

STATE OF ILLINOIS
88TH GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

108th Legislative Day

April 21, 1994

PRESIDING OFFICER: (SENATOR WEAVER)

The Senate will come to order. Will the Senators be at their desks, and our friends in the gallery please rise. Our prayer today will be by the Pastor Thomas Christell, Grace Lutheran Church of Springfield. Pastor.

PASTOR THOMAS CHRISTELL:

(Prayer given by Pastor Thomas Christell)

PRESIDING OFFICER: (SENATOR WEAVER)

Read the Journal.

SECRETARY HARRY:

Senate Journals of Wednesday, April 13th; Thursday, April 14th; and Friday, April 15th, 1994.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Butler.

SENATOR BUTLER:

Mr. President, I move that the Journals just read by the Secretary be approved, unless some -- some Senator has additions or a correction to offer.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Butler moves the approval of the Journals just read. There being no objection, it is so ordered. Senator Butler.

SENATOR BUTLER:

Mr. President, I move that reading and approval of the Journals of Tuesday, April 19th and Wednesday, April 20th in the year 1994, be postponed, pending arrival of the printed Journals.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Butler moves to postpone the reading and the approval of the Journals, pending arrival of the printed transcripts. There being no objections, it is so ordered. Committee Reports.

SECRETARY HARRY:

Senator Topinka, Chair of the Committee on Public Health and Welfare, reports Senate Amendment 2 to Senate Bill 1147 Be

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Adopted; Amendment 2 to Senate Bill 1598 Be Adopted; Amendment 1 to Senate Bill 1746 Be Adopted; and Amendment 2 to Senate Bill 1746 Be Adopted.

Senator Madigan, Chair of the Committee on Insurance, Pensions and Licensed Activities, reports Amendment 1 to Senate Bill 1421 Be Adopted; Amendment 1 to Senate Bill 1479 Be Adopted; Amendment 1 to Senate Bill 1624 Be Adopted; Amendment 2 to Senate Bill 1706 Be Adopted; Amendment 18 to Senate Bill 1709 Be Approved for Consideration; Amendment 1 to Senate Bill 1710 Be Adopted; and Amendment 2 to Senate Bill 1728 Be Adopted.

Senator Fawell, Chair of the Committee on Transportation, reports Amendment 4 to Senate Bill 1730 Be Adopted; and Amendment 3 to Senate Bill 1733 Be Adopted.

Senator Hawkinson, Chair of the Committee on Judiciary, reports Amendment 2 to Senate Bill 1133 Be Adopted.

Senator Mahar, Chair of the Committee on Environment and Energy, reports that the Second Conference Committee Report to Senate Bill 405 Be Approved for Consideration.

Senator Watson, Chair of the Committee on Education, reports Amendment 1 to Senate Bill 1381 Be Adopted, Amendment 2 to Senate Bill 1678 Be Adopted; Amendment 3 to Senate Bill 1716 Be Adopted.

And Senator Karpel, Chair of the Committee on Executive, reports Senate Amendment 3 to Senate Bill 1318 Be Adopted; Amendments numbered 1, 2 and 3 to Senate Bill 1364 Be Adopted; and Amendment 1 to Senate Bill 1528 Be Adopted.

PRESIDING OFFICER: (SENATOR WEAVER)

Resolutions.

SECRETARY HARRY:

Senate Resolution 1296 is offered by Senator Karpel.

Senate Resolution 1297, by Senator Petka.

And Senate Resolution 1298, by Senator Hall and all Members. They're all congratulatory, Mr. President.

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PRESIDING OFFICER: (SENATOR WEAVER)

Consent Calendar.

SECRETARY HARRY:

Senate Resolution 1299, offered by Senators Ralph Dunn and Rea.

It's substantive.

PRESIDING OFFICER: (SENATOR WEAVER)

It is the intention of the Chair to go to recall of appropriation bills to handle those amendments. First, Gretchen Kerwin, photographer from the Springfield Journal-Register, requests permission to photograph on the Floor for a project featuring individuals behind the scene at the Statehouse. Is there leave? Leave is granted. Senator Hasara, do you wish to recall Senate Bill 1258 to the Order of 2nd Reading for the purpose of an amendment? Senator Hasara seeks leave of the Body to return Senate Bill 1258 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1258. Mr. Secretary, are there any Floor amendments approved for consideration?

PRESIDING OFFICER: (SENATOR WEAVER)

Amendment No. 2, offered by Senator Maitland.

PRESIDING OFFICER: (SENATOR WEAVER)

For what purpose does Senator Cullerton arise?

SENATOR CULLERTON:

Yes. Thank you, Mr. President. I'd like to request a Democratic Caucus immediately in Senator Jones' office.

PRESIDING OFFICER: (SENATOR WEAVER)

That request is in order. How long will you be, Senator? Democratic Caucus will be held in Senator Jones' office, approximately a half hour. Hopefully we can come back sharp shortly after a half hour and get -- we will delay the Rules Committee until 12:15 -- 1:15. Excuse me. 1:15. Senate will

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stand in recess.

(SENATE STANDS IN RECESS)

PRESIDING OFFICER: (SENATOR WEAVER)

The Senate will reconvene in five minutes. Five minutes. It is the intention of the Chair to go to appropriation bills on recall and get those amendments offered. Five minutes.

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR WEAVER)

The Senate will come to order. The Illinois Information Service requests permission to videotape today's proceedings. Is there leave? Leave is granted. On the Order of 1st Reading, Mr. Secretary. You have House Bills on 1st Reading.

SECRETARY HARRY:

House Bill 365, offered by Senator -- Senator LaPaille.

(Secretary reads title of bill)

House Bill 431, by Senator LaPaille.

(Secretary reads title of bill)

Senator LaPaille offers House Bill 950.

(Secretary reads title of bill)

House Bill 2108, by Senator Cullerton.

(Secretary reads title of bill)

House Bill 2240, by Senator Cullerton.

(Secretary reads title of bill)

House Bill 2264, by Senator LaPaille.

(Secretary reads title of bill)

House Bill 2268, Senator LaPaille.

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(Secretary reads title of bill)

House Bill 2269, Senator LaPaille.

(Secretary reads title of bill)

House Bill 2358, Senator LaPaille.

(Secretary reads title of bill)

House Bill 2359, Senator LaPaille.

(Secretary reads title of bill)

House Bill 2612, offered by Senators Dudycz and DeLeo.

(Secretary reads title of bill)

House Bill 2635, Senator Raica.

(Secretary reads title of bill)

Senator Geo-Karis offers House Bill 2645.

(Secretary reads title of bill)

House Bill 3081, Senator LaPaille.

(Secretary reads title of bill)

Senator O'Malley offers House Bill 3192.

(Secretary reads title of bill)

House Bill 3273 is offered by Senator Smith.

(Secretary reads title of bill)

And House Bill 3582, by Senator Butler.

(Secretary reads title of bill)

1st Reading of the bills, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

It is the intention to go to the Order of 2nd Reading on -- on the Order of 3rd Reading to bring the appropriation bills that have amendments filed, and act on all those amendments. We have a great deal of work to do today, and if the Membership will keep their comments to a minimum, maybe we can get out by midnight. WICS-TV requests permission to videotape. Is there leave? Leave is granted. Senator Hasara has asked leave to bring Senate Bill 1258 back to the Order of 2nd Reading for the purpose of an amendment. Is there leave? Leave is granted. Senator Maitland,

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on Amendment No. 2 to Senate Bill 1258.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. Let me -- let me first of all indicate what we attempted to do with -- with this budget as we now -- as we now are -- are amending it. We -- we looked at all new initiatives that were suggested by the various agencies, and where we thought necessary, reduced or -- or eliminated those new initiatives. Secondly, we attempted to bring all increases back to the level -- the approximate level -- wherever possible, the level that had been suggested as the rate increase for providers - roughly .8 -- 8.8 -- .8 percent - and finally we attempted to -- where we saw expansion in the budget and could not get a definitive answer from an agency -- and I know this doesn't mean we had lack of communication, but where we either didn't agree or weren't satisfied with the increases in those initiatives, then we -- then we reduced those, as well. In the amendments that we will offer you this afternoon, we have roughly in -- in total reductions, eighty-seven million dollars with the total additions around seven million -- nearly eight million dollars, for a net reduction of about seventy-nine million dollars from the introduced level. Let me then, Mr. President, with that brief explanation, indicate to you that the amendment we are offering on Senate Bill 1258 is a reduction of four hundred twenty-five thousand dollars in General Revenue, and I would -- would move for its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you very much, Mr. President. I -- I have a question of the sponsor. However, now that everybody is here, I thank you very much.

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He indicates he will yield, Senator. Senator Hendon.

SENATOR HENDON:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield.

SENATOR HENDON:

Senator Maitland, the -- this cut involved in the motor-voter program -- is that cut still in here?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Maitland.

SENATOR MAITLAND:

Senator, let's get something straight, perhaps, right now. You were -- you were in the committee yesterday, so -- the answer is yes. But -- but, you know, let's -- those are answers to questions that you know are already there.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hendon.

SENATOR HENDON:

Well, Mr. Chairman, I won't be the first Senator to stand on this Floor and ask a question for the benefit of the other Senators that weren't in committee. So let's get that straight also. I asked the question for the benefit of the Members who were not in the committee who asked me the question. So I simply asked you the question, and I would respectfully submit to you that I have the right to ask that question. I won't be the first Senator to do so.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs. Senator Maitland.

SENATOR MAITLAND:

Well, just to respond to the speaker. In my opening remarks announcing this amendment, I indicated what was in this amendment.

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And the amount. So the question was redundant.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he will yield.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Just a procedural question, if I might, Senator Maitland. In committee yesterday I know I had an amendment, and there were a couple of other amendments, and at that point the comment was made that we would have another time to hear these amendments. Could you tell me what that procedure may be? If we're putting these bills in -- into its final posture today -- which I have no qualms with; I just want to know whenever that time will be.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Yes. Senator, with, you know, with specific reference to the issue that you had, that is one that -- that we all feel relatively strongly about, but it came to us at a late moment, and obviously couldn't act upon it. And perhaps I should have said in my opening remarks, we are still yet early in the -- in the process, and there will be some further adjustments in this budget.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hall.

SENATOR HALL:

I just want -- at the proper time when he finishes, I just have been informed that they're going to recommit the vehicle bills. If that's so -- I'd like to ask the Chairman over there.

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Maitland.

SENATOR HALL:

Senator Maitland.

SENATOR MAITLAND:

Senator, yes, we intend to recommit the vehicle bills to Rules.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hall.

SENATOR HALL:

Well, in that case, that -- we'll do likewise. Are you ready now, Senator? All right. Whenever the time comes.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, all those in favor of the amendment will signify by saying Aye, and opposed, Nay. Ayes have it. The amendment is adopted. Any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. On page 5 of your Calendar, Senate Bill 1754. Senator Maitland, do you wish this bill returned to the Order of 2nd Reading for the purpose of an amendment? Senator Maitland seeks leave of the Body to return Senate Bill 1754 to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1754. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Maitland.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Maitland, to explain the amendment.

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SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. Floor Amendment No. 1 is a reduction of five million eight hundred thousand in General Revenue. I would move for its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in opposition to this amendment, which I believe is Amendment No. 1. Let me explain a little bit what the amendment does, and why we are opposed. And at the end, Mr. President, we will ask for a roll call on this particular amendment. Senator Maitland identified that it is about a five-and-a-half, six-million-dollar cut. What it does is it cuts services to mentally ill children by a little over half a million dollars. It cuts community living arrangements for the developmentally disabled by a million six-plus, and it cuts specialized services for the developmentally disabled by over two million dollars. These are not the areas where we should be trying to cut. We totally agree with the Republican cut in the operations of the Department - getting rid of the bureaucracy - but why are we taking away funds from the developmentally disabled children and mental health services for children? Very likely, were this amendment to become law, we would have also violated a federal court order. As everyone knows, this is one of those agencies the Governor has turned over to the federal court, because of the inability of the administration to administer. This flies in the face of those type of orders that say we should be giving these types of services. And we, for one, do not want to take funds away from the developmentally disabled and the kids who need mental health services, and would urge rejection of Amendment No. 1.

PRESIDING OFFICER: (SENATOR WEAVER)

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Senator Hendon. Senator Hendon, do you wish to speak on it?

SENATOR HENDON:

Thank you very much, Mr. President. I stand in total opposition to this amendment, and I think the people of this -- of this State and the Members of this -- the Members of this Chamber should at least have the opportunity to know exactly what we're doing here. It is wrong to cut money from children who have problems. There are children throughout this State who need these services and need these funds. Our children are faced -- and living in a time of decadence, violence, blatant sex all over television, all in their music, and they need our help and our assistance. And it is cruel for us as -- as the Legislature, to cut these funds from these children that will be in need of these funds. It is wrong, and I'm opposed to it, and the -- and we will pay one day. Truly, we will pay for not taking care of the children of this State.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? Senator Maitland.

SENATOR MAITLAND:

Mr. President, just -- just in closing, let me -- let me indicate that -- that there are -- that each one of these different components that have been talked about by Senator Carroll and by Senator Hendon, are substantial increases over the preceding year. We are not cutting anything. We are simply cutting the phase-in and -- and the -- each program is substantially higher than the preceding year. I would therefore renew my motion and seek your support.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Maitland has moved adoption of Amendment No. 2 <sic> to House -- Senate Bill 1754. There's been a request for a roll call. Those in favor of the amendment will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who

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wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 31, the Nays are 27, none voting Present. The amendment is adopted. Are there further amendments? Senator Cullerton, for what purpose do you rise?

SENATOR CULLERTON:

I wish to ask for a verification on the last amendment.

PRESIDING OFFICER: (SENATOR WEAVER)

That request is in order. Mr. Secretary, will you verify the Aye votes?

SECRETARY HARRY:

The following voted in the affirmative: Barkhausen, Burzynski, Butler, Cronin, DeAngelis, Dillard, Donahue, Dudycz, Ralph Dunn, Fawell, Fitzgerald, Geo-Karis, Hasara, Hawkinson, Karpziel, Klemm, Lauzen, Madigan, Mahar, Maitland, O'Malley, Peterson, Petka, Raica, Rauschenberger, Sieben, Syverson, Watson, Weaver, Woodyard and Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton, is there -- do you question the presence of any Member?

SENATOR CULLERTON:

No.

PRESIDING OFFICER: (SENATOR WEAVER)

On a verified roll call, the Ayes are 31, the Nays are 27, none voting Present. Having received the required constitutional majority, the amendment is adopted. Are there further amendments, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Maitland, do you wish Senate Bill 1755 returned to the Order of -- 1756 to the Order of 2nd Reading for the purpose of an amendment? Senator Maitland seeks leave of the

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Body to return Senate Bill 1756 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1756. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Donahue.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Donahue, to explain the amendment.

SENATOR DONAHUE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Floor Amendment No. 1 to the Court of Claims simply adds the funding to allow for the payment of the currently approved awards and the approved claims, and I would move for its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any discussion? If not, those in favor will signify by saying Aye. And opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

3rd Reading. Senator Maitland, do you wish to return to 2nd Reading Senate Bill 1758? Senator Maitland seeks leave of the Body to return Senate Bill 1758 to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1758. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 5, offered by Senator Maitland.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Maitland, to explain your amendment.

