sites to determine if that site or sites is...outside of a one hundred year flood plain or flood proofed. The bill as amended would remove or would exempt those applications submitted that are already on file. And I would ask for its adoption.

PRESIDING OFFICER: (SENATOR DEWUZIO)

Discussion? Discussion? If not, the question is, shall Senate Bill 931 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. Senate Bill 931 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 935, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 935.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEWUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and members of the Senate, this is an administration bill from the commissioner of banks. It expands his ability to audit holding companies. As amended, it...it contains language which gives it the support of the Illinois Bankers Association. I know of no opposition to the bill. I would answer any questions, would otherwise appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? If not, the question is, shall Senate Bill 935 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. Senate Bill 935 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 937, Mr. Secretary. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 937.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President and members of the Senate. Senate Bill 937 sets up a discipline procedure for noncertified employees. It provides for a two-week notice prior to dismissal. There were some concerns in committee about that and an amendment was added which allows the district to remove employees who would pose a threat or otherwise endanger anyone on the premises. It also sets out a provision that requires notice of transfer before the begin-

ning of the school year, it must be a thirty-day notice of transfer. That provision does not apply during the school year, the board retains the authority to transfer any time during the year. It does not apply to probationary employees, that is, employees that have not been on the payroll for thirty days. Ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Senator Joyce, I'm not going to sit here and fight over this but I do want to make a point because I have seen far too often, particularly in this year, items appearing in the legislative process that belong in the normal collective bargaining agreement. Now when collective bargaining...Senate Bill 1530 was first espoused back several years ago, I withdrew my support for it because I felt that as long as there was a dual process involved that collective bargaining ought to either make the determination that it will go through that channel or that if it chooses to stay through the Legislative Body, we ought not to have collective bargaining. These kind of items, seriously, belong in the collective bargaining process. They do not belong in law, there's no other group that I know of that has these rights in our society, and I'm not opposed to them; in fact, in most plants you do have a thirty-day probationary period, you do require that a member of the bargaining unit be there when there's a reprimand. But why are we doing this in law when we have collective bargaining in effect?

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator...is that...

SENATOR DeANGELIS:

That's a question.

PRESIDING OFFICER: (SENATOR DEHUZIO)

...all right, it was a question, all right. Sena-

tor...Senator Joyce.

SENATOR JEREMIAH JOYCE:

What was the question, why are we doing this when we have the collective bargaining process? We are...we are trying to establish minimum standards that we think should be applicable to all employees because of the fairness involved here.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Further discussion? If not, Senator Joyce may close.

SENATOR JEREMIAH JOYCE:

I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Question is, shall Senate Bill 937 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 45, the Nays are 10, 1 voting Present. Senate Bill 937 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 938, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 938.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Senate Bill 938 as proposed by the Illinois Nurses Association allows for nurse administrators to facilitate early intervention and treatment providing increased chances for recovery of...of nurses and licensed practitioners who have substance abuse problems. The safety of the patient and rehabilitation of the nurses are the major concerns of the profession, that's what this bill addresses. The profession

believes that nurses who suffer from these conditions need and deserve help and will be able to get the help through this bill. There's nobody registered in opposition to the bill. It has been proposed by the Nurses Association and I would urge your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? If not, the question is, shall Senate Bill 938 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. Senate Bill 938 having received the required constitutional majority is declared lost. On the Order of Senate Bills 3rd Reading is Senate Bill 939, Mr. Secretary. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 939.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Thomas Dunn.

SENATOR THOMAS DUNN:

Thank you, Mr. President and fellow members. This would require that the Department of Children and Family Services, DCFS, would investigate individuals or entities that they believe are operating a child-care facility without a license. There's been a fiscal note filed and it shows no fiscal impact.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. For the record, on 938...apparently there were others who noticed that I did, in fact, said that the bill lost; in fact, it...it received a constitutional majority so it is passed. All right. Discussion on Senate Bill 939 is Senator Geo-Karis.

SENATOR GEO-KARIS:

Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

Would this apply to church controlled child-care programs?

SENATOR THOMAS DUNN:

Would it...

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Dunn.

SENATOR THOMAS DUNN:

...it would apply to anyone...it would apply to anyone.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Joyce. All right. Senator...Geo-Karis.

SENATOR GEO-KARIS:

Where did you get this bill?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Thomas Dunn.

SENATOR THOMAS DUNN:

I have to answer you the same way I answered my...seatmate when he answered me...asked me that question, and I said, I can't remember.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

I'm not quite sure what...Senator Geo-Karis kind of set off a bell in the back of my mind. This means that if they hear that a church group has got a bunch of kids in the basement in some sort of a day-care situation or a Sunday School situation or...or some sort of a religious meeting, they are empowered to come in and do what? I mean,...I've had enough fun with 1202. Sorry, no offense meant. I...I'm getting nervous here 'cause I don't want the DCFS people messing

around in the churches in my district. I get a little nervous about that. Where are we on that? Does...does...does this apply...we turning them all loose?

PRESIDING OFFICER: (SENATOR DEWUZIO)

Well, Senator Schaffer, I...I suspect that was a series of questions. Is that correct?...Senator Thomas Dunn.

SENATOR THOMAS DUNN:

It's what...it's what we call a compound question. I don't think historically the department has gone in and investigated church-run day-care centers, I think everyone knows that those kind of organizations have always run quality day-care centers. I think this...what this is aimed at is situations where the children's health might be endangered.

PRESIDING OFFICER: (SENATOR DEWUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Well, Senator Dunn...and I know this isn't your first bill, so I'm not giving you a first bill treatment. Historically, DCFS has pulled some things, well, let's just say I was thin and I had hair when I came here and DCFS accounts for a large part of that hair loss. Well, the weight gain accounts for all the food and the popcorn. But, anyway, the...I think if this bill passes...and I think based on what you've told me, I sincerely hope it doesn't, I think you will get a history lesson and so will the rest of us, and those who forget history are doomed to repeat the mistakes of the past. And I think a few of the old members remember when we tried to muck about with our agencies in church schools and church Sunday Schools. I would...I would urge caution here. If we don't have some assurances, I think a present or No vote might be well-advised.

PRESIDING OFFICER: (SENATOR DEWUZIO)

Further discussion? Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. I think this bill has some merit. The fact being that there are certain foster parents, and I'm not talking about where there is one or two or three but where there may be as many as ten or twenty children under their jurisdiction, and the state looks at them each on an individual basis but not as a categorized group, and I think there is a...a problem that isn't addressed here because a good family, no problem, but if it's a bad environment, then I think the state ought to look at them and if they're in that type of area, so I'll support this proposal.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I merely want to stand in support of this bill. I want you to know that it passed out of committee 11 to nothing and it has no fiscal impact. The main thing that we're trying to do is to protect the health and safety of our children and make it sure that they are safe and...this is the main thing that we should begin...concerned about is the safety of our children and that's what this bill does. We ask your support, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Keats.

SENATOR KEATS:

Just very briefly. Every now and then one of our regulatory bodies comes up with one of these bills, and just 'cause the bureaucracy feels like they own the world does not necessarily mean we, the Legislature, who represent the rest of the world ought to let the bureaucracy get away with it. You really have got a separation of powers in here. There is a First Amendment, people have a right to make some of these decisions on their own; and for us to say that DCFS can say

to parents, we don't like the decisions you make, I'm sorry, the bureaucracy is not the parent, we, the Legislature, represent those people and if you wish to claim that you are representing your constituency, you have to once and a while stand up for them when the bureaucracy wants to go perhaps a little bit too far. Even if the intentions are good, anybody who has been here much more than eight to ten years, as some of us have been, we remember how this stuff went wrong. You have to remember there's a First Amendment and the state bureaucracy doesn't have the right to override the constitutional separations just 'cause they feel like it. I would appreciate a No vote.

PRESIDING OFFICER: (SENATOR DEBUZIO)

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

SENATOR THOMAS DUNN:

Thank you, Mr. President. It's my understanding that this only applies to facilities which would require a license which would take it out of the hands of churches, so I don't think any of those comments apply. I would urge a favorable vote.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Question is, shall Senate Bill 939 pass. 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 32, the Nays are 12, there are 13 voting Present. Senate Bill 939 having received the required constitutional majority is declared passed. Top of page 17, Senate Bill 940, Senator Welch. On the Order of Senate Bills 3rd Reading is Senate Bill 9-4-0, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 940.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. What this bill attempts to do is to clarify the definition of a new regional pollution control facility. It clarifies it by reversing the decision in MIG Industries versus the Environmental Protection Agency. In that case the Illinois Appellate Court ruled that "Vertical expansion of a landfill does not raise questions pertinent to location. Proposals for such expansion do not trigger the need for local review." What this bill attempts to do is to recognize the fact that landfill owners instead of building new landfills or locating them elsewhere keep piling...keep piling them higher and higher with debris. And many of you seen...have seen throughout our state landfills that suddenly rise like mountains and hills, there are some right along Route 55 near Joliet and there's one up in Rockford that I know of, but all landfills are getting to be like this, they're becoming facilities holding more than they were first permitted or intended to hold. What this bill will do is say that in order to do that, you have to come back and get an additional permit to allow that vertical expansion. I'd be glad to try to answer any questions.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Discussion? Senator Davidson.

SENATOR DAVIDSON:

Senator Welch, question? Doesn't your present county zoning ordinance, I know at least it does in Sangamon County, that when this landfill here wanted to go above the...whatever the word is, pile it higher, they had to come back to the zoning...office and go before the county board for variance in their zoning ordinance to do that which was allowed. But that's not in place in...the other counties, or

do you know?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Welch.

SENATOR WELCH:

Senator, many downstate counties do not have zoning; for instance, LaSalle County does not have zoning, so there was nothing we could do, they could pile it to the moon.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? If not, the question is...do you wish to close? Senator Welch.

SENATOR WELCH:

Well, I was just going to urge an Aye vote and say that this is...the bill that finds that level playing field that we always talk about, and that's what we're trying to maintain with the landfill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

The question is, shall Senate Bill 940 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Take the record. On...on that question, the Ayes are 51, the Nays are 5, 3 voting Present. Senate Bill 940 having received the required constitutional majority is declared passed. 943 was on the recall list this morning. 947, Senator Alexander. On the Order of Senate Bills 3rd Reading is Senate Bill 947. Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 947.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Alexander.

SENATOR ALEXANDER:

Thank you, Mr. President. I'm going to start this bill

out by saying that if this bill becomes law the estimated annual cost as projected by the Department of Family and Children Service will be a cost of 3.5 million dollars. I'm also going to say to you at this point, at no point has the department estimated the savings that they would realize in the payment of funds to AFDC workers if the transitional payment does go into effect. If you take a family of three in the City of Chicago who is budgeted for three hundred and two dollars, and the mother goes to work in April and goes into the transitional and the...retroactive budgeting effect, Public Aid would...would realize a savings on this one family alone of nine hundred and seventy dollars. With the Project Chance which many of us know about, which we have been told continuously is doing such a fine and excellent job in finding work for people, they are not...the department has not taken into consideration that the number of persons who are working on part-time work, six-month, seventh-month jobs, may have to go back on the public rolls. The statement that this bill could and would sometime affect people to quitting their jobs, we know that when people quit their jobs on Public Aid and when they've been in Project Chance that they're penalized about going back into the system immediately, so that is not a truth. I would ask those of you who want to see people who desire to work, to better their conditions, to get off of Public Aid to be allowed to go into the transitional payment system, it would be a savings to the State of Illinois.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Discussion? If not, the question is, shall Senate Bill...947 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 31, the Nays are 27, none voting Present. Senate Bill 947 having received the required

SB 951  
3rd reading

constitutional majority is declared passed. Senate Bill 951, Senator Jeremiah Joyce. On the Order of Senate Bills 3rd Reading is Senate Bill 951, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 951.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President and members of the Senate. This bill, comparable worth, applies to state and university employees. It would require that by June of 1997 there be full implementation of the schedule. I think that most members of the...in this Chamber are familiar with this bill, it was before us two years ago. Two years ago, twenty-seven members of the Illinois Senate supported this concept. At that time when we debated, there were two arguments. The main concern of the Body had to do with the cost. Since that time three states...four states presently now have it, three states have moved, so that four states have adopted comparable worth. Fifteen other Legislatures are presently considering it. Most of the cost estimates that were presented and are being presented to those legislative bodies have been and are exaggerated. I believe our cost estimate in this state is also exaggerated. The other concern with the...that the membership had two years ago dealt with the question of how...how can you evaluate these jobs, the problem of...of determining exactly what a job was...was worth and how you would equate that out. I think the experience of the other states, I think the experience at that time in the private sector was clear that...made it clear that this was not a difficult thing to do. We have a lot of work in front of us today. I don't think that...I don't think that there

are too many people in this Chamber who do not understand this. I'll be happy to answer any questions. The only thing I would say to you is that...Illinois cannot afford to wait any longer. This is unfair, I'm not going to stand here and beat on my heart on it, it is unfair and we should do something about it. I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right. Sponsor indicates he will yield. Senator Hudson.

SENATOR HUDSON:

Senator Joyce, we all know by this time, I think, that the Department of Central Management Services is dead set and opposed to this proposition. Can you enlighten us as to why you feel they are?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

I think that their primary objection has to do with their cost estimates, and I think the longer they feel that they can put this off, the better it is for their own situation. Senator, we are going to do this; whether we do it this year or we do it next year we are going to do it because it's just something that is fair and eventually whatever the costs are we will come around to that position.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Hudson.

SENATOR HUDSON:

Wouldn't this bill work against Illinois employees and perhaps even the unions in the sense that it would make it

much more economical for the employer or the agencies to contract out work...to contract out work than perform it with state employees who in many cases will be paid...would be paid well above the market average?

PRESIDING OFFICER: (SENATOR DEBUZIO)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

It seems to me, Senator, that inherent in that question is the admission that there is something unfair going on at the present time. If you are saying that that is going to happen, it seems to me that...that is just going to be an evasion, and I don't think the administration will tolerate that.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Senator Hudson.

SENATOR HUDSON:

No. I'll...no, Senator, you have...you have me wrong on that. What...what I think we have to recognize is the possibility, and this is a question to you, if it is not a...a possibility as you set up some kind of evaluation committee of getting an artificial...an artificial...level of wages which will have to be met by the employer, be it public or private, and that artificial level will affect certainly the job market and forces around it. So if it's elevated, it will certainly be a...a result of some evaluation committee which I maintain would be artificial. You see no danger in that?

PRESIDING OFFICER: (SENATOR DEBUZIO)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Senator, when...when that was raised in committee it was indicated that that had not been the experience in the other states that have moved on this.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Senator Hudson.

SENATOR HUDSON:

One more question, Mr. President. It comes to our attention that if under this proposal let's say the average wage increase was fifteen percent and it affected thirty percent of the employees involved, we could have a cost to the State of Illinois of eighty-two million dollars per year. Do you give any credence at all to that estimate?

PRESIDING OFFICER: (SENATOR DEWUZIO)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well, there's also a low mark on there of eight million dollars. No, I...I don't give a...an awful lot of credence to this in the sense that it has not...the...the cost...the cost estimates that were forthcoming and the other...the other states that had moved on this turned out to have been greatly exaggerated.

PRESIDING OFFICER: (SENATOR DEWUZIO)

Senator Hudson.

SENATOR HUDSON:

Bill...to the bill, Mr. President, if I may. As our President, Senator Rock, said once earlier today, I rise in unabashed and strong opposition to this proposition. It is not a newcomer here, we have debated this issue here, we have defeated it on this Floor before. The House has just defeated this issue. The measure, in my opinion and many others, should be termed really not comparable worth but the incomparably worst bill of the Session and...and I don't say that lightly. It will do nothing but cost millions of dollars that the state does not have to pay, it will add confusion, it will cause litigation and it will mandate, in my opinion, if fully implemented, A, an increase in taxes, and it would seem to me anybody here on the Floor, either side of the aisle, that is sincerely interested in keeping

the cost of government down would have to vote No on this measure because it is going to cost a tremendous amount of money. It sets up...this measure sets up a time table for salary adjustments to be made annually to attain what they describe as comparable worth to be achieved by 1997 and maintained thereafter. A consultant would have to evaluate...now I'd like you to hear me out on this...fifteen hundred job classifications, that's what we have in the public sector, fifteen hundred job classifications involving about sixty thousand personnel or workers. Now that's a lot. The evaluation alone they estimate would cost about a million dollars, to have an evaluator come in, sit down, whoever that...that supreme being is going to be that will determine the worth of these...of these classifications of workers, up to one million. And I will say to you, Ladies and Gentlemen of this Chamber, there is no objective way under God's Heavens that this can be done. We will be awash in a sea of subjectivity trying to determine among these fifteen hundred job classifications which one is of more value or less value to society. This really is an impossible task to do and to do fairly. And what we will be doing is substituting governmental fiat for what should be the forces already at work, the free market forces that help determine our wage level. There's no way that government can come in and establish, and what they will be doing is establishing wage control. And it would be my...my suggestion to you, ladies and gentlemen, this is not equal pay for equal work that has already been addressed...

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Hudson, I would ask you to bring your remarks to a close, please.

SENATOR HUDSON:

I will do that, Mr. President. It would be my strong urging that if you're interested in economy, keeping the cost

of government down and being fair to the workers at the same time, let the free market forces work as they have in the past. That is the way to set salaries and not have some...czar tell us what all these people are worth to society. So I urge you with all the conviction that I have to vote No on this measure, it is a bad one and it deserves defeat.

PRESIDING OFFICER: (SENATOR DEBUZIO)

All right. All right. I would...all right. Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President, Ladies and Gentlemen of the Senate, I think...and I have the highest respect for the sponsor of this bill, as he knows, but I do not feel that comparable worth means equal pay for equal work. I think we are putting a subjective rating system. We are ignoring, as Senator Hudson says, the seniority, the educational background, the merit, the marketplace factors. What about the fact that we do have the Human Rights Commission, the Human Rights Department, and if someone is not getting pay equal for equal work, they certainly can make a legitimate complaint. I think if we go...yes, they can. And if I think we go into a so-called comparable worth, how can we make comparable worth equal, equal pay for equal work? It's not the same thing by any stretch of the imagination. And I belong to many women's groups and some of them are going to be mad at me for it, but I do not feel right in my conscience supporting this bill when I think we should go on the merit and the type of work that is done. If they're entitled to more money, they should get it, and that's why we have the Human Rights Department and Human Rights Commission. And certainly, I think the trend has been now to make things more equal than ever before and we're not going to do it by saying, comparable worth means equal pay for equal work. I do not agree with it and,

therefore, I speak against the bill for many reasons, another reason being that it's too expensive and we have to tighten our belts for more important things right now such as the elderly and such as education.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

This issue has been debated many times. I move the previous question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well...further discussion? There are...there...Senator Joyce may close.

SENATOR JEREMIAH JOYCE:

Very briefly. Senator Hudson, the task of evaluating those jobs is a relatively simple one. We have talked to people, and I think that was pointed out during the committee, the cost...there is some cost involved, there's no question about that, it is not the cost that we are...the estimates that we are getting from the...from the department. The other states have...their cost experience have been somewhere in the neighborhood of one percent a year over a relatively short period of time, four or five years. The threshold question is this, are there people...are there women who are working for the State of Illinois and for the universities who are being paid less than they are entitled to because of historical reasons that are no longer applicable, that are no longer operating, women who are now heading up households, women who are now raising families, women who are now being paid less than the job entitles them to, and that is the question before us today. This is unfair, we have an opportunity to correct it and we should do that, no matter what it costs in terms of dollars. So I ask for your support on that basis.

PRESIDING OFFICER: (SENATOR DEMUZIO)

SB 952  
3rd Reading

All right. The question is, shall Senate Bill 951 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 28, the Nays are 25, 6 voting Present. Senate Bill 951 having failed to receive the required constitutional majority is declared lost. Senator Joyce. We'll certainly print it. 952, Senator Savickas. On the Order of Senate Bills 3rd reading is Senate Bill 952.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 952.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Yes. Senate Bill 952 amends the Savings and...Loan Act regarding officer and employee bonding. And it...it gives the savings and loan the...officers the option of obtaining coverage from a trust or bond company as proposed in the bill or from a fidelity insurance company now as required. It was requested by the Savings and Loan League. I would move its passage.

PRESIDING OFFICER: (SENATOR DEHUZIO)

All right. Discussion? If not, the question is, shall Senate Bill 952 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 952 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 953, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

SB 957  
3rd Reading

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Senate Bill 953.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. The...the bill is an attempt to make it easier for groups to figure out what chemicals are being utilized in industry. The Toxic Substance Disclosure to Employee Act requires disclosure of chemicals but yet the disclosure has not notified the employees sufficiently of what chemicals exist and has not been able to...allow for an accumulation of data to determine what chemicals are being utilized. And that's the reason for this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 953 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 953 having received the constitutional majority is declared passed. Senate Bill 957, Senator Jones. Read the bill, Mr. Secretary.

END OF REEL

REEL 86

ACTING SECRETARY: (MR. HARRY)

(Machine cutoff)...Bill 957.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jones.

SENATOR JONES:

Thank you, Mr. President and members of the Senate. Senate Bill 957 provides for the licensure of clinical social workers. This bill has been amended so that the Department of Registration and Education and other...interested parties are all in agreement now. Under the provisions of this legislation, all clinical social workers must pass an...examination, no one is automatically grandfathered in. Social workers who are not clinical social workers may...may continue to work under the agreement of an amendment sponsored by Senator Karpel and I see no objection to the bill and ask for a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Schaffer.

SENATOR SCHAFFER:

I was wondering when the bill got in the House if you'd be prepared to accept an amendment to allow the Department of Education and Registration to license anybody who wants to be licensed for anything for any reason. So we'll just get all these bills off the Calendar, we'll just license anything that moves, wants to move or thinks it might some day ever move with the caveat that whatever group gets licensed has to come down to Springfield annually and throw a reception for the General Assembly. If we do that, we could clear probably

SB 962  
3rd Reading

forty or fifty bills a year off the Calendar and if we kept the fees high enough, we wouldn't need an income tax increase. I hope the fee is about five hundred bucks apiece.  
PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall Senate Bill 957 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 45, the Nays are 12, 2 voting Present. Senate Bill 9-5-7 having received the constitutional majority is declared passed. Senate Bill 962, Senator Barkhausen. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 962.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, this bill which passed the...the Senate Insurance and Licensed Activities Committee...or Senate Judiciary Committee rather unanimously amends the Beer Industry Fair Dealing Act to change the words "written contract" to "agreement" and to repeal a provision that limited the Act to apply only to agreements entered into after the effective date. It is meant to apply to any agreement and not just written agreements. I know of no opposition and would urge a unanimous roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 962 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting

SB 964  
3rd Reading

Present. Senate Bill 9-6-2 having received the constitutional majority is declared passed. Senate Bill 964, Senator Barkhausen. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 964.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, this, of course, is the eavesdropping proposal that we had a lengthy debate about last evening on the...on the amendment stage. If...as you all will recall, much of the debate focused on the...the potential eavesdropping of so-called privileged communications which as I certainly appreciate is a sensitive issue. As I pointed out at the time, what we are proposing here is...is not only...nothing beyond what Federal law has provided for twenty years; in addition, it is more restrictive than that because...under Federal law, the application for eavesdropping even of privileged communications is...is exactly the same as...and no different than a normal application whereas under this particular proposal a...a greater need would have to be shown and...the judge would have to find a specific necessity under those circumstances. Also, I would emphasize, as you all know, that...that privilege communications even...even if eavesdropped upon would...would not be admissible in...in a court of law because of longstanding common law...doctrines we have had in this area. In addition, as I emphasized yesterday, unlike Federal law which applies to virtually all felonies, this only applies to eavesdropping of Class 1 and Class X felony drug crimes to hostage taking and to terrorism. So it is very limited in scope and it is aimed only at those crimes that we all agree, I think, are

the...are the most serious plague on our society. In addition, points not made yesterday are that eavesdropping laws virtually identical to the Federal law are in place in thirty states and including every state that is anywhere near the size or greater than the size of the State of Illinois and all states that have major urban centers. So we are simply following, albeit somewhat late, what is...what is already the...the law in all of these other states. I'd be happy to answer any questions and would otherwise ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Berman.