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SENATOR MAITLAND:

Thank you, Mr. President, Members of the Senate. Floor Amendment No. 5 to the Omnibus Human Service Bill, Senate Bill 1758, is a reduction of eight million three hundred forty-seven thousand dollars. I seek -- I move for its adoption.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator del Valle.

SENATOR DEL VALLE:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he would yield, Senator.

SENATOR DEL VALLE:

Senator Maitland, this amendment includes a reduction of two million dollars that was in the budget for gang violence and drug abuse prevention programs. The programs were going to come in the form of six pilot sites that would have included Joliet, Peoria, East St. Louis, DuPage County and Cabrini Green. The program is supposed to address the correlation between drug abuse and gang violence and gang activity. We have cut two million dollars from this program at a time when we are looking at violence -- increasing violence, particularly among youth in different parts of the State, not just CHA, not just the City of Chicago, but in DuPage County and other counties throughout the State. We have here a program to reduce violence, and we're cutting it by two million dollars. Can you explain why we're taking this action?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President and Members of the Senate. Senator, we -- we cut the program by 1.7 million dollars. We left in -- we left two hundred and fifty thousand dollars in. First of all, the cities that were -- were only suggested cities. No one knew for

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sure where those were going to be. We thought it may well be a good program. Let's -- let's seek one city and try the program there, and see how it works. It is a new initiative, and therefore we would suggest that we take out 1.7 million dollars.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator del Valle.

SENATOR DEL VALLE:

Senator Maitland, in other words, we're going to see how it works in Rockford. And we're going to make all these other areas that have growing violence -- increasing violence, where kids are dying on a daily basis almost -- we're going to let them wait while we see how it works in Rockford. I -- I just don't understand that, and I rise in strong opposition to this cut.

PRESIDING OFFICER: (SENATOR WEAVER)

Further discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Members of the Senate. I, too, rise in opposition to this amendment for several reasons. Just to follow up a little bit on what Senator del Valle so capably said: The Governor proposed, quite correctly, that we look at six sites to see what we can do about gang violence. But appears as if the Senate Republicans do not believe that there's a gang violence problem in Cabrini Green. That is one of the proposed sites. I can understand maybe Senator Philip doesn't want that kind of study in DuPage, but I do believe East St. Louis, Peoria and Joliet would welcome something that would help deal with the gang violence problem. And as you read the papers, what's happening in Cabrini Green is a crime to society, but no, we'll take away the money by this amendment in order to help alleviate some of the fears of the people in Cabrini Green. But that makes sense, because what else does the amendment do? We're reducing the funding for elder abuse and neglect prevention. Every day we read

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in the papers about the growing concern about kids abusing their elder parents. Elder abuse and neglect has become one of the rampant crimes, unfortunately, in our society. So what does this amendment do? Takes away some of the money so we don't have to worry about it. We can pretend it didn't happen. We also are taking away funding for the Project Cornerstone. A new and innovative program to help bring services together -- bring services together for clients who participate in the Women's and Infants' Program. So what this amendment says is, we don't want to worry about gang violence where the gangs are, we will not deal with the problems of abuse to our elderly, and we're not going to take care of the Women's and Infants' Program. What a terrible idea, and I would suggest, Mr. President, we have a roll call.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. Chairman, Ladies and Gentlemen of the Senate. I join with my colleagues in saying that I am doubly against this Amendment 5 on the Senate Bill 1758, and I just want to reiterate some of the things that have been said here already this morning, hoping that you will understand what you are doing to us, and the people who are responsible for the work of DASA. The amendment that -- if you pass this amendment, it will cut the increase in services for the Department of Children and Family Services by two and a half million dollars. These are needy people. These are people who really, really need. They can't come into these halls and proclaim their need, but they have we, their Senators, who can speak on their behalf. And here we are talking about cutting out two and a half million dollars. And then we -- this amendment also eliminates one million dollars budgeted for the expansion of alcohol and substance abuse prevention services to twenty underfunded communities in the Chicago area and downstate area.

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And some of the communities that they are going to select have not even been chosen. It also will eliminate two million dollars budgeted for a gang violence and drug abuse prevention program in the six pilot areas. And you've just -- been stated and read to you what the areas were. They were Rockford, Joliet, Peoria, East St. Louis, DuPage County and Cabrini Green in Chicago. The one that they have left -- these others all out for the time being -- and they're going to center on Rockford, Illinois. These programs are desperately needed. We're talking about all the violence in this -- and you had it right here in your hand, at your fingertips, in order to avert many of these things that are happening in our societies. And here you are talking about decrease, decrease, decrease. For what? For something that they want to do - a pet project or something. And so I am saying to you, those of you on the -- that are sitting in these seats, that are representing your people, your constituents: maybe you don't have any poor in your particular area. You don't have any dope in your area. You don't have any prostitution in your area. You don't have any mentally ill people in your area, but for God's sake, those who are suffering with this and have to go back into their areas and say to their people, "We tried, but we couldn't do any better". You can do better here this morning, and so I'm asking you, think in terms of this amendment on Senate Bill 1758. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Madam President. In this amendment, there's also a -- what seems to be a small provision reducing by three months the start-up of the Alzheimer's unit at the LaSalle Veterans' Home, which is a savings of forty-eight thousand dollars, I believe. Is that correct, Senator Maitland? Is that a three month...

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PRESIDING OFFICER: (SENATOR DONAHUE)

Is that a question? Senator Maitland.

SENATOR MAITLAND:

I don't know -- what'd he say? I didn't hear him.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Welch.

SENATOR WELCH:

You couldn't hear me? All right. What I'm asking is, in this amendment, is there a reduction for the LaSalle Veterans' Home due to a lag of three months in opening the Alzheimer's unit? Our records show that'd be a reduction of 48.8 thousand dollars. Is that correct?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

The answer is yes.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Welch.

SENATOR WELCH:

Well, I think that that's false economy, Senator, because putting it off by three months - something that we've been waiting for at the veterans' center in LaSalle County, that serves eighty percent of the veterans in Northern Illinois, doesn't seem to make a lot of sense in light of the other add-ons that are going to be passed out of this Chamber today. We have an add-on for seventy-five -- seventy-five thousand dollars for a display case to display the Gettysburg Address that was used concerning the Civil War. We've got an add-on of five hundred thousand dollars to Parkland College for cost associated with the Illinois Institute For Military and Occupational Studies, to study wars that we may engage in in the future. But here when we have veterans who've already served in prior wars, we're delaying

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services to them, and I think that that's a big mistake. I think that we should use the money -- we can find forty-eight thousand dollars in this budget, and put that budget back where it was originally intended. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Raica.

SENATOR RAICA:

Thank you, Madam President. I guess -- just to the merits: numerous times I've stood up on this Floor and either defended the -- the rightness or wrongness of good legislation or bad legislation, but I've always defended and supported police officers and public servants throughout the State of Illinois. I was really unaware of -- of exactly what was involved in Senate -- Senate Bill 1758. Cabrini Green is in one of my districts, and I start my watch with a hundred and twenty people every day, and I hope to end my watch every day with a hundred and twenty people. And I would hate to see two million dollars go down the tubes and have one of my people die because of something that I didn't know about. And therefore, I'm not going to be able to support this amendment.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you very much, Madam President. I will be brief. I just wanted to say that I, too, am in opposition to this in a time when we are acknowledging that young people are the fastest growing population in prison right now. And we're warehousing them at twenty thousand dollars a year. When we are acknowledging that drugs -- the proliferation of drugs in America is the number one crime problem in America. Why in the world -- why in the world would we cut almost two million dollars from this program? It makes no sense whatsoever, and as Senator Welch said, there are

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add-ons in this budget for things that may be important to an individual Senator, but have no bearing on the quality of life of the people of this State. This is wrong, Ladies and Gentlemen of the Senate. This is a pay-me-now or pay-me-later. And it seems like we're just hell-bent on pay-me-later, and it makes no sense at all, because later - in this situation, when you're talking about drugs and gangs - later is tomorrow. Every day -- every single day that we're in Session, we come up with a bill about being tough on crime. We come up with something about giving people longer time in the penitentiary. We come up with something about doing something with these criminals, but yet we don't want to spend any money at all to keep our young people from going to jail in the first place. We have to be for real about what we're doing here today, Ladies and Gentlemen. We have to be for real. We have to fight drugs. We have to fight gangs, and it starts in this room. And it's not just in Chicago. It's not just in the areas where Senator Dudycz and Senator Raica put their lives on the line every single day. And I know it's a bad neighborhood, because they serve my neighborhood, but it's all over this State. And maybe you cannot vote against most of these amendments, but this is one -- this is one that we should vote down, whether you are a Democrat or a Republican. We should vote this particular amendment down, and go back and put this money back in there so we can be for real about fighting drugs and fighting gangs in this State.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Rea.

SENATOR REA:

Thank you, Madam President. A point of personal privilege, please.

PRESIDING OFFICER: (SENATOR DONAHUE)

State your point.

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SENATOR REA:

We have some special guests -- and Senator O'Daniel and I have, and representing our area, that's up in the gallery on the Republican side, here in the back. They're from the Waltonville High School. The FHA girls and their chaperone, Theresa Feira. Let's welcome them to Springfield.

PRESIDING OFFICER: (SENATOR DONAHUE)

Would you please rise and be recognized by the Illinois Senate. Welcome. Further discussion? Further discussion? Senator Maitland, to close.

SENATOR MAITLAND:

Thank you very much, Madam President and Members of the Senate. I think, really, we need to make note again here of something, and I -- if my colleagues on the other side of the aisle want to object to the -- the reduction in the amount of increase in this budget, then that's fine. Let's do that, and that's -- we can disagree on that. But please, oh please, don't stand up and talk about the reduction that this budget brings about to programs over last year's budget. Many of you have spoken about the way we are cutting services to individuals. Do you know that elder abuse is over ten percent greater than a year ago? The rate increase is there. We are projecting a ten percent growth, and we cut it a miniscule amount that the Governor had suggested in his budget. And we'll still debate this issue later on. This budget -- the cuts we are suggesting today in the introduced level, represent less than -- slightly less than five tenths of one percent. Think about that. And this is the major portion of the FY'95 budget, and this is not the final day. But this is our attempt to put into this budget some of the things that we feel, as a legislative Body, and the negotiations will continue. But please, oh please, don't continue to talk about taking away services to young people and mentally ill in this

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State. It just simply isn't fair. It's not a good assessment of what these amendments are all about.

PRESIDING OFFICER: (SENATOR DONAHUE)

Question is, shall Amendment No. 1 <sic> -- Floor Amendment No. 1 <sic> to Senate Bill 1758 be adopted. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Take the record. On that question, there are 29 Ayes, 29 Nays, none voting Present. The amendment fails. Any further Floor amendments?

SECRETARY HARRY:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Maitland, on Senate Bill 1759. Do you wish to have that returned to 2nd Reading for the purposes of amendment? Senator Maitland seeks leave of the Body to return Senate Bill 1759 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of -- 2nd Reading is Senate Bill 1759. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Maitland.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland, on Amendment No. 3.

SENATOR MAITLAND:

Thank you, Madam President. Floor Amendment No. 3 to Senate Bill 1759 represents a reduction of fifty-six million seven hundred thousand in General Revenue, and I would -- would move for its adoption.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Senator Cullerton.

SENATOR CULLERTON:

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Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Cullerton.

SENATOR CULLERTON:

Senator Maitland, I apologize; we had a caucus and we came out a little late. In the beginning of this process of going through these amendments, did you indicate collectively, as a result of all of these amendments, what the total reduction was from the Governor's amendment? I apologize. Could you repeat that?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Madam President. Senator Cullerton, the -- the net total reductions is seventy-nine million, one hundred and ninety-five thousand dollars. The -- the net GR reduction is fifty-one million, eight hundred thousand.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

So, in other words, with some add-backs, it comes to a net reduction -- is that based -- is the -- the reason why there's this reduction proposed because of a difference in opinion as to what the net revenue is going to be this year, or was -- did you give any explanation as to what the reason for the reduction was from the Governor's proposed budget?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Senator, I think we are -- we are -- this is a very large budget - a very large budget. We had a number of areas whereas some of our Members had some very strong feelings about -- about some new initiatives and the like, and recognizing that this

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budget is obviously very fragile, we don't know what is going to happen in a number of areas that we would -- we would seek to find, throughout all the agency bills that we have here, where we might make reductions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Syverson.

SENATOR SYVERSON:

Thank you. Senator Maitland, I just have a question regarding the reduction in the proposed increase. If I said that right, it's not a cut. The reduction in the proposed increase regarding the -- for the dental -- for the dental portion of the bill. It's my understanding that there's never been an increase in the Public Aid payment for dentists, and it's difficult right now to find dentists who are willing to do Public Aid work for that type of -- limits. Is it absolutely necessary that we make this reduction in that increase, and we hold off for the three quarters of a month, or is that something that we can look at either now or in the future to add back in?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Senator, first of all, yes, this is going to continue to be looked at throughout the process, but keep in mind the dentists do get an increase this year. And we simply attempted to bring everybody back to a parity with -- with what other providers were at - .8 percent.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? Senator Maitland, to close. Oh. Senator Collins, I'm sorry; I didn't see your light.

SENATOR COLLINS:

Senator Maitland, on the Transitional Assistance Program, I understand in that that you're reducing it. Is that reduction

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based on the Governor's -- an increase of the Governor's? And you're reducing that, or are you talking about reducing it from last year's level funded?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Senator, it -- the number we have there now reflects what we think FY'94 <sic> spending will be, plus five percent.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Collins.

SENATOR COLLINS:

Senator, is -- is that based on the Department of Public Aid's projection of the anticipated client caseload next year, or -- or how did you arrive at this cut? Because many of the advocacy groups -- and the reality of this is there are -- the transitional program that's left now, geared only to those persons who are either waiting for -- to go on SSI, or those persons who are adjudged unemployable under the new Earnfare Program. And those people who are on some kind of maintenance medication, so that -- are you saying -- and addicts, and et cetera -- are you saying that these people -- that there is a reduction in that caseload out there? Because I think you're wrong. And I'm sure the advocacy groups have so many people out there now that they can't really get processed into some kind of program, and they are out there now, looking for people - the street people, the homeless people, the addicts - who are walking the streets, and there have been a tremendous increase in the number of street people, and also teenagers who are eligible for transitional assistance, because they are deemed unemployable, because they have some kind of -- either they are an addict or hooked on -- mentally ill -- been discharged from mental ill hospitals and are totally incapable of living alone and taking care of themselves. So I

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don't understand how anyone could come up with these figures. And that's why I wanted to know: is this something from the Department, or is this something arbitrarily that you all decided to do in order to find some money for other kinds of things?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

You want me to close?

PRESIDING OFFICER: (SENATOR DONAHUE)

I think that was a question, Senator.

SENATOR MAITLAND:

Okay. Well, Senator, I am reliably informed that -- that the agency believes this line may well be flat for next year, and we, in fact, are putting five percent in there. This is another way -- I don't believe you were on the Floor when I mentioned this when we started, but I said there were a number of times when communication back and forth with agencies, there is -- not a misunderstanding, but a -- not a complete realization of what the numbers might be. We believe in this case, we are above what the agency thinks they might have for FY'95, and we think that five percent growth is appropriate.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Collins.