SENATOR BERMAN:

Well, we probably could just play the tapes back but, ladies and gentlemen, let me tell you something. What bothers me about the explanation of the principal sponsor of this is pretty much the sign-off that if Congress passes a lousy law, we ought to also. One of the beauties, Ladies and Gentlemen of the Illinois General Assembly, is in my opinion and I think in your opinion that we are closer to our constituents than are our congressmen. We're back home more, we work for a living back home, we understand their problems and I'm proud...I'm proud to feel that I have a better finger on the pulse of my constituents than even my congressman and I've got a great congressman. They made a mistake in Congress. Fortunately, the FBI doesn't pay attention to all the crimes because of their limited attention to Federal jurisdictions, but this bill goes a lot farther than any FBI bill and any congressional bill because it authorizes any judge, and you've got seven hundred of them about in Illinois, to give an okay to a law enforcement official to tap into any phone and...anybody in this state. Now what that means is that you can come up, my friends from downstate, your law enforcement people can come up and get approval on a petition to some

Cook County judge to tap into your phones in southern Illinois and vice versa. I don't understand why you even needed, Senator Barkhausen, the privileged communication provision in here. I mean, I just don't understand why. You can do an efficient, effective law enforcement job, if you really wanted to do a serious effort, without the privileged communication. That makes the whole bill suspect and I think is really the fatal flaw in this where anybody can tap into the most personal, the most privileged, the most private conversations between husband and wife, between clergyman and parishioner, between doctor and patient. The press can be tapped into and lawyer and client can be tapped into, and I've just got to suggest to you, ladies and gentlemen, if this was a serious proposal within the confines of weighing carefully the interest of the private citizens and law enforcement regarding a handful of heinous crimes, I would suggest to you that the proper way to start this kind of bill would be to start it without tapping into privileged communications. But, no, Senator Barkhausen wants to ride the law and order horse that's going to infringe on some of the most important privileges that we in this state hold, and just 'cause Congress made a mistake doesn't mean that I've got to follow that same road. They pass bad laws, I don't think we have to. I think that the bill is one of the worst infringements on personal liberties and I'm not talking from the point of view of the ACLU, I'm talking about the point of view of each of us here and each one of our citizens. I urge a No vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator, thank you for keeping within the timer and the clock. We have the clock running here. Our next Senator is Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the

Senate, I don't think people who sell drugs and hurt people with them are entitled to much personal consideration. I don't think kidnapers are entitled to much personal consideration. I don't think people who use threats of force and...and hurt people are entitled to much personal consideration and I don't think anyone who is...is...is going to threaten or use...force on the...vessel, aircraft or vehicle or commit any act of terrorism is considered...is entitled to any personal consideration. Ordinarily, I have never supported these wiretapping bills in the past, but I will support this one because what this one does, it...it...goes right to the main essence of the Controlled Substance Act, people who violate it, and it does...go into those vicious crimes like criminal drug...conspiracy, hostage taking and so forth. I think the bill is good and I think we should try it. If it doesn't work out, we can always amend the law later. I speak in favor of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Poshard.

SENATOR POSHARD:

Yes, thank you, Mr. President and Ladies and Gentlemen of the Senate. Down in the area which I represent, we have a...we...each municipality does not have the financial resources to get enough of the money together to support a drug enforcement program, so we combine our efforts on a kind of a coalition effort between several communities, and, frankly, we need many of the provisions in this bill for us to get into the...the drug culture or the drug rings that have developed in our area. But upon close inspection of the bill, I'm convinced that there is an excessive violation of privileged communications here that I just can't support. Many parts of the bill I do support, frankly, but I cannot vote for the bill because I think that area goes too far, and I'm hopeful that as the Session goes on, there will be a way

for us to..to change this, to make it acceptable to those of us who need some of the language of this bill in our areas.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Will the sponsor yield for a couple of questions?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR HAWKINSON:

Senator, if this bill goes to the House, will you remove the privileged communication sections of the bill?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Well, Senator Hawkinson, I, you know, understand the special sensitivity in this area. It's...I'm not empowered to...to remove anything...the House would have to do that. My own feeling is that the privileged communications are certainly a very small percentage of any communications that...that might be bugged or wiretapped, as we say, and...and I just don't think that that's a very important aspect of it and I would...I would certainly be willing to go along with the will of the House in making what they might think or some others might think is a...a more reasonable, more limited proposal.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hawkinson.

SENATOR HAWKINSON:

Let me rephrase my question. If it goes to the House will you suggest to the House sponsor an amendment to remove the privileged communications and to restrict the use of the wiretap to the judicial circuit in which it's granted?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

...in light of the debate that we've had here, I would...make that suggestion, yes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Dunn.

SENATOR TOM DUNN:

Thank you, Mr. President. I just wish to point out to Senator Schaffer if he was concerned about the DCFS invasion of privacy, that this would be a good bill for him to vote No on.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Well, I would just reiterate that this bill allows state's attorney in...any downstate county to come up to Cook County, get a wiretap order and go back down to any downstate county...any one of the hundred and two counties throughout our state. And when you talk about this bill being limited to drug cases and terrorism and hostage taking situations, let me tell you the facts. This bill is not limited at all, because if you get a wiretap for drug purposes and during the course of that conversation, there's no conversation about drugs at all but there's conversation about a totally unrelated matter which may lead to criminal prosecution or investigation, the fact that they heard that information means that they can go ahead and investigate on the basis of that wiretap, which may have originally been for drug cases but is not limited to that because any information that they hear in your home, in your bedroom, in your business, in your car regarding any activity, they can investigate that and make the basis for probable cause and make the basis for a subpoena and make the basis for a grand jury investigation.

There is truly no limit and let's...let's talk about one more thing. We keep hearing about drug cases, and I certainly agree with Senator Geo-Karis that nobody wants to protect the drug pushers and the drug users, but every single one of those cases are Federal cases subject to Federal jurisdiction and every one of those cases the FBI has total jurisdiction without the consent of any party to wiretap any one of those same individuals, and when the state needs help from the Federal Government, they walk across the street and they get help from the Federal Government. We heard this from our own state's attorneys that said that all they have to do is go down to...to...to Deerborne and Jackson and...and...enlist the assistance of the U.S. Attorney and they get the assistance of the U.S. Attorney in these drug cases. So there's no need for this and to...and to allow wiretapping of privileged communications, doctors and patients, priests/parishioner, lawyer/client, that's really unforgivable. Ladies and gentlemen, what we're doing here today, believe me, we will...live to regret because this will open up nonconsensual wiretapping for every single case regardless of cause throughout the State of Illinois, and I wonder if...if those of you on the other side of the aisle have ever had conversations in your own...in the privacy of your own home that perhaps...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator, would you bring your remarks to a close?

SENATOR MAROVITZ:

...you might...that could have been misconstrued or you might not have liked someone to overhear. I solicit a very important No vote for this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

(Machine cutoff)...you, Mr. President. Will the sponsor

yield for a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR D'ARCO:

Senator Barkhausen, in an emergency situation, if a law enforcement officer calls a judge and says that a reliable informant told me that Senator D'Arco's secretary is dealing drugs and I need an emergency order to tap his phone. Is that permissible under this bill?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

I think the provisions of the...the provisions of the bill that you're talking about are the application by the state's attorney...would have to be made by the state's attorney and the application would have to show there's probable cause to believe that a substantial danger to life or limb exists justifying the authorization for the immediate interception and then within forty-eight hours a formal application would have to be made. You'd find those provisions at the bottom of page 12 and the top of page 13 of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Well, this application can be made over the phone though, correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

The...there is a provision for an informal application, I'm not...I'm not sure exactly what...what form that would take. But, again, it has to be made by the state's attorney and, again, there has to be a substantial danger to life or

limb, not an easy thing to establish needless to say.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Well, in the event...in the event that the judge decides that...that an emergency does not exist, he says, no, come into court and present some evidence to me that there is this need for this tap and I'll grant it to you. Can the state's attorney ask a different judge that...to approve an order on...on a oral basis?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Barkhausen and please bring your remarks to a close.

SENATOR BARKHAUSEN:

No...it would have to be the chief judge under this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

What happens after this emergency order is granted and they tap my phone for forty-eight hours and they hear my secretary's conversation, they hear my conversations, they hear other people's conversations who use my phone in my office for that forty-eight hour period, what happens if the state's attorney doesn't file a formal application before the judge?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Well, again, Senator D'Arco, the information would have to relate to one of the crimes that we're talking about here because the...evidence couldn't otherwise be used, and if there's no...it says in... "in the event no formal application for an order is subsequently made under this section," to specifically answer your question, "the content of any pri-

vate oral communication intercepted under oral approval," meaning...emergency provisions here, "shall be treated as having been obtained in violation of this Article."

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator, please bring your remarks to a close. Senator D'Arco.

SENATOR D'ARCO:

I'm going to do that, Mr. President, because the invasion of privacy has already occurred. The state's attorney doesn't make the formal application because there weren't...any incriminating conversations that he heard and he never had probable cause to ask for the tap in the first place and the violation that he committed under this Article, there is none. There's no violation that...who's going to prosecute the state's attorney? Who's going to prosecute the prosecutor, Senator Barkhausen?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I think every once in a while it's...it's...would do us all well just to take a step back and remember truly what we are about. On December 15th, 1970, the Constitution was ratified by the people of Illinois and it said, "We, the People of the State of Illinois, grateful to Almighty God for the civil, political and religious liberty which He has permitted us to enjoy and seeking His blessing do ordain and establish this Constitution." And very quickly in Article VI, it...Article I Section 6, it says, "The people," not the good people, the bad people, the crooks, the good guys, the bad guys, "the people shall have the right to be secure in their persons, houses, papers and other possessions against unreasonable searches, seizures, invasions of privacy or interceptions of communications by eavesdropping devices or

other means." This is a lousy bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR BARKHAUSEN:

Mr. President and members, again, I understand the...to some extent I understand the sensitivity of this issue but again it's been a matter of...of Federal law for twenty years for virtually every felony. Here we're talking about empowering state's attorneys to request this...authorization only for Class 1 and Class X drug crimes. We have stood up on this Floor, all of us at one time or another, and...have said that we are serious about drug crimes and, yet, are we truly serious if we're not willing to give law enforcement officials the one truly effective means of investigating drug crimes? A number of points have been made here, I'm not sure that there is the time or the...the Body wants me to...to respond to any of them; but to the last point about the Constitution which came up in the debate yesterday, the...the...the chairman of the committee that proposed the particular provision that...that was just referred to was asked on several occasions whether...whether that would prevent the enactment of a law of this kind or of...of the kind that, at that point, had been in effect for two years at the Federal level was asked that question on three separate occasions and each time the answer was no. So the intent of the...our founding fathers here in Illinois is quite clear that that provision is not meant to...to prohibit the adoption of a law of this kind. I could only repeat myself at this point, Mr. President, but let me simply close by noting that there has been widespread support throughout this state for a measure of this kind, an even broader measure, I might suggest, than the one being proposed here. And on December 11th, 1986, shortly after or during the time that we were

considering a number of the drug provisions that we adopted last fall in the wake of all the campaign discussion that we had on this subject, some...some of you may remember that this was a major campaign issue and now we're trying to do something about it. The Tribune...the Chicago Tribune stated in an editorial entitled "More Legal Weapons Against Drugs" said one key bill in the program would eliminate from state law the requirement that at least one party must consent before a conversation can be wiretapped with a judicial warrant. The change should be made. There is no point in denying the state a legal weapon effectively used by Federal agents, and I say to you particularly those of you from the smaller downstate counties where Federal resources are stretched too thin often to be effective, it is time for us to give our local prosecutors the same weapon that the Federal Government has had for twenty years but because of the unavailability of resources is often unavailable to some of us that need it the most. It's time to provide them with this tool and I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 964 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that...on that vote, there are 26 Yeas, 25 Nays, 4 voting Present. Senate Bill 9-6-4 having failed to receive a majority vote is declared lost. (Machine cutoff)...Bill 968, Senator Weaver. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 968.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. Senate Bill 968 would provide that the U of I may retain funds in its treasury for research and service contracts and use those funds to make payments on revenue bonds issued to construct facilities to conduct such research and service. This would be a vehicle for the university to contribute to the well-being of this state and the nation through expanded research without burdening the state with additional debt. If there's any questions, I'd be happy to try to answer them.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Davidson.

SENATOR DAVIDSON:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR DAVIDSON:

Senator Weaver, when this bill was in Higher Education, I had to leave to go another committee, a bill was up, and I at that time asked it...it was consideration for other universities or other systems who may have the same situation to amend it. At that time the university person was with you said they had no objection and then I've since been informed by you they did have. Can you explain to me why they objected to include any of the other systems?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

The university nor I have any objection to anyone else using this method of financing, but I think it's imperative that we have a proper revenue source and revenue stream to repay any revenue bonds issued. I think each case should stand on its own merit and assure this Assembly that there's not going to be a future debt to the State of Illinois for

these facilities.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

Well, I agree. All I'm...was interested in is I do know other systems of higher learning do have sources in place doing research and do have funds such as the University of Illinois is doing. And I have no problem with this bill per se, but if and when these other systems are ready to come forward to the same kind of...favorable consideration, I certainly wouldn't want to see the University of Illinois...cause they have it being opposed what we may want to do for another system.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Was that a question, Senator, or a statement...statement. Is there further discussion? If not, Senator Weaver may close.

SENATOR WEAVER:

Appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 968 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 9-6-8 having received the constitutional majority is declared passed. I would just...as a note of information, those of you that are playing with your switches voting at the last second, it's causing a problem with the computer. We are...on that last vote on the eavesdropping, we registered 27 Yea votes on...on record, by name, 26 by number on the top. If you...we almost lost another bill earlier by the same motion of playing at the last second. You're going to cause yourselves a problem, either get on the vote or stay

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off it. You know, that old trick of walking up to the Podium and motioning to the eye, well, it's...it's screwing up our computer. Senate Bill...Senate Bill 972, Senator...

ACTING SECRETARY: (MR. HARRY)

Senate Bill 972.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

For what purpose Senator Lechowicz seek recognition?

SENATOR LECHOWICZ:

Thank you, Mr. President. Just to let you know your point is well-taken.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Raica.

SENATOR RAICA:

Yes, sir, thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 972 provides that a patient has the right to receive blood from donors of his choice if the donors qualify under the Blood Labeling Act are solicited by the patient or someone on the patient's behalf and the blood has been acceptable for the patient's medical needs.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 972 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Senator Demuzio, you can always vote me Aye on that bill. Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 9-7-2 having received the constitutional majority is declared passed. Senate Bill 976.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 976.

(Secretary reads title of bill)

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3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Take it...take it out of the record. Senate Bill 977,  
Senator Etheredge. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 977.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the bill which we pass annually that sets the grant awards for the State Scholarship Commission. Right now the levels are set at one dollar over the grant levels for the present fiscal year, that is consistent with the actions which we've taken on the approach...appropriation bills. After we know how much money will be available, there will be amendments proposed for this bill. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 977 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 9-7-7 having received the constitutional majority is declared passed. 981, Senator Woodyard. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 981.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President and members of the Senate. This bill was introduced to increase the number of enterprise zones and also to expand the...the square mileage from ten to twelve square miles. This certainly has a strong impact on...on a very major industry in my district, General Motors Foundry, which is experiencing some very severe problems right now and I would urge the adoption or passage of this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 981 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are 1, 1 voting Present. Senate Bill 981 having received the constitutional majority is declared passed. For what purpose Senator Hawkinson rise?

SENATOR HAWKINSON:

Thank you, Mr. President. On that malfunction on the eavesdropping bill, I attempted to vote No, and were I recorded that's how I would have voted.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The record will so indicate. Senate Bill 982, Senator Topinka. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 982.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Topinka.

SENATOR TOPINKA:

Yes, all this does is amend the Township Law of 1984 and allows townships to spend on health care money raised through

taxes. I want to clarify that this does...no increase in taxes, this is using the current taxes and all this does is just broaden the options of the use of that tax money. It is being done because of the stoppage of Federal revenue sharing monies with which townships use those monies so as to be able to provide certain health care services. Many of our suburban townships are having difficulty with that...I know no opposition to it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 982 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 45, the Nays are 7, 4 voting Present. Senate Bill 9-8-2 having received the constitutional majority is declared passed. Senate Bill 985, Senator Demuzio. With leave of the Body, we'll get back to that as soon as Senator Demuzio returns. Senate Bill 986, Senator Alexander. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 986.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Alexander.

SENATOR ALEXANDER:

Thank you...thank you, Mr. President. Senate Bill 986 is a bill that requires a frontdoor referendum. It has no opposition, the Taxpayer Federation of Illinois has approved the passage of this bill. It deals...that a county may level...levy tax in order for the printing of the electoral ballots or specimen ballots in the paper. I know of no other opposition to it.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall Senate Bill 986 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Please take the record, Mr. Secretary. On that question, the Ayes are 53, 6 voting Nay and none voting Present and Senate Bill 986 having received the required constitutional majority is declared passed. On the Order of 3rd Reading, Senate Bill 988, Senator Smith. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 988.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 988 amends the Public Aid Code to direct the department to design and implement a food stamp outreach targeted toward our senior citizens and low income persons in rural areas of our state. The need for this legislation has been clearly documented by several studies at both the state and national levels. These studies have shown that a substantial percentage of persons eligible for food stamps benefits do not use them simply because they are unaware of the eligibility criteria. According to economists...Coe, who has studied this issue and I quote, "Poor information concerning eligibility status is the single most important barrier to participation facing the population of eligible households. Over forty percent of eligible nonparticipants mistakenly though they...that they are...were ineligible." At the time when Federal funding for outreach efforts has dried up and the number of persons living below the poverty line has increased by sixteen percent in the last several years, this

legislation would help to serve to make those persons who are really eligible but not served knowledgeable about these benefits. I ask your consideration for this important bill for senior citizens.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate, with great respect for the sponsor who is...I...I know is trying to achieve good things, I would like to note, as I usually do on bills of a health nature, that this does have a fiscal impact of two hundred thousand dollars nonreimbursable. The Department of Public Aid when they testified in committee said that they felt further efforts on this front were unnecessary. So I merely make...call that to your attention.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Smith to close...I'm sorry, Senator Hall, for what...

SENATOR HALL:

Well, I certainly rise in support of this. There are many people who do not realize, especially the working poor, that they're eligible for food stamps. The Federal Government runs...an ad on television and...this will give and bring knowledge to a lot of people because of pride or other things that they are not getting food stamps. So if the food stamps are there available, whether they get them or not, it's there. So I don't see where the big cost is going to be. I'd urge an...Aye vote for this.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Smith to close.

SENATOR SMITH:

...thank you, Mr. President. I merely want to...bring to your attention that this has been the...the problem with many

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of our...our programs from the head to the consumer there's a loss and there is no communication whatsoever. A lot of these senior citizens can't get out, they don't know how to read posters, they don't go the places where their...post office and places where these signs are up, and if you do not go to them...and I want to ask about how many of these people who work in these social agencies go out to the people or ever leave their office or their desks. This is something that would help to see that these senior citizens do not go hungry. I'm asking for your consideration in helping to pass this legislation that these senior citizens will have the opportunity of enjoying food and...and the benefits that our state has provided for them.

PRESIDING OFFICER: (SENATOR LUFT)

The question is, shall Senate Bill 988 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, the Ayes are 31, the Nays are 27, 1 voting Present and Senate Bill 98 having received the required...constitutional majority is declared passed. On the Order of 3rd Reading, Senator Rock, Senate Bill 990. Read the bill, Madam Secretary, please.

SECRETARY:

Senate Bill 990.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 990 is an amendment to the Bank Holding Company Act of 1957 and effectively what it does, it triggers in full interstate banking effective December 1, 1990. This

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is a position...this is the bill that represents the position taken by the Illinois Banker's Association. There are bills calling for an earlier trigger date, but it is the judgment of the majority of the bankers of this state that December 1, 1990, is in their best interest for the wide-open interstate banking. Last year, you'll recall, we afforded our banks the opportunity to...to become part of a region...a seven-state region, we have regional interstate banking. This would bring full national interstate banking effective December 1, 1990, and I would solicit your favorable support.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall Senate Bill 990 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wished? Have all voted who wish? Have all voted who wished? Take the record. On that question, the Ayes are 51, 5 voting Nay, 1 voting Present and Senate Bill 990 having received the required constitutional majority is declared passed. In the middle of page 18 on 3rd reading is Senate Bill 994, Senator Marovitz. Read the bill, Madam Secretary, please.

SECRETARY:

Senate Bill 994.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Senate Bill 994 allows the Department of Public Aid to study projects for AIDS victims under their Long-Term Care Research and Demonstration Authority, it allows them to study this only. There's no fiscal impact by the department's own admission, so that if there's a way to care for these people on a long-term basis through their existing Long-Term Care

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Research and Demonstration Authority, they will endeavor to find a way to deal with the unfortunate victims of this...of this plague and I would solicit your Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall Senate Bill 994 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wished? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, the Ayes are 57, none voting Nay and none voting Present and Senate Bill 9-9-4 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 995, Senator Marovitz. Read the bill, Madam Secretary, please.

SECRETARY:

Senate Bill 995.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Senate Bill 995 allows the Department of Public Aid to award quality incentive payments to nursing homes who agree to provide programs for long-term health needs for AIDS victims. As you know, there's presently no long-term planning for...for the victims of this plague. It allows the Department of Public Aid to give quality incentive payments to those nursing homes who agree to treat...to treat these people and I would solicit your Aye vote. The Department of Public Aid has said that the...any cost of this program which will be minimal would be greatly offset by savings if AIDS victims were eligible for medical assistance and were discharged from very expensive hospital settings which they're

cared for now. I would solicit your Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If...if not, the question is, shall Senate Bill 995 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wished? Take the record, please, Madam Secretary. On that question, the Ayes are 54, 3 voting No, none voting Present and Senate Bill 9-9-6 having received the required constitutional majority is declared passed. On the Order of 3rd Reading, Senate Bill 996, Senator Savickas. Read the bill, please, Madam Secretary.

SECRETARY:

Senate Bill 996.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, Senate Bill 996 would eliminate the statutory language which excluded the issues of the cost of living increases and the bans on the use of part-time operators from collective bargaining. It's permissive legislation. It says that at the bargaining table, at least they can talk...or we can talk about the issue of collective...the COLA increases. As you may well know, the COLA increases were excluded from collective bargaining issues when we were talking about double digit inflation and the COLA was running ten, twelve, thirteen percent. Cost of living has been down to two and a half three percent. We feel that it's fair to bring this back into the bargaining area and I would move its passage.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Collins.

SENATOR COLLINS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR LUFT)

Indicates he will yield.

SENATOR COLLINS:

Under the existing collective bargaining agreements, are you saying that they cannot discuss cost of...living or they can no longer base cost of...living on the basis of the national consumer index?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Savickas.

SENATOR SAVICKAS:

At the present time, the board is prohibited from considering the COLA as part of its negotiation, yes.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Collins.

SENATOR COLLINS:

Senator, I don't think any...anyone who is...discussing a collective bargaining agreement can, in fact, be...excluded from talking about cost of living increases. That is not the...I don't think that's the problem. The problem is whether or not it's negotiable as it used to be prior to them removing that provision from...from..from...from the law.

PRESIDING OFFICER: (SENATOR LUFT)

...is that a question? Senator Savickas.

SENATOR SAVICKAS:

The problem is the law as it stands reads, quote, "The agreement may not include a provision requiring the payment of wage increases based on changes in the consumer price index." What we are attempting to do is to remove that provision so that it can be...the agreement can include a provision for COLA, that it can be talked about, can be negotiated and can be included.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Collins.