SENATOR COLLINS:

But Senator, it's my understanding the Governor had already cut -- and even that -- I don't think that was based on any real definitive data to do that, because the reality - you have to get some input from those service agencies out there that will give you a better and more definitive data as to that population out there. That population is not decreasing. So how, in God's name, can you come up with a reduction? And that's what's bothering me, Senator. But you know, and I know, and I agree with you - it's

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very hard to get adequate information around here, but that side of the aisle killed the bill that would have given this Body -- a bill that I sponsored this year, that would have given this Body more definitive data by which to make a determination about the -- the actual needs of -- of these agencies when we get ready to sit down and do budgeting. And this is a good example right here, and these people will have to come in for a supplemental. I know it, you know it, and they know it. Or we're just not going to serve the people out there who are entitled to these services.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Maitland, to close. Question is, -- all those -- shall -- the question is, shall Floor Amendment No. 3 to Senate Bill 1759 be adopted. All those in favor, say Aye. Opposed, Nay. The Ayes have it. A roll call has been requested. All those in favor will vote Aye. Opposed, Nay, and the voting is open. Have all voted who wished? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 31 Ayes, 25 Nays, none voting Present. Senate Amendment No. 3 to Senate Bill 1759 is adopted. Are there any further Floor amendments for consideration?

SECRETARY HARRY:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Maitland, on Senate Bill 1760. Excuse me, Senator Maitland. Senator Hawkinson, for what purpose do rise?

SENATOR HAWKINSON:

Point -- point of personal privilege, Madam Chairman.

PRESIDING OFFICER: (SENATOR DONAHUE)

State your point.

SENATOR HAWKINSON:

I was called off the Floor to talk to a constituent during the

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debate on Floor Amendment No. 1 to Senate Bill 1754, voted my switch Aye, but I would have intended to vote No on that Amendment.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland, on Senate Bill 1760. Do you wish this bill returned to 2nd Reading? Senator Maitland seeks leave of the Body to return Senate Bill 1760 to the Order of 2nd Reading for the purposes of an amendment. Hearing none -- no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1760. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senators Ralph Dunn and Maitland.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. -- Madam President, Members of the Senate. Floor Amendment No. 1 represents an increase of 1.9 million dollars in General Revenue. Of particular note here is the addition of -- of 4.9 million dollars that will allow us to hire about four hundred and sixteen new prison guards by the end of FY'95. And there was interest on both sides of the aisle, I think, on this, and I would move for its adoption.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, all those in favor, say Aye. Opposed, Nay. The Ayes have it. Amendment No. 1 to Senate Bill 1760 is adopted. Are there any further amendments -- Floor amendments for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Maitland, on Senate Bill 1761. Do you

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wish to have this bill returned to 2nd Reading for the purposes of an amendment? Senator Maitland seeks leave of the Body to return Senate Bill 1761 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1761. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 5, offered by Senator Maitland.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland, on Amendment No. 5.

SENATOR MAITLAND:

Thank you very much, Madam President, Members of the Senate. Floor Amendment No. 5 to Senate Bill 1761 represents a five-million-seven-hundred-thousand-dollar reduction in General Revenue. I would move for its adoption.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I rise in opposition to Amendment No. 5, and let me state a couple very specific reasons. This, as we know, is Department of Children and Family Services. One of the things the bill does not do, nor the amendment, that we had attempted to do in committee, is at least maintain some accountability in the Department to know when and where they are spending money, so that those who are interested in foster care or any other program, could be able to track where they would be spending the money. That is not in the bill, but worse than that, what the amendment does is it reduces what's known as targeted case management. This is part of again, an agency -- a department that has been in the media each and every day, because of the inability of the Department's workers to go out and deal with areas of abuse and

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neglect to kids. Every day we're reading about a caseworker was there, didn't do anything, two weeks later the police come and find eight malnourished kids who haven't had anything to eat in months. Every day we're reading about abuse cases where the caseworker sends the people back into these abused homes of -- with abused adults in -- abusing adults in there. So what does this amendment do? It says we don't have to worry about targeted case management - exactly the contrary of what the federal court order has said to us in the BH decree. Additionally, it reduces the program expansion for intensive therapeutic services. This is something required for mental health counseling of troubled youth in foster care situations. The amendment takes out two million dollars from a required service that we would morally want to do, if we didn't have to legally do, and that's to give some kind of counseling - therapeutic counseling - intensive therapeutic counseling to these troubled kids who have been lucky enough to find foster care. Then, of course, it also takes out almost three million dollars from pregnant and parenting teens programs, and the Chicago Housing Authority Shelter Program. Eliminates that entirely as a program to help troubled youth. If there's any place we have seen where kids need to get some kind of shelter from the shooting that's going on, it's in a lot of these CHA projects. To eliminate that and to violate the court order in Hill versus Erickson, in the pregnant and parenting teen program, is ludicrous. I would urge a strong rejection of Amendment No. 5.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Madam Chair. Point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

State your point.

SENATOR DEL VALLE:

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I would like the Illinois Senate to welcome the Darwin School to Springfield.

PRESIDING OFFICER: (SENATOR DONAHUE)

Will you rise and be recognized by the Senate. Welcome to Springfield. Further discussion? Senator Collins.

SENATOR COLLINS:

Yes. Thank you, Madam President. Question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Collins.

SENATOR COLLINS:

Senator Maitland, this CHA shelter project was a new initiative, it's my understanding - and correct me if I'm wrong - that was proposed by the Governor. This was a new initiative.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Yes.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Collins.

SENATOR COLLINS:

Did he propose for this new initiative?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Senator Collins, I'm sorry. I didn't understand what your second question was.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Collins.

SENATOR COLLINS:

How much money did the Governor initially propose for his new initiative?

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator Maitland.

SENATOR MAITLAND:

1.8 million dollars.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Collins.

SENATOR COLLINS:

How much did you cut?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Senator, we cut 1.8.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Collins.

SENATOR COLLINS:

To the bill: what did you do with it? Did you -- I have to agree with you. When I first heard that the Governor had intended to put a transitional program for troubled youth, and those children had been neglected or abused or whatever reason they ended up into the system, to temporarily put them into a housing project, given the chaos there, I thought it was absolutely insanity. Now -- but the problems still exist. Why did you take away the money? Why couldn't the money still be there so that the Department of Children and Family Services could have expanded upon their resources to deal with these children? You and I know that they cannot deal with their caseloads. These children are sleeping in hallways. We've seen and heard the reports. There -- some of the caseworkers are having to take these children even home with them. Or they're sleeping in hallways, or they're sleeping in DCFS caseworker's office. And believe it or not, some of these other placements where these children are are absolutely uninhabitable for any human being. So the reality here is you know that there is a need for this money, and simply because this

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CHA project didn't fly, and it should not have, why did you take the money out? I mean, you can't say that there's not a need, and a critical need in this State, for more temporary shelters for these poor defenseless children. These children have not committed a crime. They didn't commit the crime. Because they were abused, they are now being misused by the State. I think that is totally irresponsible and insensitive to cut out this line item.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? Senator Raica. Senator Hendon.

SENATOR HENDON:

Thank you very much, Madam President. While I agree with Senator Maitland on the CHA shelter, and I wish there was a way that I could vote for that separately, there is none. So I agree with the elimination of -- of that money for the shelter, but I agree with Senator Collins that the money should still have been there to place the children somewhere else, but not in public housing, because that's adding a problem to a problem. My problem with the bill is that the bill not only eliminates and cuts and -- or, fails to expand as much as we need therapeutic counseling and services for -- for young people with problems, and -- and it's -- it's in violation of the consent decree when it comes to pregnant teens, but also there was an amendment tried -- attempted to be placed on this bill by Senator Carroll and myself that would put some money into a program for homeless youth. That amendment was defeated. So not only did we defeat an opportunity to help some young people - and if you were in that committee and heard that testimony, if you had any kind of human -- human being parts of your soul, it would have bothered you. It brought me to the point of tears to hear those young people come in here and tell about their problems of being -- sleeping out in the street; here in

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Springfield, sleeping behind restaurants, in alleyways; talking about rape and -- and -- and assault, sexual assault and all the things that they have to face while they're out there homeless. Not only did this committee defeat that amendment, but went on to say that even if they end up with a mental problem because of the fact that we've left them out there homeless, they're not going to get any type of help in counseling. And for that reason, I urge a No vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland, to close.

SENATOR MAITLAND:

Thank you, Madam -- Madam President, Members of the Senate. Madam -- thank you, Madam President, Members of the Senate. I -- I'm really troubled over the debate on -- on this amendment. This agency is growing rapidly, almost to the point of being out of control. And I don't mean that in a negative way. I mean we need to -- we need to spend the money to provide the services to young boys and girls who are -- are troubled and are wards of the State, and that is our responsibility, that is our obligation. But if you've taken the time -- if you've taken the time to look at the numbers in this budget as suggested by the amendment, the agency still has a one-hundred-sixty-one-million-dollar increase over FY'94. Did you hear that? One-hundred-sixty-one-million-dollar increase over FY'94. An eighteen-percent increase in -- in General Revenue. That doesn't suggest to me that we're not doing anything. It doesn't suggest to me that at all, because, in fact, we are. Senator Carroll, we are cutting the phase-in. We're not cutting the hire; we're cutting the phase-in. Not moving quite as rapidly as what we'd like to, but keep in mind: an eighteen-percent increase in this budget with this amendment, and that's substantial. And Madam President, I renew my motion. I would move for the adoption.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland moves the adoption of Floor Amendment No. 5 to Senate Bill 1761. All those in favor, say Aye. Opposed, Nay. A roll call has been requested. The question is, shall Senate -- or shall Floor Amendment No. 5 to Senate Bill 1761 be adopted. All those -- will vote Aye. All those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 29 Ayes, 28 Nays, none voting Present. Senate Floor Amendment No. 5 to Senate Bill 1761 is adopted. 3rd Reading. Any -- a verification has been requested. Senator Hendon has requested a verification. Will all those Senators please be in their seats. Secretary will read the affirmative votes.

SECRETARY HARRY:

The following Members voted in the affirmative: Barkhausen, Butler, Cronin, DeAngelis, Dillard, Donahue, Dudycz, Ralph Dunn, Fawell, Fitzgerald, Geo-Karis, Hasara, Karpiel, Klemm, Lauzen, Madigan, Mahar, Maitland, O'Malley, Peterson, Petka, Raica, Rauschenberger, Sieben, Syverson, Watson, Weaver, Woodyard and Mr. President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hendon, do you question the presence of any Member voting in the affirmative?

SENATOR HENDON:

Senator Syverson.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Syverson is in his Chair.

SENATOR HENDON:

Thank you, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

On a verified roll call, the Ayes are 29, the Nays are 28.

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Having -- Senate Floor Amendment No. 5 to Senate Bill 1761, having received the required vote, is adopted. Any further Floor amendments?

SECRETARY HARRY:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Weaver, do you seek leave of the Body to return Senate Bill 1763 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1763. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Maitland.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland, on Amendment No. 1.

SENATOR MAITLAND:

Thank you, Madam President. Floor Amendment No. 1 to Senate Bill 1763 represents a two-hundred-seventy-one-thousand-dollar reduction in General Revenue. I would move for its adoption.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, Senate Amendment -- Floor Amendment No. 1 to Senate Bill 1763. All those in favor will say Aye. Opposed, Nay. The Ayes have it. Amendment is adopted. Are there any further Floor amendments for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Woodyard, do you seek leave of the Body to have Senate Bill 1765 returned for the purposes of an amendment? Senator Woodyard seeks leave of the Body to return Senate Bill 1765 to the Order of 2nd Reading for the purposes of

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an amendment. Hearing no objection, leave is granted. On the Order of Senate Bill -- on the Order of 2nd Reading is Senate Bill 1765. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Maitland.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland, on Amendment -- Floor Amendment No. 1.

SENATOR MAITLAND:

Thank you, Madam President. Floor Amendment No. 1 to Senate Bill 1765 represents a thirty-three-thousand-six-hundred-dollar reduction in General Revenue. I would move its adoption.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, Floor Amendment No. 1 to Senate Bill 1765. All those in favor, say Aye. Opposed, Nay. The Ayes have it. Amendment is adopted. Any further Floor amendments?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

2nd or -- 3rd Reading. Senate Bill 1764. Is leave granted for Senator Maitland to take care of that bill? Leave is granted. Senator Maitland, on Senate Bill 1764. Do you wish this bill returned to the Order of 2nd Reading for the purposes of an amendment? Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1764. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Donahue.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland, on Amendment No. 1.

SENATOR MAITLAND:

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Thank you, Madam President, Members of the Senate. Floor Amendment No. 1 to Senate Bill 1764 represents an addition of five hundred twenty-five thousand dollars in General Revenue. I would move for its adoption.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Any discussion? Seeing none, Senator Maitland has moved the adoption of Senate Floor Amendment No. 1 to Senate Bill 1763 <sic> (1764). All those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Any further Floor amendments for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Weaver, you seek leave to bring Senate Bill 1768 for purposes of an amendment? Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1768. Mr. Secretary, any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Maitland.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland, on Amendment No. 2.

SENATOR MAITLAND:

Thank you, Madam President, Members of the Senate. Floor Amendment No. 2 to Senate Bill 1768 represents a one-hundred-forty-six-thousand-dollar increase in -- in other funds. It is an amendment that was suggested by the University. I would move for its adoption.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Seeing none, Senator Maitland moves the approval of Amendment No. 2 to Senate Bill 1768. All those in favor, say Aye. Opposed, Nay. The Ayes have it. Amendment is

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adopted. Any further Floor amendments for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Dunn, do you seek leave of the Body to return Senate Bill 1770 to the Order of 2nd Reading for the purposes of an amendment? Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1770. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2 offered by Senators Ralph Dunn and Maitland.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland, on Amendment No. 2.

SENATOR MAITLAND:

Thank you very much, Madam President, Members of the Senate. Floor Amendment No. 2 to Senate Bill 1770 represents a forty-four-thousand-dollar decrease in General Revenue and a three-hundred-twenty-seven-thousand addition in other funds. I would move for its adoption.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Any discussion? Seeing none, the motion is -- or, Senator Maitland moves the adoption of Floor Amendment No. 2 to Senate Bill 1770. Those in favor, say Aye. Opposed, Nay. The Ayes have it. Amendment is adopted. Are there any further amendments for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Maitland, on Senate Bill 1771, seeks leave of the Body to return that bill to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of Senate Bills on 2nd Reading is Senate

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Bill 1771. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Maitland.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland, on Amendment No. 1.

SENATOR MAITLAND:

Thank you very much, Madam President, Members of the Senate. Floor Amendment No. 1 to Senate Bill 1771 represents a reduction of eighteen thousand nine hundred dollars in General Revenue. I would move for its adoption.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland -- or, is there any discussion? Seeing none, Senator Maitland moves the adoption of Floor Amendment No. 1 to Senate Bill 1770 <sic> (1771). Those in favor, say Aye. Opposed, Nay. The Ayes have it. Amendment is adopted. Are there any further Floor amendments?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Maitland, on Senate Bill 1772. Do you wish that bill recalled to 2nd -- or, to 2nd Reading for the purposes of an amendment? Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1772. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2 offered by Senator Maitland.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland, on Amendment No. 2.