SENATOR COLLINS:

So you...you answered my question and my question is in the affirmative. The existing law does not exclude them from negotiating or discussing cost of living increases. It does because of the law change prohibit them from discussion...and I can understand that because they can no longer base...or be bound to...to base cost of living increases on the national consumer index figures that why should they get bogged down in those kind of discussions. But it most certainly does not prohibit them from discussing cost of living increase, pay increase as any other collective bargaining agreements does. This bill most certainly has a profound impact on...the City of Chicago and at...at this point we...we're not...the city does not have the...the money, the transit authority to honor such agreement or why run the risk of getting bogged down in strikes and other disagreements when there can be no...resolution based on the premise of the consumer price index? The...the...there's no point of discussing something if it cannot become effective in the first place. So I would say that...ask for a No vote on this bill.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Hudson.

SENATOR HUDSON:

To...thank you, Mr. President, just to the bill. This bill was heard in our Labor and Commerce Committee and it should be noted I think by the...membership that the RTA is opposed to it feeling that the current system under which they're working has worked well and seems to best suit their needs at this current time. I just make that point.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Fawell. Your light is on, Senator, excuse me. Senator Savickas.

SENATOR SAVICKAS:

I guess before we go into a long protracted debate on this bill, I would just like to make a comment and then ask that it be put into a study committee and we'll just go over it. To clear up the misconception that Senator Collins had, they cannot...they can discuss it but they can't enter into any agreement to have a COLA. I mean, you could discuss anything, you could discuss, you know, gin playing all day long, but you can't put it into the agreement at...that happens. Obviously, there is a long list of speakers on this...I will take it out of the record, put it into a...move to put it into a study committee for...I...I would like it recommitted back to committee for study through the summer.

PRESIDING OFFICER: (SENATOR LUFT)

All right. Senator Savickas has moved to recommit Senate Bill 996 to Labor Committee. All those in favor say Aye. Opposed Nay. The motion carries and Senate Bill 9-9-6 is recommitted. Earlier on I said that Senate Bill 99 in referring to Senator...Marovitz' bill of 995, I said that 996 passed and, in fact, I should I have said that Senate Bill 995 sponsored by Senator Marovitz should have passed. On the Order of 3rd Reading is Senate Bill 998, Senator Berman. Read the bill, Madam Secretary, please. I'm sorry, that's on the recall list, Senator Berman. We will proceed to the bottom of the page 18, Senate Bill 999, Senator Carroll. Read the bill, please, Madam Secretary.

SECRETARY:

Senate Bill 999.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Carroll.

SENATOR CARROLL:

Excuse me, Mr. President and Ladies and Gentlemen of the Senate. Yes, this is the biggie. Senate Bill 999 is an...is

truly an effort to keep certain bills on the Calendar and...and after passing through the other Chamber so they'll be available basically in the fall. This one says it requires the Comptroller to give us monthly reports of personnel transferred from one state agency to another. Its purpose is to amend the Comptroller's Act. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall Senate Bill 999 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, the Ayes are 33, 20 voting No and 2 voting Present. Senate Bill 999 having received the constitutional majority is declared passed. On the Order of 3rd Reading, at the top of page 19, is Senate Bill 1000, Senator Carroll. Read the bill, Madam Secretary, please.

SECRETARY:

Senate Bill 1000.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill merely requires the Bureau of the Budget to give us annually a list of those employees working in one agency but paid on another agency's budget. It is also the intent to...to have this amended in the House so...it could be available for uses later if necessary. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Fawell.

SENATOR FAWELL:

Are you serious about these...I mean...I...can...can I...may I ask the sponsor a question?

PRESIDING OFFICER: (SENATOR LUFT)

The Senator indicates that he will yield.

SENATOR FAWELL:

Are you serious about these bills? I mean, are you going to track these employees...if they move from one agency to another and, if so, why and who cares?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Carroll, who cares?

SENATOR CARROLL:

Well, Senator Fawell, I think actually...very honestly, I think the people of Illinois care. If we are budgeting by agency, people should be working there and being paid from there. If they're working somewhere else, they should be paid from where they're working. When we don't have a lot of money to spend, as we go through agencies' budgets, I think it's important that when we authorize a head count that that head count is honored and the people are paid for...from where they have been assigned and not floating all over. It is also an effort to make sure that when we get into a crisis situation later, we have vehicles that amend certain Acts available to be used.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Fawell.

SENATOR FAWELL:

All right, I...I...I guess that's really what I was asking. This thing looks like it's got terribly, terribly big wheels on it. Is that what you're doing?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Carroll.

SENATOR CARROLL:

Yes, but it's also...let's us know people are supposed to

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be working in...Aurora, they're in Aurora.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Lechowicz. Further discussion? Senator Carroll, do you wish to close?

SENATOR CARROLL:

Roll call.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall Senate Bill 1000 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Madam Secretary. On that question, the Ayes are 36, 18 voting No, 8 voting Present. Senate Bill 1000 having received the required constitutional majority is declared passed. On the Order of 3rd Reading, Senate Bill 1001, Senator D'Arco. Read the bill, please, Madam Secretary.

SECRETARY:

Senate Bill 1001.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. Senate Bill 1001 sets a period of limitation for actions against accountants of two years from the time the person bringing the action knew or should have known of the cause or five years after the occurrence. We amended the bill and I think the...the amended language is what is operative here and it says that provided, however, that in the event that an income tax assessment is made by the IRS or a criminal prosecution is brought against a person, that person may bring an action against the public accountant who prepared the tax return within two years from the date of the assessment or conclusion of the prosecution.

This amendment was suggested by Senator Berman. It turns out to be a very good idea and I would ask for passage of this...a favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall Senate Bill...excuse me, Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR LUFT)

He indicates he will yield.

SENATOR GEO-KARIS:

Is...is the amendment that...Floor amendment that says, "In cases involving income tax assessment or criminal prosecution a person may bring suit against the public accountant who prepared the tax return for two years after the date of assessment or conclusion of prosecution," is that...is that on the bill?

PRESIDING OFFICER: (SENATOR LUFT)

Senator D'Arco.

SENATOR D'ARCO:

Yes, that's on the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

In that case, your bill has been made much better. Thank you.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator D'Arco to close.

SENATOR D'ARCO:

What did she say? Roll call.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall Senate Bill 1001 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish?

Have all voted who wish? Take the record, Madam Secretary. On that question, the Ayes are 59, none voting No and none voting Present and Senate Bill 1001 having received the required constitutional majority is declared passed. On the Order of 3rd Reading is Senate Bill 1003, Senator Jones. Read the bill, Madam Secretary, please.

SECRETARY:

Senate...Bill 1003.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones.

SENATOR JONES:

Thank you, Mr. President and members of the Senate. Senate Bill 1003 calls for certification and licensure of estheticians by the Department of Registration and Education. The bill as amended also provides for a member from a...the Barber's Union to be on the Cosmetology and Barbers Board. It is a bill that has been discussed before. The estheticians, Senator Schaffer, are the ones that pluck the hair if necessary, off the face and do other things. Currently, cosmetologists are licensed to do this under their Act, but under the provisions of this bill, to be an esthetician, all one needs to do is complete the seven hundred hours instead of the fifteen hundred hours that a cosmetologist are now licensed. I'm going to ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Schaffer.

SENATOR SCHAFFER:

If they could grow hair, I'd be more impressed. Same speech. Thank you.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Jones to close. All right.

The question is, shall Senate Bill 1003 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. Madam Secretary, on that question, the Ayes are 44, 11 voting No and 3 voting Present. Senate Bill 1003 having received the required constitutional majority is declared passed...what did I say? All right. On the Order...the next three bills are on recall. We will proceed on the Order of Senate Bills 3rd Reading to Senate Bill 1013, Senator Savickas. Read the bill, Madam Secretary, please.

SECRETARY:

Senate Bill 1013.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, Senate Bill 1013 would amend the EPA Act regarding the regional pollution control facilities. It would say that, "No permits issued for development or construction of new or regional pollution control facilities shall be effective without proof that the applicant has obtained approval from the local county board or the governing board of a municipality. Issuance of permits shall be deemed presumptive proof that a local siting criteria have been met." As amended...now this bill is supported by the Illinois Municipal League. As amended, it would allow a...a group or a person interested in obtaining a landfill facility, allow them to go to the EPA before they go to the local authority. The purpose is that once the EPA has designated that it is feasible then the person already...can reasonably say, yes, it's feasible, let me go now to the local authorities and see if I can get approval. It's sense-

less to go to the local authorities, try to get their approval and then go to the EPA and find out that it's not a feasible operation. It does not restrict the local authorities in any way. It just reasonably allows that if it's a feasible thing, then proceed and try to obtain local permits. I would seek a favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you and I...I think, Senator Savickas, you make a very good point and I think it's one of the issues that was cleared up and you've cleared it up well. I think there was some fear that local control was going to be removed. All we've done is reverse the order, local control is there and I compliment you on your efforts.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, yeah, I...I think that pretty well...Senator Jacobs pretty well cleared up my...my question. The agency's issuance of a permit under this title shall be deemed presumptive proof that this criterion has been met, which is the criteria that the county board or the county governing board of the municipality utilizes to approve the site location's suitability. My question is this, if the EPA issues the permit which is deemed to be presumptive proof that all of the criteria has been met, does that in any way, shape or form obligate the county or the municipality in any respect to issue a permit?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Savickas.

SENATOR SAVICKAS:

No, and let me straighten something out. The amendment removed that presumptive proof. In no way defining by the

EPA that is a feasible...feasible area, in no way prohibits the county or municipality from exercising their responsibility in denying or approving this site.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Yeah, I'd...well, then I just want to know what the rationale and the reason is as to why we are doing this. I mean, is there some major difficult...difficulty that has occurred with the EPA and the relationship of the local county governing board of the municipality in the issuing of permits?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Demuzio. Senator...

SENATOR SAVICKAS:

Yes, Senator, we're doing it...first of all, to go...to go before the county board or the municipality, those people or persons or entities seeking to create this site must go out and hire engineers and hire...environmentalists to check out that site before they go to the county board or to the municipality, a very costly procedure. If they have the state...if they go first and the State EPA approves it, now they can go back to the county and say, yes, it's a...it's a feasible site. They go to the county first and expend all this money, then go to the EPA and find out that they can't approve it or they won't approve it, not only has this been a...a waste of a lot of money and a lot of cost, we just can't...you know, it's just not a feasible operation.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

...will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR LUFT)

He indicates he will yield.

SENATOR GEO-KARIS:

Are you saying...are you taking away the right from the local governments to approve or disapprove of this...siting?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Savickas.

SENATOR SAVICKAS:

No, Senator, we are not taking away the right of the local community or the local...or the county government. What we're saying is that before we hire independent engineers just to present the case to the county or the municipality to get their approval and then go and get turned down by the EPA, we're asking that the EPA say, yes, it is a feasible place, now it's up to the local county or local municipality to make the final decision if that's what they want there.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, let me ask you this, Senator Savickas, there was an amendment that was put on this bill which clarified the need for local authority approval before construction of the facility could begin. Is that amendment still in your bill?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Savickas.

SENATOR SAVICKAS:

Yes.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Are you saying then for legislative intent, if a pollution control...if...if a siting is...is to be done in a...in a municipality and the municipality doesn't want it there, are you saying then that even if that group that wanted to put that plant there got the okay from EPA, they will be pre-

cluded from putting it in that municipality if the municipality says no?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Savickas.

SENATOR SAVICKAS:

That's exactly what I'm saying that the...the municipality or the county whichever is the governing body has the authority and the final say on what goes in. All we're saying is that to reverse the procedure, to say if it's feasible...if the EPA finds that it's a legitimate way of...legitimate operation, then they go to the county or to the local municipality.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I'd just like to point out that there isn't unanimous opinion that this is a good piece of legislation, that the Environmental Council stands opposed to it, and in committee it got out, I believe, by one vote and part of the reason that there was such so much controversy was not so much that we thought that duplication of effort should not occur, that's a...that's a very good point. The problem is that when you start out going to the state for the permit process instead of going locally, number one, you have a lot of constituents who are going to be very upset, they're going to hear the rumor that a landfill or whatever is coming into their area, and when that happens, they're going to want to have input, and every one of us is going to be contacted, in the past, probably have been contacted by constituents who thought that something was going to go in that they didn't want. And it's more difficult if not impossible for citizens to participate in the state permitting hearings than it is the local permitting hearings. The local permitting hearings are called that because they are local.

The local hearings, I think, will be somewhat influenced by what the State does. It's...I believe we put in the bill an amendment saying that there would be no presumption; however, I'm not so sure that...that the weight that will be given won't be disproportionate to what goes on now which is starting from scratch. So I think that we should continue with the process that was passed under Senate Bill 172 several years ago instead of tinkering with it. I think that is...it has worked well. I think that many of the duplicative requirements that the Senator speaks of and seeks to address in this bill are requirements that have to be met anyway, getting the engineers, getting the site looked at. So I don't think that there is a...the duplication that this bill seeks to root out. I don't think it's that much of a problem and I think that the trade-off for eliminating some of that overlap is to eliminate some participation by local constituents.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Dudycz.

SENATOR DUDYCYZ:

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

PRESIDING OFFICER: (SENATOR LUFT)

He indicates he will yield.

SENATOR DUDYCYZ:

Senator Savickas, currently the EPA is constructing an automobile pollution testing station in my district. Would this bill affect that construction or permits or anything whatsoever?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Savickas.

SENATOR SAVICKAS:

No...no, Senator, it has nothing to do with...with what the EPA is doing.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator O'Daniel.

SENATOR O'DANIEL:

Mr. President, I kind of believe what Senator Savickas is trying to do might have some merits. I was associated with an individual that was involved with trying to get an application to put in a landfill and he spent seventy-five thousand dollars on borings and engineering and all and went to the county board and they...they denied the permit. But I think, you know, had he of gone to the EPA first...because if they do meet the six criteria that's required, they can...the...the Illinois Pollution Control Board can overrule the county board, but it takes a long appeal process, but I think probably if you could go to the...the EPA...yeah...first, it might save the individual a...a lot of money that's trying to put in one of the things because there is a lot of money that has to be spent before you...you really know whether you're going to be...whether it is feasible or not. And I...I think this might be a...a good piece of legislation.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Weaver.

SENATOR WEAVER:

Well, thank you, Mr. President. I tend to agree with Senator Savickas' approach. We're in the process of trying to site a landfill in Champaign County. They've gone through about five or six sites and they just determined that the site that is best is the one they'll spend their money on, but they're going to have to spend three or four hundred thousand dollars and this land happens to be over three aquifers. So I called the...the EPA and I asked them, do you allow...in their original draft they could not site over aquifers, so I wanted to clarify that and they said, well, generally, you can...if you engineer around, you can site these over aquifers; and I asked, how many permits have you

given the State of Illinois lately? And they said, we haven't given a permit for a new landfill in six years. Now, I'm sure that millions and millions of dollars have been spent on projects that never will be permitted and so somewhere along the line, we're going to have to work with the EPA and with the local communities. There's no use spending money on a site that has no chance of being permitted, and that's what a lot of communities are doing, they're just wasting money. So, if this bill helps solve that problem, I'm going to support it.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Savickas, you wish to close?

SENATOR SAVICKAS:

I think Senator Weaver hit it on the head. It's an attempt to solve a...a problem that...you know, everyone is concerned with, both the environmentalists and the communities and I hope that this at least lends part of that solution. I would ask...Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall Senate Bill 1013 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the...the record, Madam Secretary, please. On the question, the Ayes are 38, the Nays are 15, 4 voting Present and Senate Bill 1013 having received the required constitutional majority is declared passed. Okay. 1014 is on...on the Order of Senate Bills 3rd Reading is 1020, Senator D'Arco. Read the bill, Madam Secretary, please.

END OF REEL

REEL #7

SECRETARY:

Senate Bill 1020.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. 1020 provides that sums appropriated by the General Assembly to public aid for long-term care purposes under the medical assistance program...shall be paid only to skilled nursing facilities and intermediate care facilities. It seems that although these funds are appropriated for this purpose, some funds have been expended by providers of medical services other than nursing homes and this would clarify the intention of the General Assembly in expending...expending these funds. I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, I'm going to support your bill because basically it...it seems to be okay and good. Two questions though, if I may. One being is, on what are they spending this other than on nursing homes, if...if indeed you know; and two, do you have any other intent for this bill along the way?

PRESIDING OFFICER: (SENATOR LUFT)

Senator D'Arco.

SENATOR D'ARCO:

I have...I have no intent along the way and I really don't know, Judy, what other...what they're doing with the

money, I really don't.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? You wish to close, Senator D'Arco?

SENATOR D'ARCO:

No, just ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

All right, the question is, shall Senate Bill 1020 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, the Ayes are 58, none voting Nay and none voting Present and Senate Bill 1020 having received the required constitutional majority is declared passed. On the Order of 3rd Reading, Senator...Senate Bill 1022, Senator D'Arco. Read the bill, Madam Secretary, please.

SECRETARY:

Senate Bill 1022.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator D'Arco.

SENATOR D'ARCO:

Thank you. Mr. President and Ladies and Gentlemen of the Senate, this...Senate Bill 1022 removes the provision that says that the section shall apply only to hospitals and shall not apply to in-patient hospital care provided by HMOs contracting with hospitals. The reason for this bill is that Medicaid patients that go to hospitals that are referred by HMOs but are not contracting with the HMO are billed by that hospital at the prevailing rate for Medicaid services rather than the I-care rate, and what this bill says is that the HMO can negotiate with the hospital for the I-care rate instead of the prevailing rate. There was a fiscal note filed by the department and the fiscal note indicated that this may actu-

ally amount to a savings by the department with the I-care rate in...in...in place rather than the prevailing rate.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall Senate Bill 1022 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the...the record, Madam Secretary. On that question, the Ayes are 50, none voting Nay and 6 voting Present and Senate Bill 1022 having received the required constitutional majority is declared passed. On the Order of 3rd Reading is Senate Bill 1032, Senator Weaver. Read the bill, please, Madam Secretary.

SECRETARY:

Senate Bill 1032.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. Senate Bill 1032 strikes Section 4 which was...Chapter 100 which was enacted in 1874. This archaic language is not being adhered to today and in the interest of free competition, I would move the adoption of 1032.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall Senate Bill 1032 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, the Ayes are 57, none voting Nay and none voting Present and Senate Bill 1032 having received the constitution...majority is declared passed. On the Order of Senate Bills 3rd Reading,

at the bottom of page 19, is Senate Bill 1041, Senator Mahar.  
Read the bill, Madam Secretary, please.

SECRETARY:

Senate Bill 1041.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and members. Senate Bill 1041 would allow county health board members from the collar county zoning only to receive a stipend of not more than two thousand dollars per year with the approval of the county board. There's not state dollars involved in this at all; in fact, without county board approval, there's no county dollars involved.

PRESIDING OFFICER: (SENATOR D'ARCO)

Is there any discussion? If not, the question is, shall Senate Bill 1041 pass. Those in favor vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, the Ayes are 53, 2 voting No, 1 voting Present and Senate Bill 1041 having received the required constitutional majority is hereby declared passed. Senate Bill 1043, Senator Schaffer. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1043.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and members of the Senate, this bill

affects the Illinois High School Athletic Association. In the course of our hearings of the Joint Committee on Sports, it became obvious to me, and, frankly, I'd heard it before, that a significant number of the seven to eight hundred high school principals who make up the governing board for...for a variety of reasons really don't participate in it. Many of them, frankly, just don't have the time...feel they don't have the expertise. What this bill would simply do is allow the school board...the local individual school board to designate someone other than the principal, such as the athletic director, an assistant superintendent, someone of that nature to participate in the organization and go to their meetings. I...I'm unaware of any opposition. I've talked to Mr. Fry of that organization and have assured him that this is the full extent of this bill and I have guaranteed the chairman of the Education Committee that this bill...and the Sports...Joint Committee...will not be amended to address any other issue. I am unaware of any opposition.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? Seeing none, the question...shall Senate Bill 1043 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr...Mrs. Secretary...Madam Secretary. On that question, there are 57 Ayes, 1 voting Nay, none voting Present, and Senate Bill 1043 having received the required constitutional majority is hereby declared passed. Senate Bill 1047, Senator Davidson. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1047.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Davidson.

SB 1050  
3rd Reading

SENATOR DAVIDSON:

Mr. President and members of the Senate, does exactly what it says on the Calendar. There's no known opposition that I know of. I'd appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? Any discussion? See...Senator Schuneman.

SENATOR SCHUNEMAN:

Yes, thank you. A question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR D'ARCO)

...the sponsor will yield.

SENATOR SCHUNEMAN:

What...what did we do about that prison language that was in the bill, Senator?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Davidson.

SENATOR DAVIDSON:

As I promised in committee, I amended it out.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? The question is, shall Senate Bill 1047 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, the Ayes are 59, none voting Nay, none voting Present, and Senate Bill 1047 having received the required constitutional majority is hereby declared passed. Senate Bill 1050, Senator Rigney. Senator Rigney. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1050.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Rigney.

SENATOR RIGNEY:

Mr. President, the primary purpose of Senate Bill 1050 is to increase the tax on public utilities on their gross receipts from eight cents on a hundred dollars up to ten cents on a hundred dollars. I think most of you are aware that when we passed the new Telecommunications Act last year, we mandated a number of new responsibilities upon the commission. If they are going to be able to meet the mandates in that Act, it's going to require a little additional funding. Apparently, from what I've been able to...to understand, there would be an increase...here that would bring in the...the necessary dollars that are going to be needed to be able to meet the requirements of the new Utility's Act.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I also support Senate Bill 1050. I think it is important to notice that although this is an additional fee on the utilities, which undoubtedly will be passed through to us, my recollection is that the estimate is...that statewide it would amount to something like thirteen cents, which is not astronomical. I think the important thing is that when we passed Senate Bill 1021 a couple of years ago, we did, indeed, mandate some extremely important new responsibilities to the commission, and one of the points that Representative Hastert and Senator Maitland and all of us made at the time was that we had to make sure that the commission had the staffing to be able to carry out the heavy new responsibilities we were placing on it. The Auditor General's audit of the commission also indicated the same thing. We gave them leased cost energy planning responsibilities, we required management audits of the utilities, something that all of us felt was...or many of us felt was

extremely important; they have responsibilities to investigate excess capacity and so on and so on. It is absolutely, I think, a part of our responsibility to allow them the funds and the resources to be able to carry out what we have mandated them to do and this bill would help to permit that. So, I think it is very important that it be passed.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Rigney to close. Roll call? Did you say roll call? Okay. Roll call. The question is,....shall Senate Bill 1050 pass. Those in favor vote Aye. Those opposed vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wished? Take the record. On that question, the Ayes are 44, 10 voting No, 5 voting Present and Senate Bill 1050 having received the required constitutional majority is hereby declared passed. Senate Bill 1056, Senator Poshard. Read the bill, Madam Secretary.  
SECRETARY:

Senate Bill 1056.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Poshard.

SENATOR POSHARD:

Yes, thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill would authorize the Illinois Community College Board to award grants to community colleges for the establishment of pilot centers for agriculture innovation in rural enterprise. It would be the intention of these centers to cooperate over a region rather than a...perhaps a county-to-county basis some of the activities that are going on in terms of rural enterprise development, and I would ask for a favorable vote on the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? Any discussion? You wish to close,

Senator Poshard?

SENATOR POSHARD:

Just ask for a favorable vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right, the question is, shall Senate Bill 1056 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 58 Yes votes, none voting No and none voting Present and Senate Bill 1056 having received the required constitutional majority is hereby declared passed. Senate Bill 1057, Senator Demuzio. What did you say? Oh, yeah? Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1057.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President and Ladies and Gentlemen of the Senate. 1057 is on the prospective Agreed Bill List but since it is here, we just as well take it. It came out of committee 10 to 0. What this does is that it indicates or mandates the Department of Aging that they permit employees who have been employed in not...not-for-profit community action agencies of that nature of any contract or staff who has been meeting the obligations and the responsibilities in their respective programs of chore housekeeping, adult day-care workers, community care unit case managers and community care...house...house...housekeepers and supervisors...I had a young lady who was...had been working in a particular agency for at least twenty some years and couldn't meet the proposed or new regulations which were, frankly, in

some instances ridiculous. They should have been grandfathered in. We've been doing it all day. I don't know of any opposition. There are at least four other agencies that have similar problems. I'm not sure how many would apply to perhaps no more than a dozen people statewide...and I would ask for your support.