SENATOR MAITLAND:

Thank you very much, Madam President, Members of the Senate. Floor Amendment No. 2 to Senate Bill 1772 represents a reduction

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of three hundred forty-six thousand dollars in General Revenue. And an addition -- an addition of 1.8 million dollars in other funds. I would move for its adoption.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland moves the adoption of Floor Amendment No. 2 to Senate Bill 1772. All those in favor, say Aye. Opposed, Nay. The Ayes have it. Amendment is adopted. Are there any further amendments for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Weaver, do you wish leave of the Body -- or, Senator Weaver seeks leave of the Body to return Senate Bill 1774 to 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1774. Amendment No. -- or, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2 offered by Senator Maitland.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland, on Amendment No. 2.

SENATOR MAITLAND:

Thank you very much, Madam President, Members of the Senate. Floor Amendment No. 2 to Senate Bill 1774 is no dollar change -- just a reallocation of funds. I would move for its adoption.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion on this? Senator Carroll.

SENATOR CARROLL:

Thank you, Madam President, Members of the Senate. I rise in opposition to this amendment. While Senator Maitland is correct -- there is no dollar change, it does, however, add three projects not on the Governor's list: The Danville Armory, Western Illinois

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University and the College of DuPage. And where does the money come from? It comes from the Americans For Disability Act compliance statewide. So any of us who have areas within our districts that needed funds for compliance with the Americans For Disabilities Act will, by this amendment, be giving that money to Danville, Western Illinois University and the College of Dupage. I don't think that's what we should be about, and I would be in opposition to Amendment No. 2.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the -- Senator Maitland moves the adoption of Floor Amendment No. 2 to Senate Bill 1774. Those in favor, say Aye. All opposed, Nay. The Ayes have it. Amendment No. 2 is adopted. Any further Floor amendments for adoption?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading.

END OF TAPE

TAPE 2

PRESIDING OFFICER: (SENATOR DONAHUE)

Leave of the Body to have Senator Maitland take care of Senate Bill 1775? Leave is granted. Senator Maitland, on Senate Bill 1775. Do you wish that bill returned to 2nd Reading for the purposes of an amendment? Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1775. Mr. Secretary, are there any Floor amendments approved for consideration?

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SECRETARY HARRY:

Amendment No. 4, offered by Senator Donahue.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland, on Amendment No. 4.

SENATOR MAITLAND:

Thank you very much, Madam President, Members of the Senate. Floor Amendment No. 4 to Senate Bill 1775 represents a reduction of -- of 5.4 million dollars in General Revenue money, and a decrease of nine hundred and sixty thousand in other funds. I would move for its adoption.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Madam President and Ladies and Gentlemen of the Senate. This amendment is another one I think of those very, very bad ones. And a little bit surprised that it comes from that side of the aisle, because it cuts the ITP training grants - the grants that we offer to industries to stay in Illinois, or expand in Illinois, or move to Illinois - by five million dollars, or two-thirds of that which the Governor felt was necessary to increase that fund for this fiscal year. It also cuts one of the things we hear from the Governor to be the most important product that Illinois has, and that's tourism promotion - cutting that by almost one million dollars statewide. So those of you who wish to have tourism promotion in your area won't be able to, 'cause this takes out that money. And what are we doing for industry in Illinois? We're trying to give them funds for job training. All of these are cuts, except for one thing. In all of these cuts there was one addition. Somebody wanted seventy-five thousand dollars to preserve the Gettysburg Address. That's not as important to me, I'm sorry, as creating jobs. And I would urge a roll call defeat of this amendment.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Severns.

SENATOR SEVERNS:

Thank you, Madam President, Members of the Senate. I also rise to object to this amendment. I think at a time when job training and retraining are considered so vital to the progress of our economy and the economies of other states, it does not make any sense to be making a cut in the Industrial Training Program. Especially when we consider it to be such a vital part of progress. Especially when we realize that Illinois, the fourth wealthiest state in the nation, ranks forty-sixth in capturing job training dollars from the federal government. Perhaps now we'll rank even lower. I would urge a No vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Madam President. I want to echo the comments of my colleagues, and I certainly want to appeal to the business men and women in this Body, in this area of cutting job training and -- and -- and retention in this State. We just had an incident with Kerr Manufacturing leaving the State, and then being told by the federal courts to come back to the State. We're going to have to find some type of financial incentives to keep businesses in Illinois. And I'm certain that the Manufacturers Association and others who are interested in bringing business to Illinois and keeping business to Illinois would be opposed to this. And all -- all of the business people -- business owners and fiscal conservatives in this Body should most certainly be disturbed by this cut in this area. And I urge a No vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

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SENATOR MAITLAND:

Thank you, Madam President. Just -- just to comment on the -- on the ITP expansion, or in your words, the reduction. Keep in mind, this is not a reduction over FY'94, but rather a twenty -- where we are now represents a twenty-three percent increase in those grants over FY'94. Pretty substantial growth, it would seem to me. And I would renew my motion, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland moves the adoption of Floor Amendment No. 4 to Senate Bill 1775. A roll call has been requested. All those in favor will vote Aye. Opposed, No. The voting is open. Have all voted who wish? Take the record. On that question, there are 32 Ayes, 26 Nays, none voting Present. On that question, there are -- the amendment is adopted. Are there any further Floor amendments for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator Lauzen, for what purpose do you rise?

SENATOR LAUZEN:

Madam President, a point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your point.

SENATOR LAUZEN:

Visiting with us today is Mr. Vitaly Luizov of St. Petersburg, Russia, formerly Stalingrad, accompanied by Mr. Bob Bonifas of Aurora, Illinois. Mr. Luizov opened a security and alarm system business in the wake of the collapse of the communist regime, and the increase of crime in Russia. And he came to Aurora for a one-month management training program in the burglar alarm and securities industry. He's with us today to observe the democratic

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process in action. Please help me welcome Mr. Vitaly Luizov of and Bob Bonifas.

PRESIDING OFFICER: (SENATOR DONAHUE)

Sir, welcome. They're right down here on the Floor. Thank you very much. Senator DeAngelis, for what purpose do you rise?

SENATOR DeANGELIS:

Point of personal privilege, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your point.

SENATOR DeANGELIS:

It is the intent of this Body not to be in Session tomorrow, although the debate so far could change that. But in the event that we will not be here, I would like to mention that one of our very esteemed colleagues is celebrating her birthday tomorrow. Senator Donahue. How old is she? Not old enough. And I believe there's cake in your office? So please enjoy, and Senator Donahue we wish you a very, very happy birthday.

PRESIDING OFFICER: (SENATOR DONAHUE)

Thank you. Committee Report.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports that the following Legislative Measure has been assigned -- be approved for consideration: Senate Amendment 1 to Senate Bill 1685.

PRESIDING OFFICER: (SENATOR DONAHUE)

In the next few moments we're going to have a small program, if you will. And I'd like the -- everyone to be in your seats if -- the doormen please secure the doors. Staff, take your conferences off the Floor, and Members, be in your seats. Senator Berman, for what purpose do you rise?

SENATOR BERMAN:

Thank you -- thank you, Madam President. On a point of personal privilege. This morning we conducted our annual

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Holocaust Remembrance Commemoration, and we wish to acknowledge the presence at the ceremonies of Senators Carroll, DeAngelis, Cullerton, Tom Dunn and Senator Hawkinson. We appreciate their participation in the program, and we recognize that, with our schedule, that not everyone was able to be present. But I did want to take a few moments of our time to talk about two things. One was a very, very positive statement made by Governor Edgar in a press conference held right before the Holocaust Remembrance, and that -- let me read from the Governor's press release. Governor Jim Edgar today announced a model Holocaust education program that will use the movie "Schindler's List" in Illinois schools to promote greater understanding of tolerance and social injustice. With the cooperation of academy award-winning director Steven Spielberg, all Illinois high schools will be provided with curriculum materials, a copy of the nonfiction book, and access -- either through free theatre showings or videotapes -- of Spielberg's movie. No public funds are being used to provide these materials, nor are any schools required to use them once they receive them next fall in every high school in Illinois, if they respond to the invitation to receive this material. I know that all of us take great pride in the fact that Illinois was the first state to require that the Holocaust be included in our high school curriculum throughout the State of Illinois. There are two other states that have since joined Illinois, and I'm very proud of the fact that the Governor -- through the cooperation of Universal Studios and Steven Spielberg -- were able to obtain this additional material for distribution through our high schools. Today at the Old State Capitol, you know, it is -- it is a small world -- there was a lady who was called on for her comments. She told about how, at the age of thirteen, she was put on a train and taken to Auschwitz, and what she lived through for over four years in Auschwitz. Afterwards I came up to her and I complimented her

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for her courage and for her wonderful presentation. And she said to me, "Senator Berman, you don't know me", she says, "but I've known you for a long time. I went to -- for many years I went to the same beauty shop your mother went to". She says, "You know, you look like your mother". This woman talked about how, for many years, she told how after the war she was liberated from Auschwitz and then she came over to United States, and how -- her name is Fritzie Fritzshall -- how for many years, she would not talk at all about her experiences in Auschwitz. And then she realized that if she did not share her remembrances with her children and with her grandchildren, then it would just disappear, and the lesson that she had to live with would go untaught. And let me just read to you from a small -- short excerpt of responsive reading that we all participated in this morning. "Let us heed the warning of the Holocaust -- that the impossible can become possible, if we do not act in time. Our world is not the same since Auschwitz; the values we teach and live by must be weighed and pondered in the light of our experience of mankind's capacity for evil. Let us go forth from here with renewed determination to combat -- violence, racism and hatred, to shun apathy and indifference, to work actively to bring harmony and healing to the world. May our ceremony of remembrance bring us renewed courage and hope. May it strengthen us in our commitment to the life and well-being of all people." Thank you, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

...(microphone cutoff)...you, Senator Berman. Senator Cullerton.

SENATOR CULLERTON:

Madam President, thank you. I have a point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your point.

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SENATOR CULLERTON:

I'm very happy to have a special group here from my district, the St. Clement's School -- the sixth grade class from St. Clement's School. And included in that class is a young man named John Cullerton III, and the chaperones include Pam Cullerton, my wife. So I would like to ask them to rise. They're in the gallery behind me.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please rise and be welcomed. Thank you. Thank you, Senator Berman on your words. We certainly appreciate it, and they hopefully will be heeded. Now we will go to the regular business of the Senate. Resolutions.

SECRETARY HARRY:

Senate Resolution 1300, offered by Senator Smith.

Senate Resolution 1301 is by Senator Topinka and all Members.

Senate Resolution 1302, offered by Senator Topinka.

Senate Resolution 1303, by Senator Topinka and all Members.

Senate Resolutions 1304, 1305, 1306, all by Senator Topinka.

And Senate Resolution 1307 is offered by Senator Molaro.

They're all congratulatory or death resolutions, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Consent Calendar. Page 4 of your Calendar. On page 4 of your Calendar, on the Order of 3rd Reading is Senate Bill 1685. Senator Philip, do you wish this bill returned to the Order of 2nd Reading for the purposes of amendment? Senator Philip seeks leave of the Body to return Senate Bill 1685 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1685. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Philip.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Philip, on Amendment No. 1.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Amendment No. 1, simply and clearly stated, is the Mayor's proposal on riverboat gambling. And as you know, it's been explained pretty thoroughly in the media, the Sun-Times, Chicago Tribune. And this is a clean version. The linkage of nothing. It just is what the -- what the Mayor and, allegedly, the Governor have agreed upon in regards to riverboats for Cook County. Now I -- my opinion is that it probably will not pass. If they had the votes in the Illinois House, they would have passed it over here. In my judgment it will not pass, because it has no linkage with anything else for the State of Illinois. I have suggested that riverboats are a short fix -- a quick fix. About twelve hundred employees a boat. It certainly raises some money, but once it's there, it's gone. That's it. What I am suggesting - something that will help Illinois in the long run, help in this, encourage business, make business competitive - is doing something -- some fine tuning on workmen's comp, tort reform and Structural Work Act. If we can come to some reasonable compromise, I think there are some votes on this side of the aisle for riverboats. As you know, I didn't vote for bingo, I didn't vote for the lottery, and I have not voted for riverboats. Unfortunately, we're in the business of gambling already. Not much I can do about it. And if we let a hundred and one counties downstate gamble, why can't we let the largest county gamble? Cook County. And if you'll remember, the Mayor was the State's attorney - Sawyer was the Mayor - and they were included in the first bill. All a hundred and two counties. At the request of the chief law enforcement officer for Cook County, and the Mayor, they suggested that the City of Chicago and Cook County did not want gambling in the City.

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And of course, the -- Cook County was removed. So we ended up with a hundred and one counties, excluding Cook County. Now the Mayor certainly has the right to change his mind, and he has changed his mind. I don't know how anybody, in good conscience, could say a hundred and one counties downstate can have gambling, but Cook can't. So I think it's a reasonable request, but I am suggesting it's a short fix. I am suggesting, if you want to help Illinois in the long-term, if you want to see companies come to Illinois, expand Illinois, do something about workmen's comp, tort reform and the Structural Work Act, that will have a long and far-reaching effect on the business community. Now we have been working long and hard with some of the special interest groups. Our package is not done at this point. It's very close to being done, and I would hope in the next ten days that we would come up and say this is A, B, C, D, E, F; this is what we're suggesting. So what I am suggesting today is that we take a vote on it. Let's see what happens. I've got my instincts on what I think's going to happen, but let's give it a nice burial, and then let's start fresh and look at those business ideas - those business suggestions, and then put together a reasonable compromise, come back here and pass it, and let Chicago and Cook County have what they so rightly deserve. So I'll be happy to answer any questions. I would hope that we would find some -- a few votes out there anyway for the wonderful idea of riverboats.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussions? Senator Jones.

SENATOR JONES:

Thank you, Madam President. I had planned to discuss this issue at length on the Floor with --- as related to debate, but since it's merely just an amendment, and I think Senator Philip want to play his little political game here. So I would acquiesce and let him put it on by voice vote, but we'll debate

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the merits on 3rd Reading. If he was genuinely sincere -- if he were genuinely sincere about a ninety-nine -- or, ninety-page amendment as related to extending gambling to Cook County, then he would have had this amendment in committee. He would have afforded Members the opportunity to offer amendments, but this sneaky plan that he wanted to put forth to try to embarrass the Members on his side of the aisle, and to show that this -- this so-called pristine bill is acceptable to all. So this is just a little political ploy to show that the Governor, who indicated that he wanted Chicago to have what the rest of the State has, and in his own words he indicated that it's not going to pass, which indicated that he doesn't intend to have his Members vote for it, because I don't intend to vote for it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Philip.

SENATOR PHILIP:

Well, you know, believe it or not, it's an election year. Does that really surprise you? And I have said, and I will say it again: this is a short fix. We all know that. We want to do something for the business community on the long haul. Workmen's comp, tort reform, Structural Work Act. We want to be competitive with Iowa; with Missouri; with Indiana. We are not. The last time I ran, I stopped at a -- at a coffee van, and there were about fifteen or twenty workers around there working on the tollway. I bought them a cup of coffee and a doughnut and a roll in my district, and said I'd like to have my picture taken so I could use it in my brochure. But what do you -- what do you think? Twelve out of the fifteen people working there were from Indiana, and they commuted to Gary and Hammond every day. You know why? Because that contractor was able to underbid the Illinois contractors and get the job. And so here we have our neighboring state with a tollway project that goes to Indiana

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contractors, and generally speaking, to Indiana workers. Why? Workmen's comp, Structural Work Act and tort. So let -- let's do something for Illinois for the long haul. Let's kill this, put it to rest where it ought to go. They can't pass it in the House. I don't think you can pass it. And get back to the negotiation tables and work something out that's reasonable for both parties.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senator Philip, I would concur. We have an eighty-nine-page amendment here - the first that we have seen of it. You have indicated that it is similar, or if not the same, as the bill that's in the House. My recollection of the bill that has been entered in the House is -- is in the area of forty-some pages long. There appears to be some additional information, some additional activity in this piece of legislation that I did not see in the original bill on the other side of the aisle. I agree that riverboats -- any form of gambling is a quick fix, but I also agree that this is something to act upon today without a fair hearing, in light of the fact that yesterday - just yesterday - the majority of that side of the aisle, and some on this side, voted for a referendum in November. It seems a little contradict to me to vote on one hand to say that you want the people to make the decision, but today we have a little more courage, and today we're going to make that decision. I think that clearly flies in the face of the -- the genuineness of this amendment. And I think that it is an issue, and I concur with you wholeheartedly that it's a very serious issue that should be considered for the City of Chicago, and others. My only concern I think that I have on the issue, even though you now have said you put this on the level pure and simple, while at the same time you keep talking about the

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business end of it. So I don't understand the argument of the business provisions and the bill whenever you put this as a stand-alone amendment. And with that, I just wanted to make those comments.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Philip.

SENATOR PHILIP:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I want to refresh you memory. Remember the Chicago school reform? Well, you got that right. That thing came out, two hundred and eighty-some pages plopped on our desks and asked us to vote for it. Two hundred and eighty-some pages. I didn't hear any moaning or groaning from the other side of the aisle when you popped that one on us. In fact, it was changed from my original conversation with the President of the Senate. And we never knew it. We never saw it. We never got an explanation. This is exactly what the Mayor has filed in the Illinois House. Exactly - word by word. Now put up or shut up. You know, this thing is going to pass? Well, let's see if it's going to pass. It's his plan. I know he's lobbied everybody on the other side of the aisle. He's all -- talked to you guys. I know that. He certainly lobbied the hell out of this side of the aisle. So let's give it a run.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you very much, Madam President and Ladies and Gentlemen of the Senate. He hasn't talked to me, Pate. Let me just say that a few minutes ago we were notified that there was to be a Rules Committee meeting, and we went in there and it was three -- three to one to allow this amendment to come directly to the Floor for consideration. I don't know why we don't go to

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committee. Senator Philip, you had indicated in your speech here, when you became Senate President, that we were going to have openness and fairness, and there was going to be a number of reforms that you were going to bring to the Illinois Senate. And today you plopped down this ninety page -- eighty-nine/ninety page amendment on our desks, and you asked us to vote, either in the affirmative or in the negative, for this proposal. Now, I know there's a game being played here today. There's plenty of time for us before the end of the legislative Session. I don't suspect that this amendment is going to go on, and you know it. It's sort of the -- this sort of reminds me of the House version of the assault weapon bill at the moment. You know this thing isn't going to pass. We ought to go to committee with this. We ought to know fully what's in this proposal, and maybe there are a number of people who believe that there ought to be fairness and equality toward bringing riverboats and having them afforded to all the areas of the State. But today's not the day to do that, and so I don't suspect that this amendment is going to get too many votes today.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? I will call on Senator Jacobs, 'cause I cut him a little bit short. Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President. It just appears to me that, Senator, whenever you first were talking about riverboat gambling, you had some proposals that you would like to see in this bill for the business purposes that you indicate. There were also some things, if this were to pass the House, even in its pristine form, that I think there are a number of us also would like to see in this bill. So to assume that this is -- because it's pure and simple what the Mayor and the Governor may have agreed upon, it doesn't at any -- in any way, shape or form indicate what this

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Body may be willing to negotiate into this particular proposal. In fact, I think the activity today hurts the overall chances of both projects, of what the Mayor and the Governor may be looking for. Also what you may be looking for, Senator Philip. And also may damage what I, as a downstater and as the original person to introduce riverboat gambling in the first place, some things that I think need to be in this bill. So for this to be an up or down, at this point, I would agree with Senator Demuzio and Senator Jones. I have -- I see very few votes on this side of the aisle. And if we want to make a big attention-getter that - and it'll be written up in the press - goes down 57 to 0 or whatever, that's your prerogative, and I respect that prerogative. And that probably is going to happen. So thank you very much.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Geo-Karis. Excuse me, Senator, before you begin. WCIA-TV Campaign-Channel 3 seeks leave of the Body to film the proceedings. Leave granted? Leave is granted. Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator.

SENATOR GEO-KARIS:

Does this bill only address Chicago's need for the riverboats?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Philip.

SENATOR PHILIP:

Yes. It's the exact plan the Mayor has been talking about for ninety days. It's the plan and the bill that he filed in the Illinois House.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Geo-Karis.

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SENATOR GEO-KARIS:

Well, Madam President, Ladies and Gentlemen of the Senate, to respond to Senator Jacobs: I was one of the four Republicans who voted for the Riverboat Act, because it was supposed to help the distressed areas. I got two very distressed areas in my district. Those haven't been addressed in this bill, and I am not against Chicago having riverboats, but I'm also in favor of tort reform, and I'm a trial lawyer myself, but I'm not a hungry trial lawyer. And there is a difference. And I -- I wouldn't mind voting for riverboats for Chicago, and I might tell Senator Jacobs, yesterday I voted against the statewide advisory referendum, because I believe in people having the right to vote in their particular area, whether they want to vote or not. Not somebody from Carbondale telling somebody in Chicago or Lake County how to vote and what to do. So therefore, I don't feel this is fair. We have areas that need it badly, and I have to vote my conscience, and as I said, I'm not against riverboats for Chicago. Therefore, I will be making a Present vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Shaw.

SENATOR SHAW:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Shaw.

SENATOR SHAW:

Senator Philip, I just received the analysis of this bill. Could you tell us what role -- in this bill, what role did the -- does the Chicago City Council have in this -- in this -- in this bill?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Philip.

SENATOR PHILIP:

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You know, just like everything else, zero. None. And I'm not sure if you're aware of this, but you realize the City of Chicago has a ordinance against gambling. In other words, it's illegal to have ordinance <sic> in the City of Chicago. I would suggest that the City of Chicago -- City Council do the responsible thing if they want riverboats, and repeal that Act that prohibits gambling in the City of Chicago.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw.

SENATOR SHAW:

Well, that's just my point. Your saying that the role of the -- the City Council of Chicago have no role in this -- or, this doesn't empower the City Council to have anything to say, basically, about the -- whether casinos go there or not. Are they going to bypass the City Council of Chicago? That's what you're saying?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Philip.

SENATOR PHILIP:

Well, you'll have to talk to the Mayor about that, but that's what the Mayor is saying, and that's what this bill does. And I say, once again, I'm going to tell you: They have -- they have a city ordinance against gambling. You couldn't have boats today until the City Council repeals that ordinance. And I would suggest a reasonable thing to do before we consider riverboats is repeal that ordinance.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw.

SENATOR SHAW:

And I understood you to say that this only affects Chicago. It doesn't affect South Cook County, or North Cook County, or West Cook County?

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Philip.

SENATOR PHILIP:

Just Chicago boats. Period.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw.

SENATOR SHAW:

Certainly, to the bill: But certainly, I don't see any way that I could support legislation like this, because of the fact that in my district what the original intent of the legislation was is to -- these boats were to go into economic-depressed areas, and certainly I have some of those in my district, and certainly I think that they should be included in this bill. And there's others around the State -- around Cook County that might be included, but I'm particularly concerned about mine, and that's South Cook County.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Madam President. This has been presented to us as the only alternative that we have to a riverboat bill that includes four so-called business reforms, and I don't think that's the case. I think that to have a realistic vote on a riverboat bill we have to consider increasing the rate of tax on those boats to help fund education. What's been happening in Illinois is that riverboats have been reducing the take of the State from the State Lottery. The amount of money coming into Illinois should be going up, instead of going down. The amount of taxes we receive from these boats should be going up, because certainly the owners are making tremendous profits - their windfall profits far beyond what they ever dreamed possible. It's very unlikely that this Legislature will pass any bills increasing funding for education

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in this year or next year. It seems to me that the only possibility on the horizon is using what tools we have at hand to increase education funding. Riverboats, whether we like them or not, may be the only source of that funding. And to let a bill pass without taking that opportunity to increase what money we have for education, to increase that from the riverboat taxes, would be a mistake. I think that this bill should be brought back to a committee. I think we should have a realistic debate, and determine whether we can get more funding for education. Whether we can utilize this to our advantage. Whether we can utilize riverboats to bring our children a better education. I don't know that riverboats are any business development. The original plan -- I thought they were a business development when we had hotels involved, when we had entertainment complexes. The Governor's proposal to me makes -- makes no logical sense. You have riverboats that don't have motors. They don't have to look like riverboats. They have to be on water, but they don't have to move. It's totally nonsensical. It's -- it's not even splitting hairs, it's splitting split hairs to go along with Governor Edgar's proposal on riverboats. I think that we have to take what opportunities we have. I'm not a big fan of riverboats, but I am a tremendous fan of funding education. And that's how I will determine how I will vote on this issue. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Stern.

SENATOR STERN:

Will the Gentleman yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Stern.

SENATOR STERN:

Senator Philip tells us this is the same bill that was filed in the House, but just a quick look-through - and I'm not on the

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Rules Committee, so obviously I'm not familiar with it - I see references to the St. Louis Metropolitan Airport Authority, to quick-take legislation, to the Super Collider, to rights-of-way around Palwaukee Airport, and to completion of a project called the Bensenville Ditch. And I'm interested to know in what way these lead us to riverboat gambling.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Philip.

SENATOR PHILIP:

Well, that's exactly what the Mayor has asked for - quick-take and all. It's exactly what they filed in the Illinois House of Representatives. No change whatsoever. Not a comma, not an "an", not a "the". Exactly. They're asking for those powers.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Stern.

SENATOR STERN:

I -- I just want to leave the subject with one other comment. I think we fail to recognize the finite number of discretionary dollars that exist in Illinois. If we are going to have horse racing; if we are going to have the Lottery; if we are going to have bingo, et cetera, et cetera, I think we have to recognize that riverboat gambling is going to starve them or else go under itself. I think this is a serious error in legislative judgment for us to pass this kind of legislation.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Madam President. You know, I heard one of my colleagues on the other side mention the Governor's plan. This is not the Governor's plan. This is the Mayor's plan. This is the Mayor's proposal for riverboat gambling. And you know, I'm -- I'm quite not sure how I'm going to vote, because I'm a little

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confused on the Mayor's plan. All I've been reading in the Chicago newspapers, and all I have been seeing on TV on the news and hearing on the radio news is the Chicago Mayor's riverboat gambling plan. Well now, Ladies and Gentlemen, here's your opportunity to cast your vote in favor of the Mayor's plan. If you support it, vote it out of here. Send it to the House; let them deal with it. If you don't support it, either vote Present or No. Get it off the table, and then let's either negotiate a reasonable package that can pass both Houses, or forget about it, and let's go on about the other business of the State. But you wanted a vote on the Mayor's plan. Here's your opportunity. Vote on it, and let's see what happens.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Madam President. Well, I was going to ask the illustrious President of the Senate some questions, but since he has so aptly informed us that there is no changes in this plan - This is the Mayor and the Governor's plan. Well, I've read it thoroughly, and I want to tell you a few things about it. First of all, let me make sure that everyone understands that I have just filed Amendments No. 2, Amendments No. 3 and Amendments No. 4 to this -- to this -- to this bill, and there will be several others to follow. Amendment No. 1 -- I mean, Amendment No. 2 deals with the employment of minorities and the minority participation on affirmative action. And it -- and it -- and it...

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Philip, for what purpose do you rise?

SENATOR PHILIP:

Point of order, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

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State your point.

SENATOR PHILIP:

We're not talking about the amendments that he intends to file. We're talking about Amendment No. 1, that I filed. So I wish he would keep to the subject. When we get to his amendments, fine, he can spend all -- not all the time, but a reasonable amount of time on his amendments.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hendon.

SENATOR HENDON:

I did not intend to go into any detail at all about those three amendments. I simply wanted the Members of this Body to be well-informed. I believe we have Senate Rule No. 3 that -- that says that we will get things in a timely manner. So if I let people know slightly ahead of time what's coming, I think they'll be prepared to deal with it. Number 3 deals with compulsive gambling, because there's nothing in this bill that deals with people with compulsive gambling. And we have to be for real about that, because there are people out there losing house, and home, and wife, and husband, and everything else, because they can't stop gambling. And I'm not against somebody placing a bet here or there. That's their business. But we have to deal with that. And the other part deals with minority participation in contracts. This bill has twenty-five and five, which is not good enough. It is wrong to relegate minorities and women to just small portions of the pie. Also, I wanted to inform this Body that over in the House there's another bill, House Bill 3966, which passed out of Judiciary I, Lou Lang's committee, which calls for minority ownership. And it passed with bipartisan support, both Democrat and Republican. I bring this up for one reason: there is nothing in this bill that deals with minority participation in the area of ownership. And it is wrong. And I'll tell you why it bothers me,

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because I support riverboats. If we're going to have it outside the city, I can understand Senator Philip's concern with...

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Philip, for what purpose do you rise?

SENATOR PHILIP:

Point of order. You know, I've just received your three amendments. Now, you have changed them on the face with a pencil. They're out of order. And I would suggest if you're serious about these three amendments, that you better have a good look at 'em and redo 'em, and file 'em. Because in my judgment, they're completely out of order. You've changed them on the face with a pencil, and I'm not sure that they're in order. So you have a real problem with these, Senator. And I would suggest before you go filing amendments that you thoroughly look at them.

PRESIDING OFFICER: (SENATOR DONAHUE)

Sir, if you wish to speak on this amendment, you may speak on this amendment. Senator Hendon.

SENATOR HENDON:

Madam President, do I have any rights to respond at all?

PRESIDING OFFICER: (SENATOR DONAHUE)

Keep your comments -- we are negotiating and discussing Amendment No. 1 to Senate Bill 1685. If you wish to discuss that amendment and debate that amendment, you may.

SENATOR HENDON:

Well, first of all, Madam President, I do believe I have a right to respond -- point of personal privilege. To respond to President Philip.

PRESIDING OFFICER: (SENATOR DONAHUE)

You haven't requested that, Senator.

SENATOR HENDON:

I just did. Point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

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State your point.