PRESIDING OFFICER: (SENATOR D'ARCO)

...any discussion? Senator Fawell.

SENATOR FAWELL:

Thank you, will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR D'ARCO)

Sponsor indicates he'll yield.

SENATOR FAWELL:

Why...you going to yield? It's an offer I can't refuse. Why...why is...why is the department...why is the Department of Aging fighting you on this? Do you know?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Demuzio.

SENATOR DEMUZIO:

Well, I think that they feel that it's an infringement on their rights and that that ought to be a JCAR process that is applicable here, but I think in the area that we're talking about it is so miniscule that it...revolves itself around so few people that it's ridiculous to quibble over and I know of no other...no other opposition other than the department.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate, I...this bill looks a little odd, but it...when we had it in committee, Senator Demuzio was...was very forthright in noting that this would affect between six and twelve people in the state, and please correct me if I'm...if I'm incorrect, my alzheimer's sometimes kicks in, but it...it's

apparently that high school education was considered necessary for these six to twelve people for doing chore work and...you know, I don't think that one really has to have a high school education to be able to accomplish that. So, I would encourage the support of this bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right, Senator Demuzio to close. Roll call. The question is, shall Senate Bill 1057 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Yes, none voting No, none voting Present, and Senate Bill 1057 having received the required constitutional majority is hereby declared passed. Senate Bill 1074, Senator Etheredge. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1074.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill is also one of those on the prospective Agreed Bill List. The...the description on the...on the Calendar is a little misleading, however, this does not raise anyone's annual compensation. What it does do is to raise the maximum statutory compensation that can be received by sanitary district trustees from three thousand dollars to six thousand dollar but only, however, if these sanitary district trustees vote to increase their salaries. I would ask for favorable roll call.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? Seeing none, the question is, shall

Senate Bill 1074 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all...have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. There are 48 Ayes, 4 Noes, 3 voting Present and Senate Bill 1074 having received the required constitutional majority is hereby declared passed. Senate Bill 1076, Senator Marovitz. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1076.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Senate Bill 1076 makes various changes in benefits in the...and establishes limitations on disability benefits for the Chicago Laborers and Chicago Municipal Employees Fund. This is a bill that Senator Jones in the Insurance Committee decided to use as a vehicle for these two funds' ongoing negotiations with the City of Chicago and the mayor and the funds are...are...are occurring right now as we speak and...if and when agreement is reached, it will be placed on Senate Bill 1076. I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? Any...seeing none, the...oh, wait a minute, oh...Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. This bill has an annual cost of something over twelve million dollars, increases the unfunded accrued liability of something over a hundred and twenty million dollars but it's not an increase on the state

system. This affects the Chicago systems...Chicago municipal laborers and...and other Chicago systems and the IMRF. My concern with the bill, first of all, is there a...an exemption of the State Mandate's Act on this bill, Senator?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Marovitz.

SENATOR MAROVITZ:

...not to my knowledge.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, if the bill passes, would you have any objection to seeing to it that the state mandate's exemption is put on...

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator...

SENATOR SCHUNEMAN:

...in...in the House?

PRESIDING OFFICER: (SENATOR D'ARCO)

...Senator Marovitz.

SENATOR MAROVITZ:

I have no objection.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Okay, and...to the bill then, Mr. President. I think we typically let these bills go out...most of us from downstate, thinking that this is a Chicago issue and a Chicago problem. It always makes me wonder, however, why we're in this business at all, why members from downstate Illinois are called upon to decide what the pensions are going to be in the City of Chicago. I'd much prefer to see us turn that responsibility back to the Chicago City Council where I think it really belongs, and there may be some efforts during this Session to accomplish that. It seems to me that that's...that's a logi-

cal way to do it. The other...I did have one other question and I'm sorry, but I need to ask this. In committee, if you remember, we pointed out what we thought was a discrepancy in the rate that you sought...that your bill sought to charge for the increase in the benefit for sheriffs. It was purported that you were going to charge them one-half of one percent of their salary but...but the bill actually said that you were going to charge them five one-hundredths of one percent of their salary, which is a nothing charge and...has that been corrected in the bill?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Marovitz.

SENATOR MAROVITZ:

I'm just told by staff that it was to be corrected. It was inadvertently not corrected and I will state on this Floor that this bill will not move until that is corrected; obviously, this bill will go to Conference Committee and is subject to negotiations. I didn't know until this moment that it wasn't corrected, it was to be corrected, it will be corrected or this bill will not move.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator...okay? Senator Schuneman.

SENATOR SCHUNEMAN:

Okay, I appreciate that promise because the...the promise was made in committee that it would be corrected on...on the Floor.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right, Senator Marovitz to close.

SENATOR MAROVITZ:

Solicit your Aye vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

The question is, shall Senate Bill 1076 pass. Those in favor vote Aye. Those opposed vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all

AB 1080  
3rd Reading

voted who wish? Take the record, Madam Secretary. On that question, the Ayes are 30, 6 voting No, 21 voting Present, and Senate Bill 1076 having received the...required constitutional majority is hereby declared passed. Senate Bill 1080, Senator Keats. What? Oh, I'm sorry. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. We have agreed tentatively to work until about...eight o'clock. Now the copy of the second proposed Agreed Bill List has been distributed. I might suggest, having just conferred with Senator Philip, that from page 21 to the end there are a hundred and sixty-three bills, sixty-five of which are on the Agreed Bill List. My suggestion is that those who have a bill on the Agreed Bill List skip it and wait for the Agreed Bill List, and if, indeed, it's knocked off, we'll...we'll assure you that you will get first crack at trying it, but I...truly, having gone through this list, I don't see that there's going to be anything knocked off. That will, I hope, facilitate and cut down the workload tomorrow because the obvious intent is to afford everyone an opportunity to be heard on their bill. It is a suggestion but one that I think might expedite. So, if we can plan on working for about two more hours, I think that's about all of us can stand.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Keats, Senate Bill 1080. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1080.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Keats.

SENATOR KEATS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. What Senate Bill 1080 does...provides for grants by the Illinois State Scholarship Commission to students attending qualified proprietary institutions. Not all proprietary institutions qualify. It's limited to...to roughly forty and it limits it to a maximum of ten percent of the Scholarship Commission. If you...if you followed it in the last three years, we've expanded the State Scholarship Commission about thirty percent, from ninety-three million to a hundred and twenty-one million. While expanding the Illinois State Scholarship Commission's appropriation by thirty percent, we have four thousand less students using it, so that while we've added thirty million dollars, we're serving four thousand students less than we used to even though it's thirty million dollars more. Part of what it is is...we need to broaden the base of those students who are covered under the Scholarship Commission. These schools have a very high placement rate; usually in one year, these students are back on the...the payrolls, their placement rate is over ninety percent, in many cases, I think eighty-five percent average...average overall. So, the students in one year are paying taxes and in a few years we've gotten the money back. The Illinois State Scholarship Commission came in and testified in favor of the bill. In terms of the best bang for your scholarship dollar, in terms of return, in terms of broadening the base of the Scholarship Commission, this is probably the best way to do it that we could possibly come up with, and I would solicit your affirmative vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Fawell.

SENATOR FAWELL:

Just to add to my colleagues...I happen to have one of these proprietary schools, it's DeVry and Lombard. It is...has a waiting list of employers that want to get these

kids as soon as they get through. I think these kids deserve as much a chance as anybody else does to get access to the scholarships and I would strongly suggest that my colleagues vote Yes.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right, Senator Holmberg.

SENATOR HOLMBERG:

I rise in support of this legislation. I think, as the sponsor has stated, that one of the best uses of our money can be for these very few select proprietary schools to take students who would typically be earning something like three-fifty an hour right out of high school and be able to increase their earning capacity to anywhere from seven to fifteen dollars an hour in one year's time. It puts these people back on the tax rolls and from these people then do we get the additional tax dollars that will help us to truly fund that Scholarship Commission. It's a very good investment.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Newhouse.

SENATOR NEWHOUSE:

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

PRESIDING OFFICER: (SENATOR D'ARCO)

The...Senator indicates he will yield.

SENATOR NEWHOUSE:

Senator, I think this...this motive is laudable but is it your understanding there's no objection to this bill from the higher education community?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Keats.

SENATOR KEATS:

No, I didn't say that all.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Newhouse.

SENATOR NEWHOUSE:

Yes, is...is there objection from the higher ed. community?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Keats.

SENATOR KEATS:

Oh, yeah...yeah. I mean, I have not alleged there's no objection. The bill came out of committee on an 11 to 5 vote, I mean, there is some objection, I don't deny it. I...

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Newhouse.

SENATOR NEWHOUSE:

Could you just share with us the nature of the objection?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Keats.

SENATOR KEATS:

I think it would be better if you shared some of the objections because the way I would phrase their objections would be much more favorable to my side. I will say the philosophic content is...remember...remember, students from my area do not tend to go to proprietary schools. I don't deny that from my area this bill is...is not that relevant. What this does is expand the kid who really normally doesn't get into the four-year college. We don't extend it to every...you know, school out there, we're talking forty...the better known, higher quality DeVry Tech. type proprietary school. They learn...job skills quickly whether it's electronics, whether it's court reporting, it is a post-secondary education, usually one year. The philosophic objection is...some people say this might lack the breadth of higher education 'cause they probably are not going to take a poetry course, but these kids will be back on the job force in a year and it is clearly post-secondary and all of these

schools are recognized by the various accrediting agencies, and it's very limited to forty schools. This is not just anything.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right, Senator Newhouse.

SENATOR NEWHOUSE:

...I have no objection...to what you're trying to achieve. What I do have objection to, however, is the...the pot from which it comes and I'm not certain that we don't have the camel's nose under the blanket and pretty soon we'll have a...a higher ed. fund that won't be dedicated to baccalaureate institutions and that does concern me.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right, can we please have some order. There's about ten lights that have lit up here, so if we could have some order we could try to expedite this as soon as possible. Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. I...I get the impression that somewhere along the way a decision has really been made in this Senate that this kind of bill is going to fly and every year we're going to open up a little bit more and one day we're going to give whatever scholarship money we have equally to proprietary schools as well as students who want to attend institutions of higher learning that we have more traditionally supported. I...I just have to rise to perhaps ask us to stop and consider what we're doing. This is an era when everybody that we know who's sending somebody to college is talking about the Federal cutbacks and the fact that they can't get assistance and tuition is rising, it's a crisis in higher education, and at that very same time that we have this crisis in higher education, parents unable to send their kids where they want to go to school, we incrementally, every year, attempt to open

up the few dollars, the fund that Senator Newhouse referred to, we open that up to these proprietary schools. There's nothing wrong with these proprietary schools, they are good places for some of our young people to get training, but I'm afraid we really haven't focused and defined and placed our priority on the role of higher education in the State of Illinois, the role of higher learning. And my concern is that we are detracting from the institutions of higher learning which prepare our students for another way of life. I have articles here from the Wall Street Journal recently about how many of these proprietary schools have cheated the Federal Government out of dollars. Here's a report by the Comptroller General, "Many proprietary schools do not comply with the Department of Education's PELL Grant Program requirements." There's...there's some really sad stories in this business, and I just ask you to stop and think whether in this era when we're experiencing all kind of serious cutbacks in loan programs for college students, we want to start taking money out of the pool of dollars that we have to provide our own Illinois students some assistance and give it to other schools that are for-profit institutions and that do training and that while they're good, I'm afraid they...they simply don't serve the more traditional need that we have identified here in the State of Illinois with our own institutions of higher learning. I urge a No vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right, let me remind the membership, we do have the Weaver-Donnewald rule in effect, so let's keep our remarks succinct and to the point. Senator Waitland.

SENATOR MAITLAND:

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

PRESIDING OFFICER: (SENATOR D'ARCO)

He indicates he will yield.

SENATOR MAITLAND:

Senator Keats, I'm wondering, is...is the grant...does the grant go to the individual or to the proprietary school?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Keats.

SENATOR KEATS:

...and I think it's to the individual. Hang on just a minute and we'll have the staff be sure. We think it's the individual though.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right, while you're thinking about it, I...I want the membership know the timer is in effect. Senator Keats.

SENATOR KEATS:

According the Scholarship Commission, the answer is yes.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Maitland.

SENATOR MAITLAND:

Senator Keats, would you...Senator Keats, does the student then...does the...does the student get the grant prior to the start of the...of the course?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Keats.

SENATOR KEATS:

I am not a hundred percent sure on that. I'm getting a no here, but I'm...let me get my staff to get you that exact answer.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right,...

SENATOR KEATS:

I am reliably informed the answer is yes.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Maitland.

SENATOR MAITLAND:

Thank you. Could you...could you tell me then what the

drop out rate is for students in proprietary schools?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Keats.

SENATOR KEATS:

I'll tell you the statistic I can give you, I do not have the exact drop-out rate, 'cause to ask that broad a question, you're talking all proprietary schools, it might include cosmetology or whatever. This only includes the forty accredited ones. I have not seen a figure that deals with these forty. Now, you get a DeVry Tech. as example, I'm told the drop-out rate at DeVry Tech. is like two or three percent. I can't swear to that. The only number I saw dealt with proprietary schools across the board which...I couldn't give you because it's irrelevant, this is about...this is forty schools. I will tell you...let me give you a figure that may answer your question. The State Board of Education figure in 1986...State Board of Education figure 1986 showed that the proprietary sector in Illinois has had a very positive consumer record. Over a three-year period there were a hundred and fifty-three...complaints filed with the department. That breaks down to one complaint per one thousand students per year. That isn't bad.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right, Senator Maitland, will you bring your remarks to a close.

SENATOR MAITLAND:

Well,...Senator Keats, I'm wondering then what happens if the student is admitted to the school, gets the grant and then chooses not to attend class? What happens to the money?

PRESIDING OFFICER: (SENATOR D'ARCO)

Were you closing, Senator Maitland?

SENATOR MAITLAND:

No, it's not...I'm...I'm not the sponsor of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right...all right, last question. Senator Keats.

SENATOR KEATS:

According to the bill, it would...in this case this would be treated the same as a normal scholarship, so it would be no different than any other school. So, that...that's not changed, it would be no different than if the...if it were the money going towards another school.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right, you must close, your time is up. Is that it? Senator Ralph Dunn.

SENATOR RALPH DUNN:

Thank you, Mr. President and members of the Legislature. To the bill, Senator Newhouse asked awhile ago of the sponsor of the bill how it passed out of Higher Education Committee...what the vote was and I think the travesty has been performed here now, this bill didn't come to Higher Education Committee this year. For the past several years I've been on Higher Education Committee. We've always had these bills and...somehow or other they don't quite get out of committee. So, this year the sponsor or those who control where the bills go, whoever that may be, decided to send this bill and I think another one like it to the Elementary and Secondary Education Committee. So, that is the answer to the question. I, too, would urge a No vote on this. I don't think that we can afford it. I don't think it's thought out carefully and I...little resent a little bit of the fact that it wasn't sent to the Higher Education Committee, so I thank you.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President. I'm going to be brief in my remarks also because I want to associate my remarks with a...Senator Kustra who just spoke earlier. Let me suggest to you that...with no disrespect to the proprietary schools in

Illinois, this is really not the time to be doing this. I notice in this particular piece of legislation that there would be an additional appropriation that would be sought, or at least there would be a...a separate appropriation made for the specific purpose of granting funds not to exceed ten percent of the appropriation for the monetary and...monetary award amounts, and I was wondering if Senator Keats could answer precisely how much that appropriation is and where...and where it is contained.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Keats.

SENATOR KEATS:

If I understood your question, I can only go on last year's since I cannot predict this year's budget, it was a hundred and twenty-one million dollars served, a hundred and two thousand students; three years ago, it's ninety-three million, served about a hundred and six thousand students. This bill puts a maximum cap of ten percent of the grant, a maximum of a hundred and twenty-one million, so it would be twelve million. Did I answer your question? I may not have gotten that question straight?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Demuzio.

SENATOR DEMUZIO:

Partially. Fact of the matter is, is that it said it would come from a separate...a separate...a separate appropriation for this purpose and I was wondering whether or not there is an...a separate appropriation contained in some legislation, unless I'm not reading this thing correctly.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President and members of the Senate. I rise in support of Senate Bill 1080. I think for those indi-

viduals who by choice or by circumstance who do not go on to four-year schools, this legislation provides them an opportunity to make a better life for...for that individual and their families. I think this bill recognizes that not everybody has the opportunity or perhaps the desire to pursue a four-year education, and to those who say that we cannot afford it, given our economy and our high unemployment rate, I think we can't afford not to. I urge your support of 1080.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Jones, you've been waiting patiently.

SENATOR JONES:

Yeah, thank you, Mr. President and members of the Senate. I rise in strong support of this legislation, and listening to the dialogue and the debate as it relate it the dropouts, what happened to the drop-out money today...going to Northern Illinois University and University of Illinois? It would be no difference. The MAP award is for students, not schools, but it's a freedom of choice. If a...if a student decide to go to...go to school to become a legal secretary, be a court reporter, be a mechanic, are we to say in this state that we have no interest in furthering your education or are we only concerned about the elitist attitude and only going to take care of those who can go to...on to a four-year institution? Our concern should be for all students...all students be they go to a proprietary school, a two-year college or a four-year institution, but to sit here and say we only concerned about those who going to go and pursue a baccalaureate is an elitist attitude. The MAP award is for students and we should be concerned about all students...this bill should receive a unanimous fifty-nine votes.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Donahue.

SENATOR DONAHUE:

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

PRESIDING OFFICER: (SENATOR D'ARCO)

He indicates he will yield.

SENATOR DONAHUE:

Sorry, Roger. I'd like to...to follow up on...on the question of what happens to the award when it's given to a student and he doesn't attend class?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Keats.

SENATOR KEATS:

The answer is...it's the same as what happens right now for any other college. I mean, we...I think we get the...the money back, I think, but it's the same as...we're not changing the law in that area, same as anybody else, I assume we get the money back. If someone decided not to go to Eastern Illinois, think we get the money back.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator...Senator DeAngelis.

SENATOR DeANGELIS:

Well, rather quickly, Mr. President. I have voted No on this bill and I've also voted Yes. So, I think I'm going to push my speak button this time...but seriously, one of the reasons I changed my mind is the nature of the job market has changed. There used to be a time when you could come out of high school and find a job, you could come out of college and find a job. Today, there are some different skills required and, believe me, those people who are acquiring those skills are as vital to our economy as those people that continue on in the other institutions, and I think the world has changed from paying a fee for a degree to paying a bill to learn a skill and...I think we ought to support this bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right, Senator Brookins.

SENATOR BROOKINS:

Senator DeAngelis said it well. I happened to have

attended one of the schools on that list, Cartez Peters and I know that they...they do do a job. Everybody is not qualified to go to the four-year colleges or...or for higher learning. We do need people with skills to support themselves, to be able to go...immediately go to work and perform functions that are...are needed, so I, too, support this bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right, Senator Demuzio for a second time.

SENATOR DEMUZIO:

Yes, I don't want to belabor the point but, Senator Keats, I thought I was correct a few minutes ago when you were unable to answer my question. It says in...that for..."Funds for such grant assistance as provided in this section shall be available only...only from a separate appropriation provided for specific...such a specific purse, but in no fiscal year shall the total appropriation for grants under this section exceed ten percent." So, what you're suggesting to me is there is no appropriation bill and it's going to cost us twelve million dollars and somewhere along the line, you're going to come up with the twelve million dollars to fund this thing and...I...understand perfectly...exactly what you're saying to us now. Thank you.

PRESIDING OFFICER: (SENATOR D'ARCO)

...Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I think the sponsor has brought to us a good cause, but it's not the only one, there are a whole bunch of good causes out there. Now, what are we going to do about all the rest of them? We've already undertaken to fund some good causes, elementary and secondary education, higher education, everything else the state does, but, for goodness sakes, this not the year to expand on what we're trying to do with limited income. It seems to me that

what we have is an idea that perhaps ought to be acted upon but not this year.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right, Senator Keats to close.

SENATOR KEATS:

Thank you, Mr. President. I...I'm glad I was able to wake everybody up and get a little of the blood going. I appreciate what Senator Demuzio is saying. I just want to correct that quickly and then close. It's a separate line item. What it says is the Legislature has to appropriate under the Scholarship Commission. The point is, the ten percent cap, and I think you were misunderstanding that, it says it can't be over ten percent of the Scholarship Commission. So, we're putting a cap there and I think that's where your misunderstanding is, it...but it would be a line item just like the National Guard Scholarship which is done as a line item and Senator Carroll has always been most kind and generous to make sure those line items are taken care of. But in conclusion, the bill is supported by the Illinois State Scholarship Commission, the State Chamber of Commerce, Department of Commerce and Community Affairs. Presently, thirty-two states plus the District of Columbia and Puerto Rico allow excess to students attending various kinds of proprietary vocational schools. Remember, in three years we've raised the Scholarship Commission thirty percent and serve four thousand less students. If you want a bank for your buck, if you want to make sure we broaden the Scholarship Commission, if you want to make sure we get the money back quickly, this is how you do it. I'd appreciate your favorable vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right, the question is, shall Senate Bill 1080 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record,...Madam

Secretary. On that question, there are 34 Ayes, 19 Noes, 3 voting Present, and Senate Bill 1080 having received the required constitutional majority is declared passed. Adeline, Senate Bill 1084 is on the Agreed Bill List. We're skipping it. Senate Bill 1089, Senator Alexander. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1089.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Alexander.

SENATOR ALEXANDER:

Thank you, Mr. President. Senate Bill 1089, the genesis of it is...and I know many of you Senators...sitting here have the problem similar to mine. I've located and found out that there was a toxic...waste hazardous plant in my district.

PRESIDING OFFICER: (SENATOR D'ARCO)

Please, let's have a little order, please.

SENATOR ALEXANDER:

I have amended this bill at the suggestion of the committee members and the industry regulating real estate. The bill merely says that if a toxic waste plant chooses to close that it must notify the EPA of their closing so that this particular piece of property or plant can be put on their inventory sheet and be examined to see if in there's toxic leaks. Since the...in genesis of this bill, I have located two other...I have located two other toxic hazard spots in my district. I would sincerely hope that you will help me overcome this for my district and yours so that we may protect our citizens.

PRESIDING OFFICER: (SENATOR DE#UZZIO)

All right, discussion? If not, the question is, shall

Senate Bill 1089 pass. 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 55, the Nays are 2, 1 voting Present. Senate Bill 1089 having received the required constitutional majority is declared passed. 1091, Senator Jacobs, on the Agreed Bill List. All right...page 21, 1093, Senator Holmberg. On the Order of...top of page 21, Senate Bills 3rd Reading, Senate Bill 1093, Madam Secretary. Read the bill.

SECRETARY:

Senate Bill 1093.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

Yes, Senate Bill 1093 is a request of my county board, Winnebago County, and it simply permits the consideration of the question of adopting the county executive form of government at the consolidated election as well as at the general primary where we already allow it to happen.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Schaffer.

SENATOR SCHAFFER:

I...I have to admit this bill snuck up on me. Senator, a couple of questions. Who...who wants it? I...you know, we share Winnebago, I...maybe I've been remiss but I don't recall the county board contacting me asking me for this rather impressive increase in power or whatever you want to call it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

Well, this was on a list of forty-six things my county asked for this year. I...I...I'm sorry they didn't send it to you, but...I've put into legislation a couple of them that I thought would be very simple things we could do without a great deal of money or anything like that this year. This one, as you remember, was a bill that we passed for them because they did not wish to go to home rule but would like to consider the fact of sometime electing a county executive in Winnebago County. They did make one attempt at the Primary Election and felt that with a...and were...it...it did fail and they felt with a larger, more representative turnout they might like to try again, and so that was the reason for the Republican County Board coming to me and asking for this particular piece of legislation.

PRESIDING OFFICER: (SENATOR DEWUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Well, you know, it...it would seem to me that going away from a General Election to one of the off elections means it would be holding the referendum in a period when there much smaller number of people participating. Am I misinterpreting this?

PRESIDING OFFICER: (SENATOR DEWUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

...up until now, state law has said that it must only happen at a primary, which is, as you know, not nearly as well attended. They asked that it could...if it could be held at some General Election because of the fact that it's actually two elections, one to decide the...whether to have a county executive and the other to decide whom they are going to elect, that the only way we could work it into the time schedule and have it come out within the year was to choose in the language of the bill the consolidated election in

April.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Been my experience, those April elections...the election judges barely show up and you have a much smaller turnout than you would have in even in a primary; and when you think of the fact that we are likely to have presidential races in both parties in the next primary, if the goal is to get a larger participation, why, I would imagine the primary turnout in Winnebago County next year is just going to be phenomenal because both parties are going to have real hot presidential races unless more candidates get caught in compromising positions, in which case there may not be as much competition as I expect, but...you know, it would seem to me this shift to the April election is a pretty blatant attempt to get down to an election where there will be a minimal turnout. Now, far be it for me to suggest that the Republican County Board of Winnebago County would foist such an evil plan off on such a nice person like you, but I am a little suspicious because Winnebago County and the...the rural part I happen to represent don't like home rule and they don't like any version of it...they in Rockford, of course, rather decisively rejected home rule for better or for worse. I don't know whether they've changed their mind and I don't object to them getting another chance, but I would kind of like to see it stay in a...in a...in an election where there's going to be a pretty decent turnout. I don't know, I...I have reservations about going to those April elections. I'd rather see it stay in the March Primary or the November General just so we have a good participation, my Republican County Board members and friends notwithstanding.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Well, Mr. President and members of the Senate, I know several of you in this Chamber had the same privilege I did of serving as the chairman of county board before you came to this Chamber and have been one who had the opportunity to be a county chief executive; in other word, a home rule county even without a referendum vote as you...may recall back in '71 when we went to the one man, one vote. The board could...by its own self could have done a county election without going...or a home rule county without going to referendum vote. As I said then to the county board members, I don't trust any benevolent dictator including myself. If you have forgotten what a chief executive of a home rule county can do such as create his own police force, levy special taxes, et cetera, et cetera and to try to change this from a election which would have a fairly good turnout, we would hope, to a consolidated election in April where the notorious attendance runs ten percent or less in most areas and even less than that in some rural areas, I don't think this is a good idea. I urge a No vote.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Holmberg to close.

SENATOR HOLMBERG:

I think it probably calls for a bit of a detailed explanation, but let me first of all clear up the fact that you absolutely cannot have home rule under this legislation. It is so stated in Statute. You may choose by referendum that you wish to elect a county executive but with it does not go home rule. Now the rationale for not having it at both the consolidated and the General Election is that adopting the county executive form of government is a twofold process. First, you have to approve the form of government. Secondly, you must elect the county executive. Current law holds that between the two elections, the two political par-

ties must caucus and nominate their candidates. The nomination must be submitted to the county clerk a hundred and twenty days prior to the election of the county executive; thus, the nomination time requirement that is currently in effect would not permit an adoption election to be held in November. Besides the way current law and this bill is set up, the question of adopting the county executive form of government would be held in the spring and the second election electing the county executive would be held in November. The whole purpose of the bill is to expand turnout. Right now, the election to adopt the county executive form of government may only be at the general primary in which many people are afraid of declaring party preference. This bill expands current law to allow adoption at the consolidate...election held in April. This is a nonpartisan election, and, remember, an election is still held in November to elect the county executive. A very simple bill and I ask for your positive vote.

PRESIDING OFFICER: (SENATOR LUFT)

All right, the question is, shall Senate Bill 1093 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record, Mrs. Secretary. On that question, the Ayes are 29, 22 voting No and 4 voting Present. Senate Bill 1093 having failed to reach the required...constitutional majority is...has failed. All right, on the Order of 3rd Reading is Senate Bill 1100, Senator del Valle. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1100.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator del Valle.

SENATOR del VALLE:

Mr. President, I move to recommit back to committee Senate Bill 1100.

PRESIDING OFFICER: (SENATOR LUFT)

All right, Senator del Valle has move to recommit Senate Bill 1100 to Higher...

SENATOR del VALLE:

Higher Education.

PRESIDING OFFICER: (SENATOR LUFT)

...Higher Education Committee. All those in favor signify by saying Aye. All those opposed Nay. The Ayes have it and the motion carries, and Senate Bill 1100 is recommitted. On the Order of 3rd Reading is Senate Bill 1101, Senator del Valle. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1101.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator del Valle.

SENATOR del VALLE:

Mr. President and members of the Senate, Senate Bill 1101 requires the Board of Higher Education to report annually to the General Assembly and the Governor the plans of the various colleges and universities for implementation of programs to increase minority, women and handicapped persons' participation and involvement in educational programs. The current law requires public institutions of higher education to develop and implement methods and strategies which increase the participation of the mentioned groups who are traditionally underrepresented in education programs. Senate Bill 1101 requires the Board of Higher Education to report to the General Assembly and the Governor the progress of these

methods and strategies. The report shall be submitted annually and include a description of each college or university's plan as well as their respective compliance with the current law. As we have read recently, minority representation in higher education is on the decline. So, at the time that a drop-out rate is increasing, we also have, of course, a decline in minority participation. We don't feel...I don't feel that that decline is due solely to that drop-out rate. There is a problem with recruitment and...retention efforts on the part of...public...higher education. This reporting process, I think, will increase accountability and will allow for the members of the General Assembly to annually look at what is happening in higher education in terms of their representation and the participation of the mentioned groups. I move for its adoption.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Schaffer.

SENATOR SCHAFFER:

If we pass this bill, will you and Kenny Hall and everybody in the Appropriations Committee stop haranguing every higher education person that comes in for twenty-five minutes at every meeting?

PRESIDING OFFICER: (SENATOR LUFT)

Senator del Valle.

SENATOR del VALLE:

Well, I...I haven't started doing that yet. I...I...and I cannot speak for Senator Hall.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

That's true, to your credit you have not. Now, I can't say the same for Senator Hall, however. I just...I just wonder, you know, we go through this at every committee meeting and I don't know, it just seems like...if this bill will

actually cut that process off, it may have some merit; if not, it's a duplicative effort from Senator Hall. Now, Senator Hall is a very senior member and if you're going to cut off something he feels that he gets a lot of fun out of, you know, that he really enjoys doing, then perhaps we ought to vote to allow him to continue to do it 'cause he has first right of harassment. So, we ought to...we ought to hear from Senator Hall on whether he wants to continue harassing people or he wants this bill to pass, and I think we can defer to his judgment.

PRESIDING OFFICER: (SENATOR DEWUZIO)

All right, further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Senator, I think Senator Hall responded to you. His response was silence. This is a good bill. It's an expansion of...626 and I would not only move its...but with the sponsor's permission, I'd like...like to be a hyphenated co-sponsor.

PRESIDING OFFICER: (SENATOR DEWUZIO)

All right, Senator Newhouse has requested leave to be a hyphenated cosponsor along with Senator Brookins. Is...is leave granted? Leave is granted. It's so ordered. Further discussion? Senator Dudycz.

SENATOR DUDYCYZ:

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

PRESIDING OFFICER: (SENATOR DEWUZIO)

Indicates he will yield. Senator Dudycz.

SENATOR DUDYCYZ:

Senator Newhouse made a reference to an expansion of 626, Senator del Valle, can you expand on that, please?

PRESIDING OFFICER: (SENATOR DEWUZIO)

Senator del Valle.

SENATOR del VALLE:

No, I can't but I'm sure he can.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Dudycz.

SENATOR DUDYCZ:

You are the lead sponsor on this legislation, are you not, sir? You know...do you know what your cosponsor...your hyphenated cosponsor is referring to when he's mentioning your bill?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator del Valle.

SENATOR del VALLE:

He did not refer to the bill per se. He's referring to a section of a...the Statutes, I suppose.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Dudycz.

SENATOR DUDYCZ:

What...what section is...is that, Senator?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator del Valle.

SENATOR del VALLE:

He's...he's referring to a previous bill two years ago that created this section.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Dudycz.

SENATOR DUDYCZ:

What bill was that?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator del Valle.

SENATOR del VALLE:

Senate Bill 626.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Two questions; one, have you asked for the Board of Higher Education how much additional staff and travel cost

it's going to take to do this and, two, do you know what that appropriation is and do you have a amendment ready whenever we get around to passing appropriations that you will increase the budget for the Bureau of Higher Education to cover this if this would become law?

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator del Valle.

SENATOR del VALLE:

Well, the board already puts together a report. All this calls for is the distribution of that report to the General Assembly and the Governor. I don't think it would cost all that much, but I'm sure that...paper does cost and there is some time involved, so I suppose that there is some cost but I don't think the cost is important here given the issue that we're addressing with this bill.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Davidson.

SENATOR DAVIDSON:

Well, as you've been a recipient of many annual reports as the rest of here, not as long as some of us, and I'd lay you odds that 99.9 percent of the people on this Floor, you may be the rare exception, have ever bothered to really go through in detail each one of those annual reports. Most of you probably look at the title cover and send it to your local library if they're lucky; otherwise, you put it in File Thirteen. That still doesn't...take...cover the cost of what the additional staff is going to take, one, to collate this; two, to have it printed and...distributed, postage is high.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Well, further discussion? Senator Hall.

SENATOR HALL:

(Foreign phrase)...have no fear, little Kenny is here. Carry on.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Mr...Mr. President, may I ask a question of the sponsor?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield.

SENATOR TOPINKA:

Generally speaking...and I know we're on an immigration type of a task force together in...in...which involves ethnics and minorities and things of that sort. Now, I notice minorities and women and handicapped individuals are here, but I noticed that I don't see any ethnic representation and I...I know speaking for the little ethnic block we have here of our eastern Europeans, and I wouldn't dream of speaking for the Mediterranean block, the Italian block, that Senator DeAngelis so well represents and the Asians who are not here, but what are you going to do for them?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, first of...first of all, who...who indicated that Senator DeAngelis represents the Italian group? I...I...all right, Senator...Senator del Valle.

SENATOR del VALLE:

Yes, I...I would encourage them to join me in looking at the overall situation and I'll be more than glad to speak with them about the status of...of Ukrainians and Italians in higher education.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...and Greeks. Senator Topinka.

SENATOR TOPINKA:

Would you be willing to take an amendment in the House if that could be arranged...on this bill if it passes out?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator del Valle.

SENATOR del VALLE:

No, I wouldn't.

PRESIDING OFFICER: (SENATOR DE#UZZIO)

Further discussion? If not, Senator del Valle may close.  
Senator del Valle may close.

SENATOR del VALLE:

I'd like to quote the Governor's Budget Message, the Budget Book. It says, "Unless high school completion rates, college attendance and college completion rates for the growing minority population are...are improved in the upcoming decade, Illinois will face the prospect at a substantial portion of its working age population will be undereducated for jobs in the economy of the future." So, I think I have...or will receive the Governor's support on this one. Thank you.

PRESIDING OFFICER: (SENATOR DE#UZZIO)

Question is, shall Senate Bill 1101 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Well, the Governor must have heard you. Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. Senate Bill 1101 having received the required constitutional majority is declared passed. Senate Bill...Senate Bills 3rd Reading is Senate Bill 1103. Mr. Secretary, read the bill, 1103.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1103.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DE#UZZIO)

Senator del Valle.

SENATOR del VALLE:

Senate Bill 1103...are we on 1103?

PRESIDING OFFICER: (SENATOR DE#UZZIO)

Yes, sir, 1103.

SENATOR del VALLE:

Yes, 1103 requires colleges and universities to explain in writing...successful applicants for admission their high school...and their high school principals and college admission counselors the reasons why their applications were denied. The manner and form of the information may be determined by the various boards. Again, we have to provide as much information as possible to the high schools. When I introduced this bill, I had Chicago in mind, but I think that this is something that's important for all high schools across the state, and that is that...that individuals must be informed as to why it is that they're being denied admissions and they must be informed so that the schools can make the necessary adjustments in order to make sure that individuals are being properly prepared. I move...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? Discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Mr. President,...will the...will the sponsor yield? I...will the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Etheredge.

SENATOR ETHEREDGE:

I'm just trying to...to catch up with this bill following the...following the amendment that was put on. Am I to understand that each public high school graduate who unsuccessfully applies for admission to an institution...one of the public institutions would receive a written explanation as to the reasons for the application for admission being denied and that that would go to the principal and the counselor of...of the high school?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator del Valle.

SENATOR del VALLE:

That's correct.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

And that this explanation would identify the deficiencies, that it would be submitted within thirty days after the formal notice?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator del Valle.

SENATOR del VALLE:

That...that's correct.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Okay, and then the...the explanation has to set forth the difference between the performance of the applicant with respect to each of the criteria listed with for and the performance as reflected in the typical enrollment profile.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator del Valle.

SENATOR del VALLE:

Well, the bills...the bill allows for the boards to determine the manner and form of the information that shall be made available.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Do you have any idea how much this would cost? I mean,...and the amount of...it seems to me that what we are embarking on here is a...a program that could take a great deal of additional time at the public universities that...that would be affected. I mean, how is the public university even going to know who the names of the coun-

selors, for example, that they're supposed to notify through this procedure? Why...why isn't...I understand what you're trying to do, but this seems to be a very cumbersome way to let a high school know that an...one of their graduates has been turned down as an applicant for admission. Why wouldn't you just let them send a...I mean, if there's no breach of confidentiality involved here, and I...I would think that there well might be, why couldn't we work out a system that would simply...send the same announcement to the...to the institution...to the high school that you send to the applicant himself? At least that way it would cut down a great deal of...a great deal of the additional staff work and then the...the high school can then look at the applicant's record and if they have some questions about why the applicant was turned down, it...then they could...they could...they would probably already have some idea as to why the applicant...was turned down based upon his or her record at the high school. This just seems to be a very cumbersome program that we're embarking on here. Although I'm sympathetic with what you're trying to accomplish, I...I...I think that...I think it's just a big mistake. I think there are other ways of doing it that would be far more economical.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Further discussion? If not, Senator del Valle may close.  
SENATOR del VALLE:

In speaking with the Board of Higher Education, they indicate that this information is already available and what we're saying with the bill is that you have to provide it...you can use the manner and form that is determined by the governing boards, they then are providing the same information to the student and the high school counselors. If the colleges don't know who the college counselors are in the high schools, then I think we've got a serious problem. Then what kind of communication is taking place between the

high schools and the colleges? I think that it's important that we ensure that high school principals and college counselors who have access to...to the student files know exactly why students are being denied admission in terms of what their deficiencies are, what the...the colleges have determined are the problems, the reasons for denial of admission so that necessary adjustments can be made either in course...courses...one of the problems in the Chicago...public school system is that students that think they're going to be prepared to enter colleges and meet the minimum admission standards that are being applied these days find out that they didn't have the necessary requirements, and by that time, it's...it's almost too late for a lot of these students, they get very frustrated. What we want to make sure is that principals and...and high school students and counselors are aware of what is happening once a student applies and the reasons why that student is denied. It's this information that I think is going to improve our...our overall situation in the high schools. It's an accountability piece that I think will be very helpful, and in this day and age of computers, I just can't see how cranking out a simple little letter or form with some basic information that is already available is...is going to increase costs or be cumbersome. I...I just fail to see that.

PRESIDING OFFICER: (SENATOR DENUZIO)

Question is, shall Senate Bill 1103 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 34, the Nays are 19, none voting Present. Senate Bill 1103 having received the required constitutional majority is declared passed. The Chair would like to point out that we are doing eighteen bills per hour. There are two hundred and sixty-five on 3rd, a hundred and

six on the Agreed Bill List...you should give yourself a big hand, that's really been a speedy process. Senate bills 3rd reading, Senate Bill 1104, Mr. Secretary.

END OF REEL

REEL #8

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1104.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator del Valle.

SENATOR del VALLE:

1104 is also...it's similar, it's a...a kind of a companion bill, but this one requires the colleges and universities...and the colleges and the universities, again, will determine the date and...and the format to report annually to the high schools data concerning the...their...their...the performance of their former students. This data is not identifiable so it will be lumped together and it will just let the high schools know what their students...how their students are doing, it would also let them know how many have dropped out and how many have transferred out, et cetera, there...there are a list of things, but, again, the format will be determined by the...the colleges and universities. This was amended to make the...the governing boards responsible for this rather than the state board.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Once again, I...I have to rise in opposition to the bill, and I do so somewhat reluctantly because I understand what the Senator is trying to do. But just look at the burden that we are placing on the public universities now by way of reporting, and I'm not listing all of the things, just some of them. They have to report every year to the high

schools, students who withdrew they have to provide the following information on, the number who transferred to another public higher educational institution other than a public community college. The plain truth of the matter is, a lot of these...the universities are not going to know if they've...if they actually transferred or not. They will not...they may have asked that a transcript to be sent, but how is the...how is the university supposed to know whether they actually followed through and made the transfer, or the number who transferred to a public community college. Some of this information simply isn't knowable. They are not in a position to...to have any...any knowledge as to whether...what has actually...what has actually transpired in this situation. I...I would say that...this is just not a realistic program and I think that we should back away from this, we should vote this bill down and try to approach the problem from another more practical direction.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield, Senator Maitland.

SENATOR MAITLAND:

Senator, I too, understand what you're attempting to do, but my question of you is...is, have you spoken with...with the universities or the governing boards and asked them if this is a workable...a...workable effort?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator del Valle.

SENATOR del VALLE:

I consulted with the Board of Higher Education and they said that as amended this is workable.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Maitland.

SENATOR MAITLAND:

Did...did you hear the questions that Senator Etheredge asked? It...it appears to us that there is no way they're even going to know. I mean, the information is simply...is not going to be available.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator del Valle.

SENATOR del VALLE:

I think if...if you checked the language, it indicates that when possible, if possible. So, therefore, it allows the university to provide whatever information it has.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Maitland.

SENATOR MAITLAND:

Well, we believe that...that...that only applies to...to the...to the fifth area and does not appear...does not address the entire bill. The if possible is only to point number five and I think Senator Etheredge was mentioning to you that there are other areas that simply...what...what we're going to have here is partial information, that's what is going to happen, because it simply is not going to be collectible, it simply is not going to be workable and so what you're trying to do is not going to...it's not going to give to you or to us what we really want to have. And I...I just suggest that...I don't believe the boards are supporting this, I don't think the universities are supporting it, I think what you ought to do is to take this back and come back another time and...and...maybe with something workable. And I think at this point I would urge the Body to oppose the bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? If not, Senator del Valle may close.

SENATOR del VALLE:

I...I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 1104 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 30, the Nays are 23, 3 voting Present. Senate Bill 1104, having received the required constitutional majority is declared passed. Just a moment. Wait...wait...I...I hear the flickering of the bics or whatever it is out there. All right. Senator Etheredge. Senator Etheredge.

SENATOR ETHEREDGE:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Oh, I want to point out to the membership, you know...I'll honor your request for a verification, but I have to announce the roll call first. Senator Kustra, I mean, you know. All right. The Secretary will read...will read the members who voted in the affirmative. All members will be in their seats. Mr. Secretary, read those members who voted in the affirmative.

ACTING SECRETARY: (MR. HARRY)

The following voted in the affirmative: Alexander, Berman, Brookins, Carroll, Collins, Degnan, del Valle, Demuzio, Thomas Dunn, Hall, Holmberg, Jones, Jeremiah Joyce, Jerome Joyce, Kelly, Lechowicz, Luft, Macdonald, Marovitz, Netsch, Newhouse, O'Daniel, Poshard, Savickas, Severns, Smith, Vadalabene, Welch, Zito, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Etheredge, do you question the presence of any member who voted in the affirmative?

SB 1115  
3rd Reading

SENATOR ETHEREDGE:

(Machine cutoff)...Joyce.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is Senator Jeremiah Joyce on the Floor? Is Senator Jeremiah Joyce on the Floor? Senator Jeremiah Joyce. Strike his name. Senator Etheredge.

SENATOR ETHEREDGE:

That's it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Mr. Clerk...Mr. Secretary. On a...verified roll call, there are 29 Ayes, 23 Nays, 3 voting Present. Senate Bill 1104 having failed to receive the required constitutional majority is declared lost. Senator del Valle requests consideration postponed. Consideration postponed. 1108...well, the next three are on...on the Agreed Bill List. 1115, Senator Jones. Senator...Senator Jones on the Floor? Going, going, gone. Do you want...1115? On the Order of Senate Bills 3rd Reading is Senate Bill 1115, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1115.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Thank you, Mr. Speaker...I mean, Mr. President and members of the Senate. Senate Bill 1115 is a very simple bill, all it does is...is require...Senate Bill...1115 authorized the director of the Department of Insurance to require an advisory organization to collect statistical data as to price and the right and performance of...certain classes of insurance companies. And I ask for a favorable vote.

PRESIDENT:

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

question is, shall Senate Bill 1115 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, 1 Nay, 4 voting Present. Senate Bill 1115 having received the required constitutional majority is declared passed. Senator Geo. on...Senate bills 3rd reading, on the Order of Senate Bills 3rd Reading is Senate Bill 1116. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1116.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, Senate Bill 1116 is a nonpartisan, provoter taxpayer bill that will provide a fair and equitable property tax assessment for cooling towers and cooling ponds at nuclear power plants that are certified as pollution control facilities. This is...it's a simple bill...designed to undo a prior amendment of the Revenue Act which has the effect of completely exempting these facilities from local real estate property taxation and shifting a substantial tax burden to individuals and commercial nonutility taxpayers. These pollution control facilities must be taxed. There have been...nuclear...power companies have been very honorable about it, CIPS does pay tax under...cooling towers; however, Commonwealth Edison hasn't been exactly friendly about things like that. So prior to 1979, the department adopted a view that pollution control facilities owned by public utilities were economically...productive, but since such facilities were included in utility rate base for rate making purposes and thereby

earned a return for utilities in the same manner as all other utility owned property. But in 1979, the utility interest succeeded in passing under the guise of a housekeeping amendment an Act that drastically narrowed the department's definition of economic...productivity, the words added by the so-called housekeeping amendment. And I...the statewide effect of the so-called housekeeping amendment was profound. First of all, numerous schools and other taxing bodies who relied in good faith upon the department's assessments were forced to make crippling refunds. Secondly, local taxing bodies were deprived all revenues associated with pollution control facilities despite the fact that they produce a return for the utilities and the...their shareholders and customers of public utilities...are already receiving a charge in their electrical bill for these...pollution control facilities and we had a great statewide loss. I ask for favorable consideration of this bill.

PRESIDENT

Any discussion? Senator Rigney.

SENATOR RIGNEY:

Yeah, question of the sponsor.

PRESIDENT:

She indicates she will yield, Senator Rigney.

SENATOR RIGNEY:

How many...how many school districts are actually going to benefit as a result of this?

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Quite a few.

PRESIDENT:

Senator Rigney.

SENATOR RIGNEY:

First of all, I understand the figure is approximately

four and your school district would not be one of them because your new plant does not have the towers. But aside from that, I think what we better be aware we're doing here, those districts that are fortunate enough to have a new plant within their borders just simply have more money than a mule can carry, and now we're going to...we're going to...to tax higher and give more money to those super wealthy districts, and I happen to have one of them within my legislative district, but we're going to tax higher and then that means everybody else in the State of Illinois, you know, will pay higher utility rates to help out those super wealthy districts. I don't think it's a good bill.

PRESIDENT:

Further discussion? I might point out, there are nine lights that are lit. Senator Joyce, Jerome.

SENATOR JEROME JOYCE:

...last.