SENATOR HENDON:

In response, President Philip, the amendments were corrected on their face because this bill was not expected, and it moved rather quickly. But I will take your advice and file them, and have it typed in, if that will make you feel a little better. But my point is these are very substantial issues, and the Black Caucus -- the Minority Caucus is not going to go along with any plan that does not allow us and our people the right to participate. Now if I can stand here and support boats for other parts of the -- of the State, which I do, and if I can understand tort reform and business reforms, of which I do, then I believe that other people should be able to understand the concerns and the rights of the majority of the people of the City of Chicago, who just happen to be minority. So I simply want to make sure that everybody understands that if I vote No or Present here, it's because not only have you been overlooked, and you not been able to participate, but neither have Blacks, Hispanics, Asians, Native Americans and women. And we do not intend to allow this bill to pass without us being able to participate, 'cause just taking care of Chicago does not take care of minority concerns.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Philip.

SENATOR PHILIP:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senator Hendon, I don't know if you read it very thoroughly, because there is an affirmative action part of the Mayor's bill. Twenty-five percent minorities and five percent female. So it is in the bill. It's the Mayor's suggestion. If you'd look at it a little more thoroughly, it is there.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Fitzgerald.

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SENATOR FITZGERALD:

Thank you, Madam President. I just wanted to say a couple words. I'm going to vote Present on this bill, and I'm going to do so for two reasons. I agree with the Senate President that we need some business reforms. We need tort reform, worker compensation reform in this State, but I think something else that's being overlooked here is that we are leaving hundreds of millions, if not billions, of dollars on the table, and missing out on a great opportunity to save the taxpayers some of the tax burden in this State by just willy-nilly giving out these licenses for previously eighty-five thousand dollars. This bill moves the license fee up to two hundred and fifty thousand dollars. Just yesterday, I got information from a prospectus that was filed with the Securities Exchange Commission concerning the profits of just one riverboat in the State of Illinois. And in the first eighteen months that it has been operating, it has already distributed eighty-seven million, one hundred thousand dollars in net income, bottom line profits, to its nine shareholders. I have a list right here. The person who owns the smallest number of shares - only 2.2 percent - has collected a million nine in distributions in those eighteen months. That amounts to a hundred and six thousand a month. Someone who owns -- the largest shareholder - and there're three of them who own 17.4 percent of the boat - have collected each fifteen million, one hundred and fifty-five thousand four hundred dollars in these first eighteen months of operating. That works out to eight hundred and forty-one thousand dollars a month. Now, if this Legislature cannot do something -- these people, I'm sure, would be satisfied with profits that were not so generous. In fact, a lot of people would be happy to make fifty thousand a month from their ownership of the boat, instead of eight hundred thousand. I favor competitively bidding out these licenses, or at a minimum, raising the tax. And to those of

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my friends on the other side of the aisle who favor special licenses allocated to women or to minorities, I ask you what good is it going to do for the Black community, or what good is it going to do for women, to take a handful of black people or a handful of women and make -- give them all assets worth hundreds of millions of dollars? Absolutely nothing. The solution is not to decide here in the Legislature who gets the boats. These are State-protected monopolies. Have them competitively bid out, and get something in return for the shareholders, before we ask them ever again to raise their taxes. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you. I hate to raise -- rise a second time, but I am -- I want my No vote or my Present vote not to be misinterpreted as the reasons as to why Senator Hendon might be voting No or voting Present. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Madam President. Question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Palmer.

SENATOR PALMER:

Senator Philip, I haven't had time to read this entire amendment, so I am asking, based on just a cursory glance, is there anything in here that dedicates a percentage of the profits to linked development outside of the private ownership of boat owners?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Philip.

SENATOR PHILIP:

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No. Nothing whatsoever.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Palmer.

SENATOR PALMER:

And one last question. Again, just glancing at this affirmative action piece, it looks very familiar. Was this arrived at through some discussion with the Illinois Legislative Black Caucus, or is this the tip -- usual boilerplate one that we find in every proposal?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Philip.

SENATOR PHILIP:

Thank you, Madam President. Of course, this is the Mayor's plan. His staff put it together, and I have no idea who they talked to. And that's a very good question. I think you ought to ask the Mayor. You know, I -- I -- to my knowledge -- and I don't know if this is true -- I have been led to believe, and I think some media has reported, that the Governor has said that he could sign this bill. I don't know whether that's true or not. He's never talked to me about it personally, so I have no idea.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Madam President. Just one last remark. To my knowledge he hasn't talked to anybody. And I would look around at my colleagues who are members of the Illinois Legislative Black Caucus on this Floor, and I don't see anybody nodding that they've been talked to, so it is boilerplate.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Petka.

SENATOR PETKA:

Thank you very much, Madam President. I would request a roll

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call vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Request is in order. Senator Philip, to close.

SENATOR PHILIP:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Let me just say this to Senator Welch: You know, as you know we have suggested that we increase the tax on riverboats from twenty percent to twenty-five percent and dedicate that about eighty-five million dollars to elementary and secondary education. And I, very honestly, do not have a problem with that. The problem is, the Galena boat, I am told, will go under. It also -- Rock Island is not doing that well. That would severely hurt the Rock Island boat. So, you know, quite frankly, maybe there's another idea. The other idea was suggested to me to do some kind of a graduated increase in taxes so that those boats that aren't making a lot of money aren't going to have to pay any additional taxes, because obviously, we'll lose the jobs and the boats, but that we put it on the people who are making the big profit. To me that makes some kind of sense. And, quite frankly, I think I would be there. Now, the other thing is they're raising the license fee from eighty-five thousand to two hundred and fifty thousand -- and you realize, if you don't get your license, you forfeit that two hundred and fifty thousand dollars. Now, that is a -- that is a lot of money. This is the Mayor's plan. Let's say it again: it is the Mayor's plan. He put it together. They structured it. They talked to me on one occasion and I -- it's been around for a long time, and let's send a message.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Floor Amendment No. 1 to Senate Bill 1685 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that

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question, there are 26 -- no Nays <sic> (Ayes), 26 Nays, and 32 voting Present. The amendment fails. Any further Floor amendments?

SECRETARY HARRY:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Philip. 3rd...

SENATOR PHILIP:

Thank you, Madam President, Ladies and Gentlemen of the Senate. You know, I knew it was bad, but I never thought it was that bad. I thought at least he had communicated with somebody on that side of the aisle.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senate Bill 1685 has been moved to 3rd Reading. Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

On a point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

State your point.

SENATOR DEMUZIO:

I have been here twenty years. I have never seen an amendment offered on this Floor, even -- that -- that didn't at least get one vote by the sponsor. This got zero. This is a historic vote here. I think we ought to all have a copy so that the Members could get a copy that -- I remember one time when Junie Bartulis was here and he argued officially for an amendment for hours and somebody said, "Okay, we'll give it to you". And after they gave it to him he voted against the bill. But this is historic. No one voted for this amendment. I think we all ought to have a copy of this, and it ought to be journalized to the extent that -- hasn't happened ever in the history of the State of Illinois in the Senate.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jones, for what purpose do you rise?

SENATOR JONES:

Thank you, Mr. President. Actually, I really wanted a verified roll call, but -- but this -- this has proves one thing to you. If the Senate President was sincere and genuine about wanting Chicago and Cook County to have the rest -- have what the rest of the State already has, then he would have sat down and consulted this side of the aisle. He would have even voted for his own amendment, but he wanted to play silly politics and try to attack -- attach all those things that you say you want on this bill, then your zero vote on your own amendment shows that you were simply just playing games. When we passed riverboat legislation four or five years ago, you did not vote for it then. The Members on this side did vote for it. And I made a commitment at that time that if and when Chicago decided it wanted riverboats, I would be there. But you know if you were sincere, you know my position on this issue. You could have said, "Senator, let's sit down and see if we can work out some agreement on this, rather than play partisan politics." 'Cause it's a sad commentary for you to be a sponsor of a bill you can't get even one of your own Members -- and you don't even vote for it. If you had given it to me, it would have been introduced properly. Senator Hendon would have been satisfied, the Mayor would have been satisfied, the Governor would have been satisfied, and then you in turn, would probably have voted Yes for it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz, for what purpose do you rise?

SENATOR DUDYCZ:

Madam President, I just stand on a point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Please state your point.

SENATOR DUDYCZ:

Madam President, for whatever reason any Member voted on this last amendment, the message is very clear. The message is clear to the 2nd Floor. The message is clear to the 5th floor of City Hall, and I hope that the message is clear to our friends in the media. The Mayor's bill -- the Mayor's initiative is dead. They wanted a roll call. They got the roll call. Not one vote -- not one supporter of the Mayor's voted for his bill. So I think the message that we should go forth from -- from this point forward is, if we are going to negotiate some sort of acceptable riverboat package, then we should negotiate, and we should take this bill and give it the proper burial that we voted on, and go on.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hall, for what purpose do you rise?

SENATOR HALL:

Thank you, Madam President and Ladies and Gentlemen of the Senate. President Philip, you and I came here together almost twenty-eight years ago, and with a roll call like that -- can we put that vote <sic> back on the board? We should have a picture made of that roll call. And everybody should get that. Is it possible to put that back up there? I mean, that's something for posterity. And I hope we get the same roll call again, and that would be something. I'm telling you, for -- when I think of all the years that we've been here, to get a roll call like that. It was knocked off too quick. I thought it could be brought back.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your point.

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SENATOR GEO-KARIS:

Madam President, Ladies and Gentlemen of the Senate, my colleague, the estimable Minority Leader, and I came to this Legislature almost twenty-two years ago, and when he takes it upon himself to castigate my Leader, I think he should look into his own garden and find out where the weeds are.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin, for what purpose do you rise?

SENATOR CRONIN:

Thank you, Madam Speaker. For a point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your point.

SENATOR CRONIN:

I'd just like to direct the attention of the Body to the gallery above the Democratic side of the aisle. We have a group from York High School in Elmhurst. The Mighty Dukes of York are here. Future Homemakers of America in a competition. And they look well-prepared and I'd like to just welcome them to Springfield.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please rise and be welcomed. Now, on -- I will advise the Membership to turn to page 2 on your Calendar. We are proceeding to the Order of Senate Bills 3rd Reading. And I will caution each and every one of you that this is the last time that we will go through this Order of Business. So if you have a bill on 3rd Reading, now is the time to call it. Page 2. Senator Butler, on Senate Bill 481. Senator Butler seeks leave of the Body to bring that back in just a minute. On Senate Bill 1110, Senator Shadid. Last time. Out of the record. Senator Cullerton, on Senate Bill 1133. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1133.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton, do you wish this bill to be returned to 2nd Reading for the purposes of an amendment? Is leave granted? Leave is granted. On the Order of 2nd Reading is Senate Bill 1133. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2 is offered by Senator Cullerton.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton, on Amendment No. 2.

SENATOR CULLERTON:

Thank you, Madam President, Members of the Senate. This amendment was approved unanimously by the Judiciary Committee this morning. This is a amendment to the bill dealing with illegal conversions of some homes. It's a problem up in the northwest side of Chicago, particularly. This amendment has been worked out with the Illinois Association of Realtors and the State's Attorney's Office in Cook County. I would be happy to answer any questions on 3rd Reading, and ask for the adoption of the amendment.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any -- any discussion? Any discussion? Seeing none, all those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Are there any further amendments for consideration, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Now, on the Order of 3rd Reading is Senate Bill 1133.

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SECRETARY HARRY:

Senate Bill 1133.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton. Oh, excuse me, Senator. Senator Berman, for what purpose do you rise?

SENATOR BERMAN:

Thank you, Madam President. On a -- on a point of order. Do you think -- do you think it would be possible to -- on bills that are amended this morning - I know it's the last day for 3rd Readings - but that we be given some period of time between the adoption of these amendments and the 3rd Reading, so that we can read the analyses and -- and understand what it is that we're voting on. I -- I just think that that would be fair to all of us.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Berman, these bills and amendments have all been through committee. They have had a discussion. If you have a problem, you can discuss that on 3rd Reading, as you discuss the bills. We will proceed as stated. Senator Cullerton.

SENATOR CULLERTON:

Yes. I will attempt to be as explicit as I can on -- on this bill. I appreciate Senator Berman's concern, because we did just adopt the amendment. But let me give a little background. This is a -- a bill that -- it tries to address a serious problem that we've discovered on the northwest side of Chicago. We -- the Judiciary Committee held hearings in the 38th Ward of the City of Chicago. Senator Cronin presided over that. Senator Dudycz testified and was present. This deals with a problem of -- that it was brought to our attention also by the Northwest Neighborhood Federation. There are people in Chicago, specifically, who are

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taking little bungalows and are illegally converting them into virtual hotels. They are bringing people in - primarily immigrants who are not legal citizens. They are stuffing them in the basements of these bungalows, charging outrageous rents, because the fear is, of course, that they'd be turned in to the authorities, and therefore, they pay the amount. And it's been a serious problem. We are attempting to address that. Now, initially we introduced legislation that would have criminalized this behavior. After talking with the Realtors and the State's attorney we came up with an amendment which goes the route that would allow for an injunction to enjoin the occupancy. So we feel that this is the -- the best approach. It would give the State's Attorney's Office the authority to go in and ask for an injunction to enjoin the -- the occupancy, enjoin the collection of any rents, and I believe it's something which will give a stronger tool for the State's attorney to stop these illegal apartments, because we're trying to do something here before a tragedy occurs, 'cause if there's a fire in one of these things - and there's certainly no means for people to get out, because they violate these -- these fire codes, we're going to have a real tragedy. So that's what we're trying to address with this bill. I'd be happy to answer any questions, and I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Cronin.

SENATOR CRONIN:

Thank you, Madam Speaker. I just wanted to add that Senator Dudycz and I stand in support on this side of the aisle. This deals with a serious problem. We have addressed it here. Hopefully this will -- will bring some positive results and curb some of this activity, and I commend Senator Cullerton for addressing this local problem that can be a problem most anywhere in the State. Thank you.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Seeing none, Senator Cullerton, to close. Question is, shall Senate Bill 1133 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. Senate Bill 1133, having received the required constitutional majority, is declared passed. Senator Hawkinson, on 1147. Madam Secretary, read the bill. Recall. All right. Senator Hawkinson has moved, and seeks leave of the Body, to return Senate Bill 1147 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is 1147. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senator Hawkinson.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson, on Amendment No. 2.

SENATOR HAWKINSON:

Thank you, Madam President. Amendment No. 2 was, I believe, unanimously agreed to by the Public Health Committee yesterday. We -- I described it, when we first presented the bill to Public Health, that it was not in form that was ready at that time, and I'll describe briefly what the amendment does. It basically adds provisions of House Bill 3480, which deal with the federal OBRA '93 changes to property transfers, liens and estate. It allows -- it follows those OBRA requirements as to the amount of time that the Department of Public Aid is allowed to look back to discover property transfers from thirty months to thirty-six months. It makes small changes with regard to the treatment of trusts that reflect the federal OBRA changes. In general, it lowers the general age limit for persons subject to Medicaid estate claims

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from sixty-five to fifty-five, as also provided in OBRA '93. It allows for the recovery of overpayment by the Department of Public Aid. Authorizes the Department to recover the overpayment by recoupment from future assistance or other means. It terminates providers for more than one year if the provider has been previously terminated. It allows the Department to place in HMOs clients whose medical overutilization qualifies them to be restricted. And it also adds provisions of House Bill 3405, which require the Department to implement a twelve-month, two-county demonstration project to determine the cost-effectiveness of preventing multiple enrollment of aid recipients through the use of automated fingerprint matching identification systems. It was heard in committee, and I believe agreed by all parties in committee, and I would ask for the adoption of Floor Amendment No. 2 to Senate Bill 1147.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any -- any discussion? Any discussion? Seeing none, all those in favor, say Aye. Opposed, Nay. The Ayes have it. Amendment is adopted. Are there any further amendments for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Now, on the Order of 3rd Reading is Senate Bill 1147. Read the bill, Madam Secretary.