PRESIDENT:

You want to be last? You can be last, sure. Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. We in the City of Chicago are opposed to this bill because it is a reverse Robin Hood bill, it takes from the poor and gives to the rich. I don't think that's quite a good idea. But I'm puzzled, Senator, as to why you would sponsor the bill since Zion gets no effect from it whatsoever. I understand the cooling towers of lakes are not there, and I just...I wonder if you'd want to just spell it out for us. How am I helped with this?

PRESIDENT: tf

Senator Geo-Karis.

SENATOR GEO-KARIS:

Let me tell you something, gentlemen, that all of these school districts and other taxing bodies got together and

the...some of these utility companies...yes, they agreed to put the...the pollution control facilities on the tax rolls but they did not do it. So when you tell me we're...robbing from the poor, I don't know where you get that information unless you were talking to all the public utilities people who've been lobbying like mad around here. But I'm not propublic utilities when they don't consider the consumer. And when you talk about raising the rates, Mr. Rigney, about utilities that...you're forgetting how much...you're raising...your real estate tax which is far more. So I think this is a good bill.

PRESIDENT: tf

Further discussion? Senator Weaver.

SENATOR WEAVER:

Well, thank you, Mr. President. I think that there aren't too many nuclear plants, utilities, downstate that have been built, but some that have been built have gone to great expense for ponds that they've opened up to the Department of Conservation, the people of central Illinois are using, say, Clinton Lake, for fishing. Now to turn around and put these cooling towers and cooling ponds back on the tax book, in essence, is going to cost the ratepayers more money, they're going to have to pay those taxes. And we gave them the assurance that they were not going to be taxable when they built them and now we're turning around after the fact and putting the tax back on them which the ratepayers are going to...I...I...I think that some of these school districts and particularly downstate where they have these plants have a great windfall from the assessed valuation built from these plants. And...you know, I just think it's unfair, Senator, I'm going to vote against it.

PRESIDENT:

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Question of the sponsor.

PRESIDENT:

Sponsor indicates she will yield, Senator Davidson.

SENATOR DAVIDSON:

Senator Geo-Karis, if you're going to raise the...put something else on for a...real increase...increase in real estate tax bill to the utility, where is their source of income going to be from to pay that increased tax?

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Their source of income, since they're monopolies have been from the taxpayers all along. Any you're reducing your real estate tax around them when you tax them as fairly as they should be taxed, not the way they got by with it from 1979's so-called housekeeping amendment.

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Well, as I understand the Public Utility Act, any time the utility has an increase in costs they go for the Commerce Commission and substantiate the reason why and get a rate increase, since particularly the new nuclear plant owned by Illinois Power is a joint effort by a number of downstate utilities who purchase power from them, particularly the REA who's had the cost go out of sight already. You're going to drive the utility rate up in all the small areas...small towns served by such as CILCO and CIPS, Illinois Power and the rural areas served by the REA. This is a terrible bill and I would...would request everybody to vote No.

PRESIDENT:

Further discussion? Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. I...I would like to ask...the

Senator if, in fact, it would raise the utility rates for my constituents? This question has been raised...or this statement has been made by several of my colleagues. And I'd like the Senator to indicate, I...if we're going to help these school districts which are not in...in my representative...in my senatorial district, would, in fact, it increase the rates for my constituents?

PRESIDENT:

She indicates she will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

I...I really don't know, but I do know one thing, that if this bill isn't passed, the real estate rates will be increased for all the people adjoining all these power plants.

PRESIDENT:

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

In deference to the sponsor if not the bill, I move the previous question.

PRESIDENT:

All right. Further discussion? If not, Senator Geo-Karis...Senator Joyce, I beg your pardon, we did say you would be...as a cosponsor, you'd be allowed to speak. Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Yes, thanks for the help, Adeline. Yeah, it is true that this...these used to be taxed, now we're just putting the tax back on them. And I might point out that it's been said that it's a windfall to have a nuclear power plant and it's wonderful and all your taxing bodies, well, there's just a few taxing bodies that...that are fortunate enough to have it, if that's what you want to call it. But those same school districts that we're talking about, you know, that...about once or twice a year they come in and load all those kids up in

bus, they don't tell them where they're going, just in case there's an accident. Now there's a lot of things that aren't so...so cute about having a nuclear power plant in your district and if I had the choice whether to take them or to not have them there, I would gladly send them to any other person's district that wanted them. So, you know, I would urge an Aye vote. But I understand the...the situation that we're in here and...you know, it's...it's those districts are...are wealthy and...and it's a...it's a problem, but I think they are entitled to the money that they are now getting. So I would urge an Aye vote.

PRESIDENT: tf

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

SENATOR GEO-KARIS:

I ask for a...favorable roll call if you really want to have...help the...your real estate property owners around these nuclear plants.

PRESIDENT:

The question is, shall Senate Bill 1116 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 3 Ayes, 46 Nays, and 3 voting Present. Senate Bill 1116 having failed to receive the required constitutional majority is declared lost. 1121, Senator Smith, is on the agreed list. 1123, Senator Schaffer. The bottom of page 21. It is now seven-fifteen, we're going to quit at eight. Bottom of page 21. On the Order of Senate Bills 3rd Reading is Senate Bill 1123. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1123.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and members of the Senate, last year we passed the Solid Waste Management Act. This bill, somewhat in response and somewhat of a cleanup of that, accomplishes two things. It clarifies that the locals may charge a fee and...the language has added tax or surcharge. This is something the legal-eagle suggested, and an amendment that was placed on in committee at the request of, I think, R and E...not R and E, Energy and...Natural Resources would expand the grant program for recycling to include loans. It was their feeling that there are a lot of environmental groups that are into recycling that a loan program would be just as attractive as a grant program to help them get started. I'm unaware of any opposition. Appreciate a favorable roll call.

PRESIDENT:

Any discussion? Any discussion? If not, the question is, shall Senate Bill 1123 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, 2 Nays, 2 voting Present. Senate Bill 1123 having received the required constitutional majority is declared passed. Top of page 22, Senator Karpel. On the Order of Senate Bills 3rd Reading is Senate Bill 1125. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1125.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Karpel.

SENATOR KARPIEL:

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

leave of the Body, if possible, to change the primary sponsorship of this bill to Senator Mahar.

PRESIDENT:

The lady seeks leave of the Body to change the chief sponsor to Senator Mahar. Without objection, leave is granted. Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President, members. The purpose of this bill is to diminish the possibility of radioactive contamination as a result of an accident that would be perpetrated by an individual who is intoxicated or under the influence of a controlled substance. Senate Bill 1125 requires businesses or firms who are doing business in the State of Illinois which are involved in the production, transportation and storage of high-level and low-level radioactive waste to develop a plan to test designated employees for drugs and alcohol. The plan is to be approved by the director of DASA and in conjunction with the director of Public Health and must include annual testing at a minimum without notification, apply to designated employees who have a responsibility which is in the direct access or contact to this material. It requires that the testing be done in an appropriate atmosphere that's sensitive to the needs of the individual, requires that the businesses establish a program which should include counseling, remediation and the like. There are provisions for strict...confidentiality of the records, and it further establishes fines. And I'd be happy to entertain any questions.

PRESIDENT:

All right. Any discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Without in any way getting into the question of whether the...this group of employees is one that ought to be tested, which is a different issue, let

me just call attention to one thing that I find very disturbing. There is a confidentiality section, but it also, as I read it, on...on page 3, "provides that the results of the test are to be kept confidential except they can be made available," and then it lists a variety of persons, and ends up saying, "and to any managerial or personnel officer having supervisory authority over the designated employee." To the best of my knowledge, Senator Mahar, that is the broadest nonconfidentiality section that I have ever seen. And I would suggest to you that that is...is a very disturbing thing. One of the critical parts of a good testing program, assuming there are good testing programs, is to make sure that the...the privacy of the individual is going to be protected, because otherwise you're not going to get that person into the kind of help that is needed. And it seems to me you have really opened it up wide with that language.

PRESIDENT:

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Just a question. This...

PRESIDENT:

Sponsor indicates he'll yield. Senator Marovitz.

SENATOR MAROVITZ:

There is nothing in this bill or do you every intend to have anything in this bill having to do with lights in Wrigley Field? That's a serious question.

PRESIDENT:

Senator...Senator Mahar.

SENATOR MAHAR:

There is absolutely no intention of this bill ever encompassing that.

PRESIDENT:

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

SENATOR MAHAR:

Thank you, Mr. President and members. I think that...the attempt of this bill is to...is to help protect the health, safety and welfare of the eleven and a half million people in the State of Illinois who...whose environment and...and personal welfare certainly could be damaged by a potential radioactive spill. There are, I think, adequate confidentiality portions of this bill. In addition, it goes on further to state, which Senator Netsch did not mention, that under no circumstances would any of this information be given out to a law enforcement agencies. And I would ask for your favorable vote.

PRESIDENT:

Question is, shall Senate Bill 1125 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, no Nays, none voting Present. House...Senate Bill 1125 having received the required constitutional majority is declared passed. Senator Hall on 1129. On the Order of Senate Bills 3rd Reading is Senate Bill 1129. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1129.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Hall.

SENATOR HALL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This amends the Act to require prompt payment by the state. Now what has happened is that the health care providers have...suffered severe disruption in cash flow as the results of...of DPA's lengthening the time taken to approve

or disapprove claims from thirty to forty-five days of inpatient claims. As the results of some high Medicaid providers have had...had difficulty meeting payroll obligations and others have...incurred short-term...costs to cover these expenses. This payment delay exists despite a court order under which DPA was required to pay claims to advisors in thirty days. So when the amendment went on for twenty days, that they said they could not live with it, so we went to thirty days and now they have been negotiating with the Department of Public Aid and the Illinois Hospital Association, and Marsha out of Governor's Office. And there is an amendment that will go on over in the House but we don't have time, they're...they're...they have...have a meeting of the minds. And at this time, I have given them my word that we'd see that they're continuing in negotiation and there will be another amendment that goes on over in the House. So, I'd ask your most favorable support of this bill.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 1129 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 50 Ayes, 1 Nay, none voting Present. Senate Bill 1129 having received the required constitutional majority is declared passed. Senator Barkhausen on 1131. On the Order of...Senator Barkhausen, you wish to...on the Order of Senate Bills 3rd Reading, top of page 22, is Senate Bill 1131. That was on the recall, I'm informed, Senator Barkhausen, we'll have to wait until tomorrow. Senator Kustra, you have the whole series on the agreed...I beg your pardon, it was not on the agreed list? I mean, on recall? It was on the recall. A couple of amendments went on. Senator Kustra, you made the agreed list with your whole bunch. 1147, Senator Barkhausen.

SB 1147  
3rd Reading

1137 is not on the agreed list? All right. On the Order of Senate Bills 3rd Reading, Senate Bill 1137. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1137.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. Senate Bill 1137 increases the bonding authority for the Illinois Designated Account Purchase Program from three hundred and fifty million to five hundred and twenty-five million. This is the secondary student loan market which purchases delinquent loans from participating lenders thereby significantly reducing the administrative burden of operating a loan program and encouraging lenders to become involved in the program and provide more student loans. If we do not pass this, the purchases would probably run out by the end of the year. If we pass this with the requested increase, purchases could continue through the summer of 1989, thereby, making more student loans available. I solicit an Aye vote.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 1137 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. Senate Bill 1137 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading, Senator Barkhausen, is Senate Bill 1147. Read the bill, Madam Secretary.

SB 1154  
3rd Reading

SECRETARY:

Senate Bill 1147.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, Senate Bill 1147 is a recommendation of the Chicago Bar Association to modify in certain respects The Living Will Act adopted by the General Assembly three or four years ago. It makes a number of, I believe, all noncontroversial changes. It provides, for one thing, that the manner of executing a living will shall be consistent with that in which a regular will is signed. I...I don't believe there's any opposition. It was amended to satisfy concerns of the Right-to-life groups. I'd be happy to answer any questions and would otherwise ask for a favorable roll call.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 1147 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 43 Ayes, 7 Nays, 4 voting Present. Senate Bill 1147 having received the required constitutional majority is declared passed. 1154, Senator Barkhausen. On the Order of Senate Bills 3rd Reading is Senate Bill 1154, Madam Secretary. Read the bill, please.

SECRETARY

Senate Bill 1154.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, Senate Bill 1154 is a seemingly somewhat unusual proposal to get at the problem of serious drug dealing. It is modeled after a Minnesota Statute and provides for an imposition of taxes on substantial substances of illegal drugs. One who is a drug dealer as defined under the bill, and...and the definition is consistent with existing Illinois law, would be required when coming into the possession of these illegal drugs to obtain tax stamps from the Department of Revenue. The question was raised in committee, and it's an obvious and a good question, what about problems with Fifth Amendment self-incrimination provisions? For that reason the Minnesota Statute, as I say, on which this is based, requires the confidentiality of all tax records with the Department of Revenue. The...the question was...has also been raised, has the...has the Minnesota Statute been subjected to a court challenge, and the answer is yes, and it has been upheld in the State of Minnesota. The measure, in my opinion and the opinion of others, offers great promise from a revenue standpoint. In the mere five and a...five and a half months that the law has been in effect, it has already produced eight and a half million dollars in taxes but more so in...in drug penalties. The measure provides for substantial...first of all, for a fairly stiff tax, and...and also for very substantial penalties in the event of failure to pay the tax. The measure is somewhat involved. I'd be happy to answer any questions and would otherwise ask for a favorable roll call.

PRESIDENT:

Discussion? Senator D'Arco.

SENATOR D'ARCO:

Well, Mr...Mr. President, I...you know, I think we're going to look ridiculous if we pass this bill. You know,

just because Minnesota did a stupid thing doesn't mean we have to do a stupid thing. In fact, in Minnesota...you're going to love this, it says that "the Department of Revenue has assessed seventy-eight possible tax cases." Now they've collected so far...now these tax cases are worth a...a total of eight million dollars like you said, Senator Barkhausen. They have collected for stamps fifty thousand dollars. Now they speculate that that fifty thousand that they've collected comes from not drug dealers, that the bill is designed to get people who are drug dealers to go to the Department of Revenue and purchase a stamp, which is totally ridiculous. I mean, what drug dealer in his right mind is going to go to the Department of Revenue and say, look, I'm a drug dealer and I want to purchase a stamp so I can sell drugs? I mean, if that's not ridiculous, boy, you're a real winner, you know. But, anyway...I mean, you know,...who buys the stamps? Stamp collectors, they're buying the stamps. So if you want to pass a bill for stamp collectors, this is the way to do it.

PRESIDENT:

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you, very much, Mr. President. In reply to my colleague's comments on the other side of the aisle, actually this isn't such a dumb idea, this is exactly what the Federal Government did on gambling a few years ago. If you remember, one of the ways that we got to some of these boys who were selling...were...were gambling illegally, is we made them pay income tax and we made them take out licenses, et cetera, and this is exactly the way they got them. They didn't get them because they caught them, they got them because they disobeyed the law. Same thing could happen here. We could get these guys for the simple reason they disobeyed a law. It may be a stupid law but it does seem to work. And I don't

understand why in the world this is such a...you're laughing over there...because you're right, they won't come in and get the stamps and we can throw them in jail for not...

PRESIDENT:

Further discussion? Senator Dudycz.

SENATOR DUDY CZ:

Thank you, Mr. President. Unlike my colleagues, some of you who think this is funny, I don't think it's funny, I don't think it's a stupid thing. Last year, when a Chicago police officer came to my...came to me and he showed me a little article from the newspaper bringing my attention to the Minnesota drug bill, I thought it was funny too until I started researching it. And everybody I spoke with at the beginning thought it was funny until they really looked at it. Now many times in my experiences as a Chicago police officer and my follow officers their experiences trying to put drug dealers away on the criminal prosecutions, these criminals, these drug dealers have been able to get around the criminal prosecution. What we're trying to do is get them where it hurts. Even though they can pass through the system, we want to get them into the pockets...get into their pockets and put it in to some sort of drug programs where we can educate the children about these criminal activities. I think it's a good law enforcement legislation. I don't think it's funny. I think it's very serious, it's a good bill, it's working in Minnesota. Why don't we...why can't we make it work here? Let's give it a green vote.

PRESIDENT:

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I was the one who raised the Fifth Amendment problems in the committee and I'm still not persuaded that there is not a serious Fifth Amendment problem here. I think the gambling cases and the Federal gambling

law was a little bit different because the...the very fact of possession of the various drugs in this case is illegal. And, so, obviously, if you're required to go in and...and get a license and a permit and a stamp, you are admitting that you are violating the law. I believe the gambling one was a little bit different. So, I am not convinced that there is not still a serious Fifth Amendment problem. I think though that you have to recognize this for what it is, it's...there is no assumption, I believe, that the...those who have the controlled substances are actually going to go in and file for their...their stamp and their license. What it is is a way of getting at more of the proceeds after the fact. It's four times the...it's a huge penalty, in any event, I've forgotten exactly what you changed it to, Senator Barkhausen, so that if you get them with the drugs at all, then you file an additional charge that they didn't have their stamp that they were supposed to get and you can get at their proceeds. The only question I would raise with respect to that also is that we have passed some very severe forfeiture laws with respect to the proceeds of drug dealing, and it strikes me that this may be somewhat superfluous given the fact that we have that very wide range of penalties that already can be imposed. So, I...I don't think it's a totally frivolous idea, although it's...I still think is going to have some very serious constitutional problems.

PRESIDENT:

Any further discussion? Further discussion? If not, Senator Barkhausen, you wish to close?

SENATOR BARKHAUSEN:

Well, Senator Netsch in her remarks indicated many of the reasons why the...why this bill is...has so much to recommend it, and one is that it does provide an additional charge with which to go after these drug dealers, that's...that's the main point. She mentioned the Narcotic Profit Forfeiture Law

which has been somewhat effective, but the problem with that is that you have to directly link the...the proceeds...the money to...the the proceeds of the crime, and that is most often very difficult to do. In this case if...if it can be established that the person is a dealer in drugs, then you go after them not only for the amount of the tax, which is substantial, but also for the very substantial penalties for not paying the tax, assuming that they haven't passed the tax. If I could briefly quote a couple of sentences from a National Review article on the subject of the Minnesota Statute. It says that, "Beginning last...late last summer, the state," meaning Minnesota, "began requiring drug dealers to buy stamps for their supplies of" and it lists various drugs. "After three months of operation, local law enforcement officials call it the best piece of anti-narcotic legislation to come along in years." So we're not simply charting brand new territory with this proposal, we have a track record which we can...which we can use to judge whether such a proposal might be successful in Illinois. Illinois is, I would guess, about twice the size of the State of Minnesota, probably has more than twice the amount of the drug problem that Minnesota has had, and if they have raised eight and a half million dollars in a mere five months, one can just begin to extrapolate as to what that might reap for Illinois for drug programs and a variety of other worthy programs otherwise financed out of our...General Revenue Fund. Finally, I would...simply remind you that it was tax evasion that Al Capone was convicted of and not dealing in what were then illegal substances. So with that, Mr. President and members, I urge your favorable roll call.

PRESIDENT:

Question is, shall Senate Bill 1154 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted

who wish? Take the record. On that question, there are 51 Ayes, 5 Nays, none voting Present. Senate Bill 1154 having received the required constitutional majority is declared passed. 1155. On the Order of...Senate Bills 3rd Reading is Senate Bill 1155. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1155.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Senate Bill 1155 requires the Department of State Police to collect, analyze and disseminate information related to criminal incidents apparently motivated because of race, color, creed, religion or national origins. The Department of State Police will disseminate the information to local governments or agencies that have a reasonable interest in or use such information. Examples would be ethnic intimidation, institutional vandalism, which this Body passed a couple of years ago. This is a bill that has been requested by many, many organizations involved in watching racism and religious bias, terrorism, those kinds of activities, and the feeling is that if...if the incidents relative to these can be compiled it will give these organizations and law enforcement agencies a better handle on where the activities are occurring. And I solicit your Aye vote.

PRESIDENT:

Any discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President, it's not an easy bill to...to oppose, but I think one must...must do so based on the impracticability of it. Apparently, not even the FBI says that they can keep

track of crime statistics based on these types of factors. And it's...I think it's an additional burden that we would be...imposing on overworked law enforcement agencies that probably have better use of their resources than trying to comply with the difficult law such as this, and for that reason, I urge opposition.

PRESIDENT:

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

SENATOR MAROVITZ:

Well, just...just to tell you that incidents of racial harassment are on the rise in many places around our state and this bill will enhance the ability of municipalities around our state to combat the problem. I think it's an important thing, it's not going to be burdensome on anybody and if we can help reduce racism and terrorism around our state, I think this is an effort to do so. Many law enforcement agencies agree it will help and I would solicit your Aye vote.

PRESIDENT:

Question is, shall Senate Bill 1155 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 42 Ayes, 9 Nays, 1 voting Present. Senate Bill 1155 having received the required constitutional majority is declared passed. 1157, Senator Davidson, made the agreed list. 1158, Senator Netsch. On the Order of Senate Bills 3rd...I beg your pardon. I beg your pardon, 58 is on the agreed. What about 59? 1159, Senator Netsch. On the Order of Senate Bills 3rd Reading is Senate Bill 1159. Read the bill, Madam Secretary. I beg your pardon, Senator Newhouse.

SENATOR NEWHOUSE:

Yes, Mr. President, I had a malfunction on my switch on

SB 1159  
3rd reading

the last vote, so I'd just like to be recorded as wanting to vote Aye on that bill.

PRESIDENT:

All right. The...the record will so reflect, Senator Newhouse. On the Order of Senate Bills 3rd Reading, Senate Bill 1159. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1159.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Newhouse.

SENATOR NETSCH:

No, Senator Netsch, I think. Excuse me. Senate Bill 1159...I'm Senator Netsch, that's Senator Newhouse over there, we all look alike.

PRESIDENT:

Don't tempt me, it's getting too late. Senator Netsch.

SENATOR NETSCH:

I've been trying to tempt you for years, Mr. President.

PRESIDENT:

Now I know it's getting too late. Senator Netsch.

SENATOR NETSCH:

Now, back to business. Senate Bill 1159 is one of the four bills that was proposed by the Illinois Coalition Against Sexual Assault resulting from their hearings last November. What it...it deals with polygraph tests, and what it provides as amended is that no law enforcement officer, state's attorney or other investigative person may require the alleged victim of one of the four categories of sexual assault laws to submit to a polygraph examination as a condition for preceding with the investigation. It deals only with the...the sexual offenses that we passed a couple of years ago and it deals only with a mandated...polygraph test

to be given to the alleged victim. We've...we have considerably restricted the original scope of the bill. This is a problem in some areas and I think anyone who was at the hearing can understand the trauma that a sexual offense creates in the first place and...because there is still a great deal of the tendency on the part of some in enforcement to disbelieve the victims of sexual offenses, there is too often a...a requirement that they submit to a polygraph. That is obviously not fair, it is not done in any other category of crime and should not be done. That is the fairly simple purpose of the bill and I would hope that it would be approved by the General Assembly.

PRESIDENT

Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

May I...get the legislative intent out of the...the prior speaker. Senator Netsch, is the legislative intent under your bill that you will limit it to the...prohibition of a...of a lie detector test for the crimes that are enumerated in your bill and nothing else?

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

That is correct. There is...this came out only of the hearings from the Illinois Coalition Against Sexual Assault and there is no intention to allow it to be broadened beyond that.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

In the event that this bill is broadened in the House, will you Table the bill...if you cannot get it in the original form that it is now?

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

I will seek to bring it back to its pristine form because I want the bill in this form. I will not pass it in a broader form.

PRESIDENT:

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President, also for purposes of legislative...intent. Senator, we went over this at the amendment stage, but I would like to, once again for purposes of legislative intent, ask if it's the purpose of this bill to prohibit law enforcement and prosecutors from requiring rather than requesting polygraph tests?

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Yes, and the...the bill itself provides that very explicitly, no law enforcement officer, state's attorney or other official shall require a victim to submit to the polygraph, it is very explicit, right.

PRESIDENT:

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

SENATOR NETSCH:

No, roll call.

PRESIDENT:

Question is, shall Senate Bill 1159 pass. Those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, 2 Nays, 2 voting Present. Senate Bill 1159 having received the required constitutional majority is declared passed. That, I think, is a logical break point, the next

SB 63  
2nd Reading

couple are on the agreed list and we will begin there tomorrow morning. There has been a request for the last time to go to Senate bills 2nd reading. We will go to Senate bills 2nd reading, with leave of the Body, and attempt to move any sponsor who wishes to move a bill and then we will effectively be adjourned until nine o'clock tomorrow morning. And Senator Philip and I have discussed that we will try to get us out of here as reasonably early as possible with the sole admonition that we intend to afford every member the opportunity to have his or her bill heard. So, we'll stay as long as it takes, but we'd like to start at nine o'clock in the morning and we will stay until...for as long as it takes. We will begin with 1166, that is correct. We'll begin with 1166 and go right down the line. There will be, obviously, on the Calendar then the agreed list showing in a separate...all right, on the...with leave of the Body, we'll move, Madam Secretary, to the Order of Senate Bills 2nd Reading. Top of page 2. Senate Bill 4, hold it. Senate Bill 63, Senator Kelly. On the Order of Senate Bills 2nd Reading, Senate Bill 63. Well, tell me that, will you?

SECRETARY:

We have a fiscal note requested on file.

PRESIDENT:

There has been a request for a fiscal note, Senator Kelly. Senator Kelly.

SENATOR KELLY:

Yes, Mr. President, I'd like to...have that the purpose of...for this fiscal note is would be to expand or...decrease the revenue of the state. It does not increase or expand the revenue of the state and I, therefore, feel that this...it's not necessary for this fiscal note and I ask for your...consideration.

PRESIDENT:

Ladies and gentlemen, if I can have your attention.

There has been a request for a fiscal note filed by two members of the Senate on Senate Bill 63. Senator Kelly has made the representation that in his opinion a fiscal note...he, as the sponsor, is of the opinion that no fiscal note is necessary. And the Statute requires under Chapter 63, Section 42, that in such case the matter shall be decided by majority vote of those present and voting in the house of which he is a member. So, we're going to get a vote, Senator Kelly, on whether or not the fiscal note is required. If those who made the request would like to state their case, they're certainly entitled to do that, I would assume; we have...we've not done this before, so we're kind of plowing new ground here. And then Senator Kelly, who is the sponsor, is of the opinion that no note is necessary. So, the...the question that will be put to us is whether or not you agree with Senator Kelly that no...no note is necessary and thus we can move forward. If a note is deemed necessary, the bill will stay on 2nd reading until it's filed. Well, I...I think in fairness we ought to afford those who requested the note the opportunity to be heard. Senator Alexander.

SENATOR ALEXANDER:

Thank you, Mr. President. If Senate Bill 63 does make it and is passed, it does have a fiscal note impact, and I believe that the agency which is affected is the one who would be able to give us that information, what physical impact it will have upon the budget of this state.

PRESIDENT:

All right. Senator Kelly.

SENATOR KELLY:

I would ask for support in the...and a vote on this that they would move forward, that there is not a fiscal note necessary and I would like to proceed forward with a vote, and I suppose, Yes, that you would support myself, or, No, that you'd support Senator Alexander.

PRESIDENT:

All right. Senator Kelly has requested a vote on the question of the necessity of a fiscal note. Senator Alexander.

SENATOR ALEXANDER:

Mr. President, may I have a ruling as to what vote is necessary with request to Senator Kelly?

PRESIDENT:

Yes, you may, indeed. The Statute is very specific. It says whenever the sponsor of any measure is of the opinion that no fiscal note is necessary, any member of either house may thereafter request that a note be obtained, and in such case, the matter shall be decided by a majority vote of those present and voting in the house of which he's a member. So as a...same as an amendment, it's a majority of those voting. Senator Davidson, for what purpose do you arise?

SENATOR DAVIDSON:

Point of information, just so no one can say they voted wrongly by the interpretation. If you support Kelly, vote Yes, if you support the fiscal impact, you'd vote No, is that correct?

PRESIDENT:

That is correct. Those in support of Senator Kelly's position that no fiscal note is necessary, he, as the sponsor, is putting the motion, those...Senator Collins.

SENATOR COLLINS:

Now, we were...we were at...at the moment...a point of order. We were at the moment of voting, so he, Senator Davidson just spoke and made a statement there...

PRESIDENT:

No, he...

SENATOR COLLINS:

...and I...I...he...

PRESIDENT:

All he asked is, how do you vote.

SENATOR COLLINS:

Well, but...but...but then you said, yes, if you are for Kelly you vote for the...

PRESIDENT:

You vote Aye.

SENATOR COLLINS:

But that's not fair. The...the issue before us, the motion...no...no...no...the motion before us is whether or not we feel that that is a legitimate request that there is, in fact, a fiscal impact after this bill is passed. That is the issue before us, not whether or not we support, like, love, dislike Kelly or his bill.

PRESIDENT:

All right. I...I think that's probably...that's probably more accurate. If...if any member of either house is requesting a note, as is Senator Alexander, then the...the matter shall be decided by majority vote. So the...the question is, is a fiscal note necessary, that's the vote. Those who feel that a fiscal note is necessary will therefore vote Aye; if you agree with Senator Alexander, you will be voting Aye. If you agree with Senator Kelly, as the sponsor, that no note is necessary, you will be voting No. Senator Geo-Karis.

SENATOR GEO-KARIS:

It's only fair to tell everyone here that Senate Bill 63 relates to the prohibition of selling, dispensing, providing contraceptives to students.

PRESIDENT:

I...I don't think there's anybody in the Chamber who doesn't know what 63 is. All right. Those...Senator DeAngelis.

SENATOR DeANGELIS:

Well,...an inquiry of the Chair. As one who has endured

the rigors of having to provide fiscal notes even when those requests were made rather...facetiously, may I ask where...where you are quoting from in the Statute?

PRESIDENT:

Sure. It is Chapter 63, Section 42.33, subsection 3. Titled or captioned, "Vote as to Necessity of Fiscal Notes." Senator Davidson.

SENATOR DAVIDSON:

I hate to rise a second time but I'm totally confused. Because I...I would...thought that Senator...

PRESIDENT:

Question is, whether or not a fiscal note is necessary. Senator Alexander says it is; Senator Kelly says it isn't. We put it to a majority vote. Is you think one's necessary, you vote Yes. All right. Question is whether or not a fiscal note is necessary in your opinion. Those who agree with Senator Alexander are going to vote Yes. Those who agree with Senator Kelly that no note is necessary are going to vote No. And the voting is open. Have all voted who wish? Take the record. All right. By majority vote it has been determined that no fiscal note is necessary. Madam Secretary, read the bill a second time. I beg your pardon. Senator Alexander has made a request, which request is in order. All right. Senator Alexander has requested a verification. Will the members please be in their seats. This is...as Senator Savickas admonished you earlier, this is the computer, somebody voted at the very last minisecond and thus. All right. Senator Alexander has requested a verification. If the members will please be in their seats, I will ask the Secretary, Madam Secretary, please read the negative votes.

SECRETARY:

Degnan, Demuzio, Donahue, Dudycz, Etheredge, Friedland,

Geo-Karis, Hall, Hawkinson, Hudson, Jeremiah Joyce, Jerome Joyce, Karpel, Keats, Kelly, Kustra, Lechowicz, Macdonald, Mahar, O'Daniel, Poshard, Raica, Savickas, Schaffer, Schuneman, Vadalabene, Watson, Welch, No...Zito, Mr. President.

PRESIDENT:

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

SENATOR ALEXANDER:

Yes, thank you, very much. Jeremiah Joyce.

PRESIDENT:

Senator Joyce is in the Well of the Chamber, to my left.

SENATOR ALEXANDER:

Next name would be Senator Donahue.

PRESIDENT:

Senator Donahue in the Chamber? Senator Donahue in the Chamber? Strike her name, Madam Secretary.

SENATOR ALEXANDER:

Senator Philip. No, that's not...

PRESIDENT:

Senator Philip is not on the negative roll call.

SENATOR ALEXANDER:

He's not on the negative roll call.

PRESIDENT:

We...we do not anyway entertain questioning of the leadership.

SENATOR ALEXANDER

Mr. President, I understand...I understand when the...the computer first locked in it showed 29, 28.

PRESIDENT:

You are correct.

SENATOR ALEXANDER:

What happened?

PRESIDENT:

30...30 negative votes were recorded.

SENATOR ALEXANDER:

Thank you.

PRESIDENT:

All right. The roll has been verified. On that question, there are 28 Ayes, 29 Nays. By a majority vote, it has been determined that no fiscal note is necessary. Madam Secretary, on the Order of Senate Bills 2nd Reading is Senate Bill 63. Read the bill, please.

SECRETARY:

Senate Bill 63.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDENT:

Any amendments from the Floor?

SECRETARY:

Senator Berman offers Amendment No. 1.

PRESIDENT:

Senator Berman on Amendment No. 1.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This amendment was adopted in committee. Because of a parliamentary process, when the bill was discharged on the vote on Tuesday or Monday or whenever we had it, this amendment was not on the bill. I seek to put it back on. The amendment does one thing and one thing only. It says that if you are going to provide contraceptives or birth control information or devices, it can only be done with parental consent. That's what this amendment does, that was an amendment that was adopted by a majority vote in the committee. I think that on the merits this amendment should be adopted and I think procedurally it should be adopted. If we believe in the committee system, this amendment was adopted in the committee, and the bill should be on the Floor with this

amendment. But let me discuss the merits, which I think are more relevant than just the procedures. A number of my colleagues in discussing this bill have said to me that they think that there is something wrong with the schools disseminating this information and I can understand their feelings. However, I would suggest to you, ladies and gentlemen, that it's not...the wrong isn't that it's being done, the wrong is that it must be done. Our society has allowed these children to conduct themselves in a way that children are having children. Shame on us, as the society that has allowed this condition to exist. We, the leaders of our community, the leaders of our state, must take some responsibility. We try to address the situation with appropriations and with laws, and we try to do the right thing whether it be through public aid, DCFS, and all of the other programs that we try to address but it exists out there. Let me tell you what we did in Chicago, and Chicago has been...bashed a little bit in the past few days and the school system has been bashed the past few days. But I've got to tell you, in this Senator's opinion, they've done a terrific job in this particular area. The clinics that are run in the Chicago schools were done after public hearing in those communities and some tough public hearings, and there were strong sentiments on both sides of...of these issues. There were public hearings in the community. Votes are taken by the school board. A detailed, and Senator Fawell gave me a copy and I can't put my hands on it, a detailed listing is submitted, taken home and must be signed by the parent not only regarding birth control but a long list of other services that are offered in these clinics. Also, these clinics don't involve any school money, they are funded by nonschool funds. I regret, as do you, that it has to be done, but we are putting our head in the sand if we don't recognize that society in many areas has allowed this to happen. By stopping the providing of this

information, we are being sanctimonious without recognizing the problem. We are saying it's terrible to have to give...do this through our schools. Well, I would say to you, it's terrible that we have to do it anywhere for children, for twelve-year-olds and thirteen-year-olds and fourteen-year-olds and fifteen-year-olds to have to tell them how to prevent themselves from becoming mothers and fathers. So I suggest to you that if those of you that think that this is so terrible and that it ought to be a better control in the home, I suggest to you that we would be less than candid, that, in fact, we would be hypocritical to vote against this amendment. The responsibility for these children begins in the home; regrettably today it doesn't end in the home because the home doesn't do the job it ought to do. But it begins in the home, this amendment says it begins in the home and some role must be given to the parent before this information is dispensed. So, I suggest to you that if we're going to be honest and realistic and candid in recognizing the shortcomings that regrettably exist in parts of our society, that Amendment No. 1 should be put on because all it says is that the parent must give consent to address this serious medical, social problem. I urge an Aye vote.

PRESIDENT:

All right. Senator Berman has moved the adoption of Amendment No. 1 to Senate Bill 63. Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President, a question of the sponsor of the amendment.

PRESIDENT:

Indicates he will yield, Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, there is not now apparently in state law any requirement that if contraceptives are distributed that

there...that parental consent must be obtained? Is that...am I correct about that?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

That...I believe you're correct.

PRESIDENT:

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, certainly I agree with your...with your contention here that if...if they are distributed that there should be parental consent, but I'm...I'm confused about what you're hoping to accomplish by this, because it seems to me that if your amendment is adopted, it will be attached to a bill which will prohibit distribution. If the bill passes, then your language is...is of no particular value because the distribution will be barred. If your bill...if the bill fails to pass, then your amendment fails to pass, and I'm not sure what it is we're...exactly what it is we're doing here, you know, in the real world. I understand your explanation of the amendment and all that, but...

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Well, the way the bill is written with the amendment, the bill says no...I don't have the bill in front of me but it says, "No contraceptives shall be provided." The amendment says, "Unless written parental consent has been obtained prior to providing services to the students."

PRESIDENT:

Senator Schuneman.

SENATOR SCHUNEMAN:

So then, in fact, your bill...your amendment then makes the distribution possible with the parental consent. Thank

you.

PRESIDENT:

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank...thank you, very much. Both Senator Berman and I were groping for this form that was given to me by the Chicago school system. And I would like to read the things that these clinics do in Chicago: Emergency treatment, one; two, routine school and sports physical exam; three, immunizations; four, medically prescribe laboratory tests; five, examination, diagnosis and treatment of complaints of pain or illness being identified by my child; six, ongoing care of existing medical conditions; seven, treatment of sexually transmitted diseases; eight, pregnancy testing prenatal and postpartum examinations; nine, family planning including...including pregnancy prevention methods and abstinence counseling; ten, receipt of birth control pills or condoms; eleven, professional counseling in regard to nutrition, personal hygiene, mental health, substance abuse, family and personal relationship issues and other health related matters. It is signature of a parent or...guardian, signature of a school or clinic staff member, a date and this form must be signed by the parent or...guardian in person with identification at the school or in the presence of a school authorized adult. It seems to me if this is the kind of form that we mandate that any school even thinking about putting in a clinic in, we would be doing the parents a disservice to then mandate or say that we, in our great wisdom, down here in Springfield don't know what the parents are saying, don't know how to take care of their child, will not allow them to...to have this...this ability to...to have such a clinic, then I think we are doing a grave injustice to the family and I've been one of those who personally has been standing up in spite of lot of the votes on the other side and this side who

have been fighting the family and fighting some of the things that I think the family should stand for. We want parental control, we...we should...we should vote for this amendment.

PRESIDENT:

Further discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and members of the Senate. I want to direct my remarks directly to contraceptives.

PRESIDENT:

Well, the question before us is the adoption of Amendment No. 1.

SENATOR SMITH:

The adoption...all right. I...I...I stand in support...I stand in support of Amendment No. 1 of having parental control. As I spoke to you yesterday when we were talking about it on the Floor, that I had just talked to the principal of DuSable High School, Miss Judy...Steinhagen and she gave me an update about what the services are there at the school...the amendment which is saying that you will have to obtain parental control. I can only document what has been said here by Senator Berman and also by Senator Fawell, that she stated that every child attend the clinic must have parental permission. On file they have one thousand three hundred and ninety-five permission sheets that come from the parents for these treatments. But, however, contraceptives are merely a minute thing for the total services that the clinic does for the people. One thing that you can be assured of for contraceptives, they cannot go in to the clinic there at the school and say, I need a contraceptive, it has to go through a form, it has to have the...a parent's okay and the parent has to be there on the scene. So there is protection for the school. Like they said, they were just automatically just giving out these contraceptives, that is not true, it has to be done. And the thing about it, you do

not know what these parents are going through. They are frustrated, they are trying to raise their children, they are between a rock and a hard place, and if they have a school that will help them to keep these children from getting pregnant with a consent, I think that we should try to help them. The parent...because you don't live over there, you don't know what's going on every day, you live in a...a particular different area, it's easy to sit on the sideline and look over and say what they should be doing. But unless you're in the middle of it, you do not know. Some of these parents, they have twelve...six and seven children in one house.

PRESIDENT:

All right. Senator, would you bring your remarks to a close?

SENATOR SMITH:

Yes, I will.

PRESIDENT:

Thank you.

SENATOR SMITH:

But what I'm trying to say that they are trying to keep down from...their children from having children to bring into the home where they have to try to care for them. And if the child has an abortion, then you're wrong there, that's mass murder. Then if they have the child, then you don't want to give them any money. So, if the parent is willing to sign for this child to use a contraceptive, I think that we should be able to go along with them and help them. And this possibly would...eliminate a lot of these young people from even going in to that type of activity. I...I strongly support this amendment.

PRESIDENT:

Further discussion? Senator DeAngelis. There are still six members who have indicated their desire to speak.

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END OF REEL

REEL 09

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Well, thank you, Mr. President. I realize the danger in opposing this kind of an amendment because this vote is not about contraceptives, it's not about clinics. It's a symbolic vote on an issue that some people have picked up as being their issue and I've always been warned that if you choose to speak against that group, they will, in fact, retaliate against you. I'm disturbed about that. I want to tell you, it's...it's not wise to speak about your past either, but I went to a school that was an innercity school and my first exposure to a pregnant person was in the third grade and I can speak her name, Purdie Maye Bess, 'cause she's long been dead. Those were the days in which they flunked kids and those were the days when...if you came up from the south and you didn't go to school, you were put in a lower grade even though you were older. Purdie Maye Bess wasn't going to get many breaks in life, but I want to tell you, getting pregnant didn't help her get any breaks either. The thing that bothers me about this whole issue and, Senator Smith, you're right, we in this Body tend to vote on these issues as either being a pro-life or a pro-choice issue, it's neither. But those very same people that would oppose this amendment are the same people that don't think we ought to teach sex education, that don't think we ought to provide prenatal care when somebody gets pregnant, that we ought not to have abortion and that we ought not after the child is born provide any care. And I would submit to you, there's only two

answers if you accept those four premises; either...genocide or a society with a lot of unwanted, emotionally disturbed and ultimately trouble children. I'll tell you, you can't have it all ways. I'm a Roman Catholic, my church says don't use contraceptives. This bill does not say use contraceptives...this amendment doesn't. It merely says that if you live in a situation...in a society in which there is very little control and kids are brought up in that environment...and you're right, Senator Smith, my kids are not raised in that environment, I can stand up here all day long and vote against Senator Berman and it won't bother me one lick except I know there are other kids that are not lucky as my kids. There are a lot of Purdie Maye Besses walking around in this world and I would think that we ought not to destroy a program that might, in fact, create some hope from some people but, more importantly, not bring into the world some children that are unwanted, they won't be cared for because nobody wants to take care of them and ultimately end up producing children again of the same type.

PRESIDENT:

Further discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President. The sponsor of this amendment is an extremely, able, capable, skillful attorney. Whether he would agree with me or not, I think that what is happening here is that this consideration is move...being moved by his proposed amendment from position A to position B; position A being that the State of Illinois comes down on the side that it is not proper for our schools to be used for the dispensing of prophylactics. Position B seems to be that the State of Illinois says, that really isn't so, it's okay if the parents say it's right. I happen to be one who is a believer, generally speaking, I think in ninety-five percent of the cases in local control but I think there are situations where

the public is looking to our state and our...Legislature to take a stand as to what the intent of this Body is and its lawmakers, and the way we started out the intent was position A, that we feel it's giving the wrong message. Senator Poshard stood up here the other day on the Floor and made what I thought was an eloquent statement regarding the intent of the state, and I think, contrary to what's been expressed and the intent of this amendment, we are...if we adopt the amendment, we are putting out a false message and we are putting the state stamp of approval on this whole business and as a result we're not going to be helping these young people avoid unwanted pregnancies. The statistics don't seem to bear that out, it may be what the sponsors of this amendment have in mind, but it simply isn't going to work that way. We're going to be encouraging these young people to go out and to do even more as long as they use the proper tools and...and these tools simply aren't working. So I think that if you think it through just a little bit, you may come to the conclusion that on moral, ethical grounds and on practical grounds and on health grounds and any other grounds that we're leading these young people down a primrose path if we encourage them through our state supported and tax supported institutions to go and do more as long as you carry along...carry on your hip your pack of condoms or whatever it may be and be quick on the draw while you're doing it. I think it's wrong. I oppose the amendment and tend to vote against it.

PRESIDENT:

Further discussion? Senator Poshard.

SENATOR POSHARD:

Yes, thank you, Mr. President and Ladies and Gentlemen of the Senate. First of all, let me say that in...in response to Senator DeAngelis' comments, I am not a Pro-Lifer, I'm not a Phyllis Schlafley person, I'm not a Jerry Falwellite. I

believe in prenatal care, I've sponsored a lot of legislation in this Chamber to do all the things that you said people that would oppose this would not do. So, please, don't put us all in that category. I don't think the issue here is one of parental rights. Mr. President, I can take you to areas in my district that are so poor and where people do not have enough to eat, where poverty is the crisis and I can show you many parents who would sit down and agree with you that it was okay for their children to steal food, but stealing doesn't...just because the parents agree to it doesn't make it right. And the question before us here is whether, in fact, an act that children are about to perform in a premeditated fashion is right or not according...according to any of the traditions, cultural, social, religious or otherwise that we want...might want to measure in western civilization or any other. Who among you practices a faith? Who among you practices a faith that condones sexual liaison among children before marriage? None of your faiths promote that; I dare say, they do not. Who among us comes from a culture, whatever our ethnic or social background, that condones that practice? I dare say, none of us do and that's the issue here. The issue is this, when we advise, when we counsel, when we do the things that lay the facts on the table before the children so they can make objective, as objective as they can be, opinions that's one thing, that's an obligation we have and all the things that Senator Fawell mentioned that the clinic does is fine, but when we take that one additional step by giving them the contraceptive in that step we cross over the line. At that point we condone the action and that's what's wrong with this. Parental consent is not the question, the question is, are we as a state going to condone the action that none of our faiths, none of our social traditions in this government or any other civilization has ever condoned? That's the real question and I think that's what

this debate should be about. We're talking about a specific action, this isn't a specific action; this is a universal that we should be talking about here. Thank you, Mr. President.

PRESIDENT:

Further discussion? Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, the amendment to Senate Bill 63 is obvious in total opposition to the intent of the sponsors, and I would imagine that if the amendment was adopted, the sponsor probably would not move the bill as this...just is the opposite direction. But I do have a question, I don't know whether to...amendment sponsor or Senator Fawell can answer. With that amendment by having parental approval by signing a consent form, I had assumed the consent form would directly indicate the approval of using the contraceptive drugs, products or devices, but the list that Senator Fawell read indicated that this form had a variety of subjects and items on it that a parent receiving this form assuming or being told by...the child that they're going for counseling and a parent would sign that form, I'm sure any of us would. The...well, maybe...okay...what I'm leading at is if we have children and I have one that's a very asthmatic, on medication three times a day, you sign the form indicating or...thinking she's going to have counseling and all of a sudden she's getting drugs there that contradict whatever she is taking and...have a violent reaction. I think this is a problem that I...I have even thinking about this type of form. Could we clarify that part?

PRESIDENT:

Senator Berman...Senator Berman.

SENATOR BERMAN:

Yes, let me respond, Senator Savickas. What Senator Fawell was doing was to explain the form that's presently

used in the schools...the three clinics that are in Chicago, that's only for information. The bill and the amendment would require that before any contraceptive drug, product or device be prescribed, sold or otherwise provided to students or other persons under eighteen years of age in the school buildings or on the school grounds would have to be approved by the parent. So that under this amendment, and let it be said for the record, that the...the consent would have to say, I, Arthur Berman, father of Marcy Berman do...do consent to the...providing of contraceptive drugs, products or devices at ABC School.

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Well, I'm looking at the form now, now I can understand that part. I guess then the next question is, if we adopt the amendment, obviously, the sponsor of the bill since it's in total opposition of his direction would not even move it. So I just don't know why we're arguing here about that, he should either have his bill go up or down on its own merits and...and move on.