SECRETARY HARRY:

Senate Bill 1147.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

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Thank you, Madam President. I want to thank the forty-seven or more cosponsors that we have in the Senate as of yesterday, to this legislation, and my chief cosponsor, Senator Jones. I-- I introduced this legislation in response to the Tribune series last fall which indicated the mess that Medicaid is in -- in Cook County and in the rest of Illinois. That series highlighted the problems of Medicaid fraud in Illinois. It highlighted the problems of recipient abuse. It highlighted the problems of provider abuse in some portions of our State. At a time when Medicaid dollars, in general, are growing geometrically and putting such a squeeze on the rest of our State budget; at a time when health care costs are rising, to the extent we can, it is incumbent upon us to make sure that those dollars go to recipients who generally need health care. They should not be going out to fraudulent providers. They should not be going out to fraudulent uses by recipients - in some cases going from pharmacy to pharmacy, or doctor to doctor to obtain prescription drugs to later sell them on the street. Anyone who has not read that series in late October and November in the Tribune on Medicaid Fraud in Illinois ought to do so. This bill is an attempt that I've introduced, and that again, some forty-seven of you have joined me as of yesterday, and I think probably more, as cosponsors, in an effort to do something to combat welfare Medicaid fraud in the State of Illinois. In accord with suggestions made by Senator Jones' task force and others, it prohibits felony fugitives from ever receiving public assistance; requires the Department to establish a statewide system of recipient eligibility verification, which shall consist either of a photo ID or an electronic swipe card; it would require that every request for Medicaid reimbursement submitted by a pharmacist have either the name of the physician or an identification code number; it would require that every Medicaid reimbursement

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submitted by a physician must include a diagnosis to be written out or in code; and finally - and I think perhaps most importantly in terms of being able to find out fraud where it is occurring - it requires the Department to file a reimbursement request by both recipient name and by the name of the provider, so that -- where there's unusual usage, the Department and its investigators can be alerted. I think this is an important bill. Again, I want to thank you for joining me in sponsoring this bill, and would urge the adoption of Senate Bill 1147, as amended. Would be happy to try and answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Senator Jones.

SENATOR JONES:

Thank you, Madam President. I rise in support of Senate Bill 1147. The Senate Democrats did have a task force and did identify many critical areas as related to Public Aid and the Medicaid program. And one area in particular was the swipe card, which in turn would enable the Department to have what you call on-line verification and will stop a lot of waste in the Department. So I encourage all Members to vote Yes on Senate Bill 1147.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall Senate Bill 1147 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. Senate Bill 1147, having received the required constitutional majority, is declared passed. Senator Raica, on Senate Bill 1172. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1172.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Raica.

SENATOR RAICA:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Just for the sake of time, what 1172 does is it contains compromise language between CUB and the major utilities, to provide a mechanism of former utility costumers to access refunds on their utilities. If it wasn't yesterday, it was the day before, Amendment No. 4 merely accented on the word "prove", which appeared to have been a problem, and we explain and define the word "proof" within the contents of this proposed legislation. There are no -- no opposition to this to the best of my knowledge at this point in time, and I just ask for an affirmative roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 1172 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. Senate Bill 1172, having received the required constitutional majority, is declared passed. Earlier we requested -- Senator Butler requested leave to go back to Senate Bill 481. He seeks leave to do that now, and no objection. So -- Senator Butler, do you seek leave to return Senate Bill 481 to the Order of 2nd Reading for the purposes of an amendment? Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 481. Madam Secretary, are there any Floor amendments approved for consideration? Okay. Senator Lauzen, for what purpose do you rise?

SENATOR LAUZEN:

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I -- I move to table, I believe it's Amendment No. 2. Move to reconsider the vote by which Senate Amendment No. 2 -- and then table.

PRESIDING OFFICER: (SENATOR DONAHUE)

Okay. Having voted on the prevailing side, Senator Lauzen moves to reconsider the vote by which Floor Amendment No. 2 was adopted. Those in favor, say Aye. Opposed, Nay. The Ayes have it. He now moves that the Senate table Amendment No. 2. All those in favor, say Aye. Opposed, No. The Ayes have it, and the amendment is tabled. Any further Floor amendments?

ACTING SECRETARY HAWKER:

No further amendments approved for consideration, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Now, Senator Butler, on the Order of 3rd Reading is Senate Bill 481. Senator Butler. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 481.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Butler.

SENATOR BUTLER:

Thank you, Madam President. Senate Bill 481 amends the Unemployment Insurance Act to correct what I consider a deficiency in the present law. As it stands right now, if you are a crossing guard employed by a school district, you are not qualified for unemployment insurance during spring -- during vacation periods. However, if the crossing guards are employed by municipalities, they are eligible for unemployment insurance. This bill merely corrects the -- corrects that difference, so that all crossing

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guards are now on -- would be on the same footing. In other words, they would be treated in the -- in the same manner as academic personnel. I'll -- glad to answer questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Madam President and Ladies and Gentlemen of the Senate. I don't know too much about this bill, other than the fact that Labor has indicated that it has had some difficulties supporting this legislation. As a matter of fact, they're opposed. But I understand Senator, that it only does that which you have indicated, and that is that it denies unemployment benefits to school crossing guards for any week after June the 1st of 1994?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Butler.

SENATOR BUTLER:

That is correct. To my knowledge, the removal of the amendment has removed any objection to the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Demuzio. Senator Collins.

SENATOR COLLINS:

Senator, do they take out unemployment insurance while they're working? Do they pay into the system?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Butler.

SENATOR BUTLER:

To my knowledge, no.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any discussion? Any discussion? Senator Butler, to close.

SENATOR BUTLER:

I would appreciate a favorable vote.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Question is, shall Senate Bill 481 pass. Those in favor will vote Aye. Opposed, No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 33 Ayes, 23 Nays, and none voting -- 1 voting Present. Senate Bill 481, having received the required constitutional majority, is declared passed. Senator O'Malley, on Senate Bill 1175. Madam Secretary, read the bill.

END OF TAPE

TAPE 3

PRESIDING OFFICER: (SENATOR DONAHUE)

Out of the record. Last time. Senator O'Malley, on 1186. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1186.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Madam President, and Members of the Senate. Senate Bill 1186, as amended, provides that funds under the control of the Cook County Regional Superintendent shall be deposited in the Educational Service Region Resolving <sic> (Revolving) Fund, within the State Treasury when the State Board of Education assumes the duties of that office on July 1, 1994. Be pleased to answer any questions from the Body.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Senator Fawell.

SENATOR FAWELL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Fawell.

SENATOR FAWELL:

Senator, there was a -- a column yesterday, in -- I think it was the Sun-Times, that was talking about the GED Funds. Does this take care of that situation?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

SENATOR O'MALLEY:

I -- I understand that what this bill will do, is -- is address that in particular; it'll keep all the GED Funds as well, from Cook County, in this fund.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fawell.

SENATOR FAWELL:

I hope the Sun-Times is listening.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Madam President. I -- I don't think that the question and the answer, Senator Fawell -- Senator Fawell? The article in the Sun-Times dealt with who's going to provide the GED tests. That is not addressed by this bill. Am I correct, Senator O'Malley? If you'd just nod your head or something -- but, the issue -- the issue that was addressed in the Sun-Times has not been resolved. The issue raised by the Sun-Times is who's going to provide GED tests. That is not addressed by this bill; this bill deals with funding. This bill is fine, but it doesn't

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address the article in the Sun-Times, so let's not mislead either the press or ourselves, regarding this bill. This bill does not address the issue of who's going to take care of those persons who want to take a GED test between now and -- and September. Thank you, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

SENATOR O'MALLEY:

Yes. Senator Berman, thank you for clarifying that. This bill doesn't have anything to do with redirecting funds, other than to say that the funds that otherwise would have come into the control of the superintendent are now going to go into a segregated fund within the State Treasury, to make sure that those Cook County funds remain within and for the purposes for which they were intended.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

Well, thank you, Mr. President. I want to also add that this bill doesn't address the GED problem. And that, as it stands right now, there is no plan in place for providing testing services for individuals who will be ready to take the GED, in Cook County, come July 1. And yet here we are seeing legislation that is related to the elimination of that office in -- in the Chicago area, and yet we still have not taken the necessary steps to let the public know how they will be able to take a GED test come July 1. So we do have some unfinished business that I hope will be taken care of soon, so that people can know where they stand.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator O'Malley, to close.

SENATOR O'MALLEY:

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Thank you, Mr. President. As Senator Berman indicated, this bill is fine. This bill was never intended to deal with the GED issue. I'm glad it's been put out here so that people understand that. That being the case, I would request a positive roll call. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 1186 pass. Those in favor will vote Aye. Opposed will vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, 1 Nay, none voting Present, and Senate Bill 1186, having received the required constitutional majority, is declared passed. Senate Bill 1200. Senator Klemm. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator -- I beg your pardon. Senator Hendon, for what purpose do you rise?

SENATOR HENDON:

I'm sorry, Mr. President, but I --I meant to vote Yes on that bill. I hit the wrong button, so can you record me as voting Yes?

PRESIDING OFFICER: (SENATOR DUDYCZ)

The record will so reflect. 3rd Reading. Senate Bill 1200. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1200.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm.

SENATOR KLEMM:

Just an inquiry of the Chair. Were the amendments adopted?

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PRESIDING OFFICER: (SENATOR DUDYCZ)

That's correct, Senator.

SENATOR KLEMM:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, Senate Bill 1200 is a result of a request by township road commissioners in the collar counties area, to try to assist subdivisions with non-dedicated roads. Those would be public roads that are maintained by private dollars. To be able to assist those people with some of the taxes that they themselves pay for the road and bridge fund, to allow them to use those dollars to help improve the roads to get it into the road system. I made an amendment on this particular bill in the Transportation Committee to mirror what's existing law in motor fuel tax dollars, to help them out. And it only applies to those subdivisions of way back when, that were applied prior to 1959. So I do ask for your support; it's an important issue in the collar county areas.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? If not, the question is, shall Senate Bill 1200 pass. Those in favor will vote Aye. Opposed will vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present, and Senate Bill 1200, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading, Senate Bill 1207. Senator Watson. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1207.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

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Yes. Thank you, Mr. President. And I'm sure most of the Membership will be glad when this particular roll call is taken. I know that there's been a lot of discussion about this particular issue, and I know that a lot of you have had serious deliberations on your position on this particular vote. But this does expand the Illinois Optometric Act, and would allow certified optometrists to treat certain eye diseases. This would be spelled out by certification, based on their education, their competency, and rules that would be developed by the Department of Professional Regulation. Current law requires that -- optometrists to diagnose all diseases, but does not allow them appropriate treatment. This bill corrects that particular problem. I don't know how many of you got the opportunity this morning to talk to Dr. Lopez, who is the Chairman of the Department of Ophthalmology at the Illinois Masonic Medical Center in Chicago, and he's also the Assistant Clinical Professor of Ophthalmology for the University of Illinois Medical School in Chicago. But he was here to answer some questions and concerns, I think, that many of you have about the education and training of optometrists and their ability to treat ocular problems. The Illinois College of Optometry is one of the most highly regarded schools in the country. It's the largest, and it's unfortunate that those individuals who graduate from that particular school - and by the way, you have to go four years of undergraduate, get a degree in undergraduate work to go on, and then another four years at the Illinois School of Optometry - but it's unfortunate that those graduates have to leave the State of Illinois to fulfill the full fulfillment of their education. And that doesn't make any sense to me. Thirty-eight states allow optometrists to do what we're proposing to do in this legislation. There is no surgery involved in this. Right now, if I go to a VA hospital in Illinois here, or on many military bases, an optometrist can do what we're

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going to allow him or her to do by this legislation. Right here in Illinois. But you go off that base or out of that hospital, and the restrictions of the current Illinois law prohibit the treatment of many ocular diseases. This particular bill would simply allow for the natural progression from diagnosis to treatment of the people of Illinois. And a lot of us are concerned about access and availability, and even cost, but we should have all received information from the Illinois Optometrists concerning the availability of ophthalmologists in this State. And as you can see, in many cases, especially in rural Illinois, they're simply not available. Optometrists have the education, the professionalism, which unfortunately sometimes has been questioned throughout this debate, but they are as part of the health care team as anyone, and should be given the opportunity to practice their profession. That's all this bill does. I'd be glad to answer any questions, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President. I proudly stand in support of this legislation. I, too, in my tenure here in the Legislature - the House, as well as here in the Senate - I've stood many times speaking on behalf of the medically indigent and for those folks who, because of some reason or other, have not been given access to health care. This bill addresses that. This bill, as stated by the -- Senator Watson, that will allow people who are trained and qualified to administer those services, not only down in rural America, but also in those other medically underserved communities, which was one that I represent and many of our other Members here represent. This is a good bill. It's something that's come of -- of time. It's something that we've been looking at for a long time, as well, in this State. We have

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also talked about it in helping midwives and also -- and also empowering nurse practitioners. Well, this is part of that team that he mentioned - that Senator Watson mentioned - that we need to be voting for to make sure that the quality of health care in our State is consistent for all of its citizens. And I ask all of -- everyone on my side and those on the other side who believe that we, as the State of Illinois, should give the very best to all of our citizens - this bill will ensure that - and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Peterson.

SENATOR PETERSON:

Will Senator Watson yield for a few questions?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson indicates he will yield. Senator Peterson.

SENATOR PETERSON:

Senator Watson, in the legislation, it limits to a few eye diseases that the optometrists can treat. Could you give me an idea why there was some limitation there in the legislation?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

I'm sorry. We've had talk back here, and I couldn't -- couldn't hear the question, Senator.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Peterson.

SENATOR PETERSON:

...(microphone cutoff)...understand that this legislation doesn't give the optometrists the ability to treat every eye disease that an ophthalmologist can. It limits the optometrists. Could you tell me why there were certain limitations, and -- and how those were derived?

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Well, this is an expansion of the current Optometric Act to allow them to treat, and there is some limitations on that. And those limitations -- I believe there is a commission or a committee within the Department of Professional Regulation which would dictate that limitation.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Peterson.

SENATOR PETERSON:

So what you're saying is, the Department made these recommendations on the limitation. Is that your understanding?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Well, the Act spells out that the Department of Professional Regulation shall notify the Department of Public Health as to those categories. We feel that that would be to the extent of the education that is brought forth at the Illinois School of Optometry.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Peterson.

SENATOR PETERSON:

So to clarify your answers, there are specific parameters for the optometrists to operate under, but you don't know why or how those were derived as far as treating eye diseases?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

This is -- this is not wide open. This is a very conservative approach to -- to the expansion of the Act.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Peterson.