PRESIDENT:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Briefly, Mr. President and Ladies and Gentlemen of the Senate, I don't think the state should control those children. I think the parents should control the children and I have supported Senator Kelly, as he knows, in discharging this bill from committee. I...the amendment for his bill...also teaching abstinence, that's the alternative and the best alternative. And I have...I've had mixed emotions, but I've been brought up that I had to listen to my mother and father and I think it's high time the parents take the responsibility like they should and teach their children

abstinence, and if they're decent parents, they will have a better rapport with their children so they don't get into those troubles that they get into. So I'm...I'm afraid I'm going to have to vote for the amendment because I do believe in parental control.

PRESIDENT:

Further discussion? Senator Collins.

SENATOR COLLINS:

Thank you. Before I heard Senator Poshard's elegant...eloquent, compassionate speech, I had not intended to speak on this issue although...or high school service the children from my area and I was one of those persons who first felt that there was something morally wrong with those clinics until I met with the parent and subsequently we had several hearings and listened to the parent and the students and the teachers at the school. But using Senator Poshard's analysis...Senator Poshard, I don't know whether you know this or not...or whether or not simply because someone is hungry should we condone stealing, the answer is no, but that is different here because it is not whether or not this Body condones the issue of contraceptive to children, twelve, thirteen years old in this state. This Body made that decision, it is legal, it is done on a daily basis and without the consent of a parent. That's what we talking about here, whether or not it is wrong, the answer is no because this...it may be morally wrong but legally this Body condones it already. So all we're trying...Senator Berman trying to do...it would help us because those same children can go to the clinics, not only get contraceptives but they can have abortions without their parent's consent. This clinic...this amendment says you can have the contraceptives but only with your parent's consent. It does not say you cannot get them someplace else, all they have to do is go to Planned Parenthood, to their doctor and someplace else, they can get it

without the parent's consent and those who wish to have them will, and if the clinics exist and the counseling takes place, they're going to walk outside of the door of the school and get the contraceptives because we have made it legal to do so. That is a contradiction of what we say we stand for, to say that it make us somehow morally inferior if we do not allow the contraceptives to be issued with the consent of the parent on the premises of the school by qualified physicians and nurses. That is hypocritical. So I say if you're going to do it, let's have the parent's consent and let's pass this amendment.

PRESIDENT:

All right. Further discussion? The question is the adoption of Amendment No. 1. Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and members of the Senate. I...I know we're going to have a mixed opinion on...over whether or not this is a moral issue. I happen to think it is but I think each one of us should search our own conscience. I happen to think if schools dispense or pass out contraceptives, it is a moral issue. I don't want schools doing it, maybe you do, I'm not sure. My concern is with this parent's...and I mentioned it before, not knowing what's in the information. Now I know the Senator means well and I'm glad that he placed that in there the intent and that helps it, but there are parents that either have a problem with reading or writing and also not knowing what's in there and they're willing to take just about whatever there is. I don't know if we should have two different standards. I...I'd like to take some exception to what it was said just like Senator Poshard when Senator DeAngelis...and I don't see him on the Floor, so I guess I'll have to tell him personally afterwards, but also to Senator Smith, that I am a caring legislator and I have supported, on every instance...I've

been here fifteen years and I have supported cost of living increase for public aid recipients, and for children when they're born into this world, I've supported just about every program to come down the pike and I really resent that issue. And I want to tell you something else, Senator, I didn't mention it to you, but I've knocked on as many...and maybe more minority doors and been in more minority houses than you ever have in your life. I knocked...on...I went to every house in the Village of Robbins, every house in Harvey and I've been to many different places where there is deep needs. So I'm aware of what the problems are out in the community. All I'm saying is if you believe in...in Senator Berman's amendment, support it, I happen to be opposing it because I think it guts the bill.

PRESIDENT:

All right. The question is the adoption of Amendment No. 1. No further discussion, Senator Berman may close.

SENATOR BERMAN:

Thank you, Mr. President. I mentioned to one of our staff that I'm very proud of the Illinois Senate. I think that we've had some interesting debates on some very meaningful subjects and regardless of how this amendment or the bill goes up or down, I...I take great pride in the way we conduct our business and I say that in...in...in meaningful compliment to President Rock and Minority Leader Philip and to each one of you. I...I...I'm very proud of the way we do things around here. What we're suggesting here by this amendment is what I hear many of the people that espouse these bills time and time again, this amendment is a pro-family amendment. I would suggest to you in my comments to my good friend Senator Poshard regarding the question of condoning the distribution of contraceptives, I didn't present a bill to condone or outlaw the giving of contraceptives to children, Senator Kelly has. It has been presented to us in that fashion. Now I

would suggest to you that this probably doesn't even belong here, because, to my knowledge, it has been decided in the way that a true democracy ought to decide it; not in Springfield for a thousand school districts that may be hundreds of miles away from here, it's been decided in the neighborhoods where the children go to school, where the parents and interested citizens have been at meetings and have debated and screamed and ranted and raved with the people that make those decisions, the parents, the kids, the principals in those schools, the teachers in those schools and the school board members, that's where it ought to be decided. I don't think it's for us to either condone or not condone. It is a health issue as well as a moral issue and I wasn't elected here to pass on religious values; yes, I'm elected here to pass on moral issues and I think to have the parents involved is a moral issue and that's why I think that morally Amendment No. 1 is right. Am I...as a State Senator, do I have a better position to decide what my child or any child has than a parent? No, no, I do not have a more superior right. The parent must be involved and that's all this amendment does. It says if we're going to do it and it's going to be decided, there can be other amendments...and do it the same way Chicago has done it where you have open meetings and...and...and decisions by the boards, but the parent should be involved and that's all this amendment says. I ask for a vote for the family, I ask for an Aye vote.

PRESIDENT:

The question is the adoption of Amendment No. 1 to Senate Bill 63. Those in favor of the amendment will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 29 Ayes, 28 Nays, none voting Present. Amendment No. 1 is adopted. Further amendments?

SECRETARY:

Amendment No. 2 offered by Senators Kelly and Hudson.

PRESIDENT:

Senator Kelly on Amendment No. 2.

SENATOR KELLY:

Thank you, Mr. President and members of the Senate. Amendment No. 2, it prevents the school clinics...and this is not stopping the school clinics, but it prevents them from providing abortion counseling or abortions. That's all it does and I'd ask for its adoption.

PRESIDENT:

Senator Kelly has moved the adoption of Amendment No. 2 to Senate Bill 63. Is there any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Are there further amendments?

SECRETARY:

Amendment No. 3 offered by Senators Geo-Karis and Fawell.

PRESIDENT:

Senator Geo-Karis on Amendment No. 3. Senator Kelly, for what purpose do you arise?

SENATOR KELLY:

Mr. President, I'd like to know if this amendment is germane to the bill. I'd like to get a ruling from the Chair.

PRESIDENT:

Senator Geo-Karis, the...the...yeah, Senator Kelly.

SENATOR KELLY:

I'd also like to know if it's technically correct and in proper order.

PRESIDENT:

Yes, Senator Geo-Karis, we have had an opportunity to go over the amendment. It is technically infirm and, therefore, the Chair is prepared to rule that the amendment is out of order. It technically does not fit. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading...on the Order of Senate Bills 2nd Reading, Senate Bill 242, Senator Kelly. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 242.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDENT:

Any amendments from the Floor?

SECRETARY:

Senator Kelly offers Amendment No. 1.

PRESIDENT:

Senator Kelly on Amendment No. 1.

SENATOR KELLY:

Thank you, Mr. President and members of the Senate. Amendment No. 1, this deals with the issue of day camp counselors and the minimum wage laws. It would exempt individuals serving as day camp counselors from the minimum wage law when they receive a one-time or periodic stipend. There was a...an agreement reached, I'm glad to say, today by the Jewish Federation, the AFL-CIO and the Department of Labor and what it does is this amendment deletes the provisions that allowed for the waiver of the minor's work permit. That is it and I'd ask for your support.

PRESIDENT:

Senator Kelly has moved the adoption of Amendment No. 1 to Senate Bill 242. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1340, hold. Ladies and gentlemen, that has effectively concluded our business until nine o'clock tomorrow morning. I intend to stay here with the Secretary and go through the paper and then we'll do House bills 1st reading just to clear the Calendar and put the things in process. Senator Davidson, for what purpose do you arise?

SENATOR DAVIDSON:

I need to change principal sponsorship on a bill I'm sponsorship, so it'll be with the right sponsor on the Calendar tomorrow, Mr. President. I'd like leave to change the principal sponsor from Davidson-Philip on Senate Bill 1236 to Mahar-Philip.

PRESIDENT:

All right. The gentleman seeks leave to show Senator Mahar as the chief sponsor, Madam Secretary, on Senate Bill 1236 replacing Senator Davidson. It will be Mahar instead of Davidson. Without objection, leave is granted. Senator Marovitz, for what purpose do you arise?

SENATOR MAROVITZ:

Thank you, very much, Mr. President...

PRESIDENT:

Nine o'clock tomorrow morning everybody.

SENATOR MAROVITZ:

On House Bill 715, I picked up the bill and in conference with...with Senator Jerome Joyce, the bill should read Joyce-Marovitz, House Bill 715.

PRESIDENT:

All right. The gentleman seeks leave on House Bill 715 to show Senator Jerome Joyce-Marovitz as the Senate sponsors. Without objection, leave is granted. Senator Vadalabene, for what purpose do you arise, sir?

SENATOR VADALABENE:

Yes, I would seek leave to show Senator Davidson as a hyphenated sponsor on Senate Joint Resolution 28, and also on

House Bill 143 show Senator Demuzio as a hyphenated sponsor.

PRESIDENT:

All right. The gentleman seeks leave to show Senator Davidson as the hyphenated sponsor on Senate Joint Resolution 28 and Senator Demuzio as the hyphenated sponsor on Senate Bill...Senate bill or House bill? House Bill 143, Senator Demuzio as the hyphenated sponsor. Without objection, leave is granted. Senator Severns, for what purpose do you arise?

SENATOR SEVERNS:

Thank you, Mr. President. I seek leave of the body to be added as a hyphenated sponsor to the following bills: Senate Bill 567, House bills with the permission of the...I mean, of the original sponsors in the House, House Bills 161, 612, 1194, 706 and 2249.

PRESIDENT:

All right. The lady seeks leave to be shown as the co-sponsor on Senate Bill 567, House Bills 161, 612, 1194, 706 and 2249. Without objection, leave is granted. Madam Secretary, resolutions.

SECRETARY:

Senate Resolution 285 offered by Senator Jones.

Senate Resolution 286 offered by Senators Davidson and all Senators.

Senate Resolution 287 offered by Senator Rock.

Senate Resolution 288 offered by Senators Smith, Rock and all members.

Senate Resolution 289 offered by Senator Keats and all members.

Senate Resolution 290 offered by Senator Dudycz.

Those are all congratulatory.

PRESIDENT:

Consent Calendar.

SECRETARY:

Senate Resolution 291 offered by Senator Dudycz, it's a

death resolution.

PRESIDENT:

Consent Calendar.

SECRETARY:

Senate Joint Resolution 54 offered by Senators Poshard, Rock and Philip.

PRESIDENT:

Executive. Senator Brookins, for what purpose do you arise, sir?

SENATOR BROOKINS:

Yes, with leave of the Body, Mr. President, I seek permission to be added as hyphenated cosponsor to House Bill 2164, Senate Bill 953, Senate Bill 1217 and Senate Bill 1103.

PRESIDENT:

All right. The gentleman seeks leave of the Body to be shown as the hyphenated cosponsor on House Bill 2164, Senate Bills 953, 1217 and 1103. Without objection, leave is granted. Senator del Valle, for what purpose do you arise, sir?

SENATOR del VALLE:

Mr. President, I seek leave to be added as a hyphenated sponsor to Senate Bill 1314, Senate Bill 153 and House Bills 1411 and 1412.

PRESIDENT:

All right. The gentleman seeks leave to be shown as the hyphenated cosponsor on Senate Bills 1314 and 153 as well as House Bills 1411 and 1412. Without objection, leave is granted. Senator Poshard, for what purpose do you arise, sir?

SENATOR POSHARD:

Yes, thank you, Mr. President. I have permission of the sponsor to be added as a hyphenated cosponsor to Senate Bill 875.

PRESIDENT:

All right. The gentleman seeks leave to be added as the hyphenated cosponsor on Senate Bill 875. Without objection, leave is granted. Senator Holmberg, for what purpose do you arise, ma'am?

SENATOR HOLMBERG:

Yes, I would like to have my name substituted as the chief sponsor on House Bill 320. It now reads Senator Collins and she wishes to relinquish sponsorship of the bill.

PRESIDENT:

All right. Senator Holmberg seeks leave to substitute Senator Holmberg on House Bill 320 in place of Senator Collins as the chief sponsor. Without objection, leave is granted. Messages from the Governor.

SECRETARY:

A Message from the Governor by Zack Stamp, Director of Legislative Affairs.

Mr. President - The Governor directs me to lay before the Senate the following Message.

To the Honorable members of the Senate, 85th General Assembly, I have nominated and appointed the following named person to the offices enumerated below the respectfully...and respectfully ask the concurrence in and confirmation of these...these appointments by your Honorable Body.

PRESIDENT:

Committee on Executive Appointments. Messages from the House.

SECRETARY:

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

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

House Bills 93, 97, 99, 109, 176, 192, 294,

308, 330, 378, 416, 421, 423,...451, 461, 473, 484, 507, 508,  
509, 510, 546, 547, 548, 549, 606, 655, 664, 679, 699, 710,  
715, 724, 726, 756, 757,...758, 759, 760, 761, 762, 763, 764,  
765, 766, 768, 769, 771, 772, 774, 775, 776, 779, 780, 781,  
782, 785, 790, 793, 810, 819, 842, 916, 941, 946, 960, 973,  
989, 1001,...1014, 1063, 1064, 1065, 1068,  
1063,...1163,...1234,...1368, 1424, 1469, 1546, 1569, 1636,  
1685, 1723, 1781, 1805, 1848, 1868, 1902, 1954, 1969, 2031,  
2048, 2049, 2050, 2084, 2114, 2301, 2493, 2559, 2756, 2797,  
2810.

PRESIDENT:

Committee reports.

SECRETARY:

Senator J. J. Joyce, chairman of the Committee on Executive, reports Senate Resolutions Noed. 134, 161, 169, 181, 225, 242 and 271 do adopt.

Senate Resolutions Noed. 151, 180 and 222 do adopt as amended.

Senate Joint Resolutions Noed. 28, 29 and 49 do adopt.

Senate Joint Resolutions Noed. 30 and 40 do adopt as amended.

And House Joint Resolution 56 do adopt as amended.

PRESIDENT:

All right. With leave of the Body, we'll move to page 33 on the Calendar on the Order of House Bills 1st Reading. House bills 1st reading, Madam Secretary.

SECRETARY:

House Bill 143 offered by Senator Vadalabene.

(Secretary reads title of bill)

House Bill 155 offered by Senator Welch.

(Secretary reads title of bill)

House Bill 164 offered by Senator Topinka.

(Secretary reads title of bill)

House Bill 180 offered by Senator Holmberg.

(Secretary reads title of bill)

House Bill 188 offered by Senator Berman.

(Secretary reads title of bill)

House Bill 237 offered by Senator Brookins.

(Secretary reads title of bill)

House Bill 245 offered by Senator Barkhausen.

(Secretary reads title of bill)

House Bill 249 offered by Senator Hall.

(Secretary reads title of bill)

House Bill 269 offered by Senators Welch and Madigan.

(Secretary reads title of bill)

House Bill 320 offered by Senator Collins.

(Secretary reads title of bill)

House Bill...326 offered by Senator Karpel.

(Secretary reads title of bill)

House Bill 394...393 offered by Senators Maitland and  
Jacobs.

(Secretary reads title of bill)

House Bill 394 offered by Senator Holmberg.

(Secretary reads title of bill)

House Bill 425 offered by Senator O'Daniel.

(Secretary reads title of bill)

House Bill 472 offered by Senator Welch.

(Secretary reads title of bill)

House Bill 497 offered by Senators Demuzio and DeAngelis.

(Secretary reads title of bill)

House Bill 532 offered by Senator Barkhausen.

(Secretary reads title of bill)

House Bill 540 offered by Senator Watson.

(Secretary reads title of bill)

House Bill 542 offered by Senators Berman and Etheredge.

(Secretary reads title of bill)

House Bill 560 offered by Senator Welch.

(Secretary reads title of bill)

House Bill 645 offered by Senator Berman.

(Secretary reads title of bill)

House Bill 672 offered by Senator Berman.

(Secretary reads title of bill)

House Bill 687 offered by Senators Watson and Degnan.

(Secretary reads title of bill)

House Bill 688 offered...offered by Senators Watson and Degnan.

(Secretary reads title of bill)

House Bill 689 offered by Senators Watson and Degnan.

(Secretary reads title of bill)

House Bill 700 offered by Senators O'Daniel and Luft.

(Secretary reads title of bill)

House Bill 703 offered by Senator J. J. Joyce.

(Secretary reads title of bill)

House Bill 709 offered by Senator O'Daniel.

(Secretary reads title of bill)

House Bill 717 offered by Senator J. J. Joyce.

(Secretary reads title of bill)

House Bill 730 offered by Senator Mahar.

(Secretary reads title of bill)

House Bill 755 offered by Senators Jacobs and Schaffer.

(Secretary reads title of bill)

House Bill 801 offered by Senator Fawell.

(Secretary reads title of bill)

House Bill 823 offered by Senators Watson and Degnan.

(Secretary reads title of bill)

House Bill 840 offered by Senators Luft...Kustra and Luft.

(Secretary reads title of bill)

House Bill 869 offered by Senator Jacobs.

(Secretary reads title of bill)

House Bill 873 offered by Senator Barkhausen.

(Secretary reads title of bill)

House Bill 887 offered by Senator Savickas.

(Secretary reads title of bill)

House Bill 930 offered by Senator Holmberg.

(Secretary reads title of bill)

House Bill 934 offered by Senator Berman.

(Secretary reads title of bill)

House Bill 976 offered by Senator Netsch.

(Secretary reads title of bill)

House Bill 980 offered by Senator Zito.

(Secretary reads title of bill)

House Bill 1018 offered by Senator Kustra.

(Secretary reads title of bill)

House Bill 1019 offered by Senator Barkhausen.

(Secretary reads title of bill)

House Bill 1031 offered by Senators Watson and Degnan.

(Secretary reads title of bill)

House Bill 1032 offered by Senator Karpziel.

(Secretary reads title of bill)

House Bill 1104 offered by Senator Holmberg.

(Secretary reads title of bill)

House Bill 1123 offered by Senator Hawkinson.

(Secretary reads title of bill)

House Bill 1216 offered by Senator Berman.

(Secretary reads title of bill)

House Bill 1219 offered by Senator Degnan.

(Secretary reads title of bill)

House Bill 1237 offered by Senator Barkhausen.

(Secretary reads title of bill)

House Bill 1256 offered by Senator Fawell.

(Secretary reads title of bill)

House Bill 1274 offered by Senator Zito.

(Secretary reads title of bill)

House Bill 1288 offered by Senator Brookins.

(Secretary reads title of bill)

House Bill...1291 offered by Senator Karpziel.

(Secretary reads title of bill)

House Bill 1344 offered by Senator O'Daniel.

(Secretary reads title of bill)

House Bill 1351 offered by Senator Berman.

(Secretary reads title of bill)

House Bill 1419 offered by Senator Welch.

(Secretary reads title of bill)

House Bill 1462 offered by Senator Berman.

(Secretary reads title of bill)

House Bill 1560 offered by Senators Karpziel and Hall.

(Secretary reads title of bill)

House Bill 1581 offered by Senator Berman.

(Secretary reads title of bill)

House Bill 1602 offered by Senator Hawkinson.

(Secretary reads title of bill)

House Bill 1605 offered by Senator Jacobs.

(Secretary reads title of bill)

House Bill 1628 offered by Senator Barkhausen.

(Secretary reads title of bill)

House Bill 1645 offered by Senators D'Arco and del Valle.

(Secretary reads title of bill)

House Bill 1667 offered by Senators Holmberg and Netsch.

(Secretary reads title of bill)

House Bill 1681 offered by Senator Holmberg.

(Secretary reads title of bill)

House Bill 1693 offered by Senator Barkhausen.

(Secretary reads title of bill)

House Bill...1701 offered by Senator Degnan.

(Secretary reads title of bill)

House Bill 1763 offered by Senator Zito.

(Secretary reads title of bill)

House Bill 1815 offered by Senators D'Arco and del Valle.

(Secretary reads title of bill)

House Bill 1869 offered by Senators Watson and Degnan.

(Secretary reads title of bill)

House Bill 1901 offered by Senator Berman.

(Secretary reads title of bill)

House Bill...1918 offered by Senator J. J. Joyce.

(Secretary reads title of bill)

House Bill 1940 offered by Senator D'Arco.

(Secretary reads title of bill)

House Bill 2027 offered by Senators Berman and Holmberg.

(Secretary reads title of bill)

House Bill 2151 offered by Senator Welch.

(Secretary reads title of bill)

House Bill 2166 offered by Senator Jacobs.

(Secretary reads title of bill)

House Bill 2180 offered by Senator Barkhausen.

(Secretary reads title of bill)

House Bill 2201 offered by Senators Geo-Karis and Barkhausen.

(Secretary reads title of bill)

House Bill 2202 offered by Senators Geo-Karis and Barkhausen.

(Secretary reads title of bill)

House Bill 2208 offered by Senators Watson and Degnan.

(Secretary reads title of bill)

House Bill 2209 offered by Senators Watson and Degnan.

(Secretary reads title of bill)

House Bill 2304 offered by Senator Holmberg.

(Secretary reads title of bill)

House Bill 2330 offered by Senator Barkhausen.

(Secretary reads title of bill)

House Bill 2341 offered by Senator Watson.

(Secretary reads title of bill)

House Bill 2380 offered by Senator J. J. Joyce.

(Secretary reads title of bill)

House Bill 2407 offered by Senator Schaffer.

(Secretary reads title of bill)

House Bill 2414 offered by Senator Topinka.

(Secretary reads title of bill)

House Bill 2446 offered by Senator Topinka.

(Secretary reads title of bill)

House Bill 2476 offered by Senator Topinka.

(Secretary reads title of bill)

House Bill 2494 offered by Senator O'Daniel.

(Secretary reads title of bill)

House Bill 2537 offered by Senator Mahar.

(Secretary reads title of bill)

House Bill...2680 offered by Senator J. J. Joyce.

(Secretary reads title of bill)

House Bill 2699 offered by Senator Barkhausen.

(Secretary reads title of bill)

House Bill 2717 offered by Senator Berman.

(Secretary reads title of bill)

House Bill 2727 offered by Senator Kustra.

(Secretary reads title of bill)

House Bill 2729 offered by Senator Berman.

(Secretary reads title of bill)

House Bill 2748 offered by Senator Hall.

(Secretary reads title of bill)

House Bill 2749 offered by Senator Hall.

(Secretary reads title of bill)

House Bill 2788 offered by Senator Schaffer.

(Secretary reads title of bill)

House Bill 2793 offered by Senator Hudson.

(Secretary reads title of bill)

House Bill 2795 offered by Senator Keats.

(Secretary reads title of bill)

House Bill 2806 offered by Senator Weaver.

(Secretary reads title of bill)

House Bill 2837 offered by Senator Davidson.

(Secretary reads title of bill)

House Bill 2838 offered by Senator Barkhausen.

(Secretary reads title of bill)

House Bill 2844 offered by Senators Schaffer and Carroll.

(Secretary reads title of bill)

1st reading of the bills.

PRESIDENT:

Further business to come before the Senate? Senator Geo-  
Karis moves that the Senate stand adjourned until Friday, May  
22nd, tomorrow morning at the hour of nine o'clock. Nine  
o'clock tomorrow morning.

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