SENATOR PETERSON:

Well, maybe I'm not giving you the -- the correct question so that you can answer and give me the information I'm looking for. There is a limitation. How are those limitations derived? What I said before is you're limiting optometrists to treat certain eye diseases. You're making specific recommendations. How did you derive those recommendations? How -- how did that come about?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

The attempt of this is to meet the educational experience that an optometrist receives while he is in school. I guess maybe I'm not understanding your total question, but I -- I would assume that what you're asking -- that's why the bill is written as it is. So there can be some limitations.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President. To the bill: I think this illustrates that there -- there is some question here as to where the optometrists are going to go in -- in the treatment of eye diseases. I think there has to be more study on this particular piece of legislation. How far or how extensive is their treatment going to be? How were -- were these recommendations derived? We don't seem to have those answers. I think that we have to study this piece of legislation further, and I would recommend a No vote on Senate Bill 1207.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Palmer.

SENATOR PALMER:

Senator Watkins, I'm -- I'm looking at -- Watson, I'm sorry. I'm looking at our analysis, and it says that the -- currently the educational requirements for licensed optometrists are that students must pass a minimum of three years in a -- study in a program similar to courses required to enter medical or dental school. So that means that they are not equivalent, that they are similar? Could you talk about that? And that they receive a four-year postgraduate degree from an accredited optometric college - not a medical degree. How are these -- how are they related - the course of study for the optometric student and the one who is a practicing ophthalmologist?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

As Dr. Lopez talked about this morning, many of the courses are identical. But to answer your question specifically, the optometric requirement for pharmacology - which is the course in which to determine the basis by which the expertise would be developed - they receive over a hundred hours -- class hours in -- in -- in pharmacology - excuse me - where the medical school receives about ninety-two hours. So in some areas, their actual training and education could be considered superior to that of a comparable degree in medicine.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Palmer.

SENATOR PALMER:

Thank you. One last question: Again, according to our analysis, it says that if this bill passed, current licensed

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optometrists would be required to spend a hundred and twenty hours of training. That's -- really, if you look at it, that's less than a week's worth of training in order to qualify to be able to use medications that ophthalmologists currently use.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I -- I rise in opposition to this bill, and my opposition does not -- is not rooted in a motivation to seek or to -- to promote any kind of an attack on optometrists. No -- no doubt optometrists are professionals and they provide a valuable service, but what I would like to share with the Body is just that I come from a family of doctors, and my sister happens to be an ophthalmologist, and I -- I suppose some of you may suggest that that prejudices me. I -- I'd urge you to -- to just take -- try to take an understanding, or try to take a position that -- that -- that I have shared in my life. I have seen a dedication, a commitment, an idealism of doctors. I have a -- my sister, she contemplated going to optometric school, but she decided not to. She wanted to go to medical school, because she wanted to treat diseases of the eye, and she wanted to be able to perform surgery. Look at -- no doubt optometrists are well-qualified to refract, to recommend -- prescribe lenses for the eyes, but let's point out the fact that there are no national boards for optometrists; there are no standards of a national order. You know, if we pass this bill, why would a lot of people go to medical school? Why would they go through the four years of training in medical school; the one-year fellowship; the three years of residency? Why do it? Six years ago the optometrists wanted to be able to dilate the eye. Today they want therapeutic drops. Tomorrow it's going to be laser surgery. Where is the logic? Where is the logic to the

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optometrists' position that they are qualified to handle only certain diseases of the eye? It doesn't make sense. The access issue is a red herring. There is no one -- no one in the State of Illinois that is more than forty minutes away from an ophthalmologist. Let me just offer, in conclusion, to the Body, what -- a reality check here. What is happening to the optometrist is, is they're getting the squeeze in the private market. K-Mart and Sears and a lot of retailers are now in the business of providing eyeglasses and contact lenses, and it's hurting the optometrists. In a free market, things like that happen. But to suggest or to -- to provide the optometrists for an opportunity to invade another market, another profession -- a trained profession, is just inappropriate. Let's protect the integrity of the -- the professional treatment of eye diseases and surgical procedures of the eye. Let's vote No.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The Chair would like to inform the Membership that it is 4:25. We have eighty-six bills left to go on the Calendar, and we now have six additional speakers that wish to comment on this bill. For further discussion, Senator Sieben.

SENATOR SIEBEN:

Thank you, Mr. President. I do rise in support of this legislation. I think it's time that we do make this change and allow these privileges, which are very narrowly, restrictively drafted in this bill, and also I think the optometrists have agreed to a rather extensive amount of professional training and education to receive these privileges, and I would also add that all -- all of our neighboring states currently allow these privileges for optometrists in their state. And for these reasons, I support the bill, and urge an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Raica.

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SENATOR RAICA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Last year Senate Bill 333 proposed removing the explicit prohibition on optometrists performing surgery. This year the bill explicitly prohibits surgery again, and House Bill 893 from 1991 mandated that optometrists consult a physician before using certain anti-glaucoma drugs. And Senate Bill 1207 has no such provision whatsoever. If -- if this bill is enacted, this bill would permit our optometrists - who are not physicians - to treat medical eye disease therapeutically for the first time, with prescription medications. And many of these prescriptions or medications will affect the whole body, systemically - not just the eyes. They will have an adverse effect if they are -- necessarily side effects to these medications - a side effect not just to the eyes, but possibly to the entire systemic system. My understanding was that within the past year or so, there was a meeting that was conducted between the ophthalmologists and the optometrists, where a group of ophthalmologists sat face-to-face with the optometric people to discuss the education and the schools' curriculum as it pertains to certain -- management of certain medical disorders. As an answer to what happened, Senate Bill 1207 was -- was drafted, meaning they came to the General Assembly for -- for us to solve the problem, instead of solving it themselves. As a fully licensed physician, an ophthalmologist gets three years of clinical training in evaluation and treatment of patients with medical problems. At no point is an optometrist's training comparable, as far as clinical evaluation, in the treatment of systemic disease that's offered. Senator Watson, if you remember, we had a couple of bills before us in the General Assembly that would have allowed nurses to prescribe medications and do minor surgery. We killed those proposals in the General Assembly. You stated that they have to have

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pharmacology, and only those that have the pharmacology classes would -- would be able to do such dispensing. Senator Watson, I have a question, if I might.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Raica.

SENATOR RAICA:

Senator Watson, would you -- my understanding is that you're a registered pharmacist. Am I correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

That is correct.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Raica.

SENATOR RAICA:

How do you feel about the pharmaceutical aide or pharmacist assistant that works behind the counter filling prescriptions when the pharmacist is busy?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Well, they can't, Senator, without the supervision of a registered pharmacist, which has nothing to do, by the way, with this bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Raica.

SENATOR RAICA:

Senator Watson, so -- so what you're saying is that -- let's just say there's someone that's working behind the counter or in training to be a pharmacist; that person could not fill a bottle of, let's just say Valium, or a bottle of -- of Tylenol, or anything from one glass to another glass, not treat a patient, but

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not do anything regarding -- what I'm basically saying is this assistant could not fill a prescription should you be tied up or anything. Am I correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Well, Senator, I don't know what this has to do with this particular piece of legislation. I'd be glad to talk to you privately about pharmacy and pharmacy issues, but a pharmacist technician has to be -- a registered pharmacist has to be present when a prescription is filled by a technician. And by the way, a technician may not even have any education. High school education is -- is the only thing that is required of a pharmacist technician - apprentice. We're talking about...(microphone cutoff)...here of four years of someone who's gone to optometric school. Four years of college, plus four years of advanced education.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Raica.

SENATOR RAICA:

Well, Mr. President, the point that I'm attempting to make is that, number one, since we've been here, we've discussed -- and basically what it winds up to be is the education process. As far as the opponents are concerned in this piece of legislation -- what they're attempting to say is that the optometrists, if they wanted to dispense -- or wanted to -- to correct these injuries of the eyes, they should have gone on to the next level, which have -- which have been the -- to be an ophthalmologist, and not just stopped where they're at now. Just like if an R.N. wanted to practice medicine, she goes on to become a physician. Or if an EMT wanted to do something different, go on to be a paramedic, and not just stop at the one level. All I'm saying here is that

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there's been, as far as the education is concerned, they have not completed the educational portion - most importantly, the clinical aspect of hands-on patient assessment. And therefore, I would vote No on this piece of legislation.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I have a board-certified ophthalmologist in my own family. However, I'm going to support this bill, because what this bill does, it does establish guidelines for certification to use diagnostic and therapeutic agents. The optometrist cannot do any surgery - absolutely cannot do any surgery; and this bill does not permit them to do any surgery. I think we've got to face facts. There are areas downstate that have no ophthalmologists, and there are areas that -- deeply need doctors of all kinds. I think the optometrists who are certified to use diagnostic and therapeutic agents will be even more careful, and certainly they'll recommend their patients to an ophthalmologist if there is any surgery needed. I think we've gone over this long enough, and I do feel that if we have -- if the veterans' hospitals already do this - after all, that's federal government. Who are we to feel that we shouldn't do it too? We got thirty-two states doing it, and I think it's only right that we support this bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in support of Senate Bill 1207. This is already the law in thirty-eight states, and some have had this law for as long as eighteen years. All of the states surrounding and adjacent to Illinois afford optometrists the opportunity to perform the duties

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in this bill, and I would urge support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President, I just rise to make the brief point with some institutional perspective and memory here from the debate that we had ten or twelve years ago on legislation that gave optometrists the right to use diagnostic drugs. And -- and I, having supported that particular piece of legislation, feel strongly that we went far enough at that particular time, that it would be inappropriate to extend, as well, the privileges of using therapeutic drugs, and I would note that inasmuch as a number of states already have allowed the use of therapeutic drugs, those states, by and large -- maybe with one or two exceptions -- basically do not include the large urban states, like Illinois. And without expressing any disrespect whatsoever to the optometrists, I think this legislation is -- is inappropriate and should be defeated.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Klemm.

SENATOR KLEMM:

Well, listening to the debate in the Exec Committee, realized that this is really -- in my opinion -- not a debate between optometrists or ophthalmologists, because I go to an ophthalmologist, and perhaps they're the highest trained medical practitioner for eye care, and I know that. So what I did is, I went back after I heard the debate of both sides, and rather than asking the two people, I went and I talked to the family practitioner, if you will -- a medical doctor who has the ability, under Illinois law, to treat eyes. And two of them were specialists that told me they have not looked at an eye probably since medical school, that their specialist -- one was a foot doctor and the other was in another profession -- and yet they said

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that they would not treat an eye. They don't know that much about it. They've been out of the business, if you will, of eye care. They're not specialists in that anymore, and yet, under Illinois law, they can do that. So I thought to myself: Here's an optometrist who has had such extensive training and only works on the eyes; limiting what they can do - seems like they really are more qualified than if I went to my family doctor and had them remove and did some surgery on my eye. And that's true. In all these years, I've supported the ophthalmologists. This time I'm going to support this, because I think it's appropriate. And thirty-seven states do have regulations, and I did not see in testimony where patients -- people had been hurt by that, and it did seem as if it would be good. So I think we're missing the point when we're trying to take the ophthalmologist and the optometrist. I don't think that's really the issue here, and I do support the amendment.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I stand in strong support for this measure, and ask that we vote for the Optometric Society. I have, in my district, the Illinois College of Optometry, and I visit them regular. They -- optometry today is so well versed and so far advanced that they could, but they do realize and regard the laws of our State of Illinois, and for all of the medical societies across our country, I'm sure. But when I say that we are suffering now, the optometrists maintain that the State is losing many trained optometrists who opt to practice in one of the other thirty-seven states that allow the use of a diagnostic pharmaceutical agent by optometrists. This is an advanced field. They know their -- their scope. They know how far they can go. But if they can help

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people who are living in areas where there are not proper facilities for optometrists -- or ophthalmologists to practice, but if they can help these people who cannot help themselves, then I say we must support the work of our optometrists. And so I stand in full support, and ask your favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. I've been in this Body for sixteen years, and this is one of the toughest decisions that I've ever had to make. You know, from time to time, we deal with issues legislatively that we have no right to deal with, because the decisions we are making are decisions that are frankly beyond us, and they ought to be handled someplace else - not in a Legislative Body. And this is a classic example - a classic example. We are standing here today debating issues of medical science. Senator Watson is the only one in this Chamber, I think, that even comes close to knowing anything about medical science, and I respect him a great deal as a pharmacist. But I want to tell you something. I want to tell you something. The reams of information I've received from the ophthalmologists, who are my friends and who have treated me; and the reams of information I've received from the optometrists, who are my friends and have treated me, make compelling arguments - make compelling arguments as to why this should happen. The argument about it being available in thirty-seven other states doesn't mean anything to me. Not one thing. Doesn't mean it's right or wrong. But they have forced us - both sides - into making a decision legislatively that we absolutely ought not be making, because it may affect, positively or negatively, our constituents, and we don't understand the issue. I don't understand it. I stand before you at 4:40, not yet knowing how I'm going to vote on this

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bill. And that's a terrible, terrible thing, and a terrible position to be in on such an important issue.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR WATSON:

Well, thank you, Mr. President. And, Senator Maitland, I understand your frustrations in dealing with legislation such as this. The only problem is -- pardon me? Well, I understand your frustrations in dealing with legislation such as this, but every profession in this State is regulated by this Body, and we establish here the realm in which they can practice their particular profession. So what we do here is expected to do us -- to do here, within the Licensing Act. That's exactly what we're doing. Senator Raica, this is not a turf battle - I don't think - over the ophthalmologists -- it shouldn't be, over the ophthalmologists and the optometrists. And there's no question - no question - no one will deny the fact that ophthalmologists certainly have extended amount of education, and they are, in many cases, surgeons. We're not asking for that. And, Senator Barkhausen, I don't know -- we all received this report from the Partnership for Better Eye Care for Citizens of Illinois, and in this it talks about the thirty-eight other states - not thirty-seven, thirty-eight. Mississippi just passed this, and it was signed last week. And many, many states - all the states, in fact, surrounding Illinois - allow this type of practice. And it's pending in New York and California and Pennsylvania and Michigan. So it is something that has a certain amount of support, obviously, throughout this country. And, Senator Palmer, this is a newspaper article from August. This is the American Academy of Ophthalmology, and in here they talk about the hours of clinical treatment that they feel is necessary for an ophthalmologist, and they talk about "Teaching" -- and this is

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quoting, "Teaching should include lectures, demonstrations and supervised experience in a clinical clerkship offering students exposure to patients with ocular disorders. A required clinical rotation in the third or fourth year of one to two weeks is desirable." This is by the ophthalmologists. And the education requirements -- and it's unfortunate that we all didn't get an opportunity to talk to Dr. Lopez, because the -- the pharmacology -- as I mentioned earlier, the optometrists spend more classroom hours dealing with pharmacology issues than the medical doctor -- not the ophthalmologist, but the medical doctor. I don't know how many of you got letters, but there are a lot of them floating around and a lot of different people taking sides on this issue, but here's a letter from an ophthalmologist from the Stone Eye Center in Chicago, and he's talking about today's optometrist. And one thing you need to understand about this legislation is, nobody's grandfathered in. You know, we sit around here on all the regulation Acts, and we grandfather in all these folks. They're not asking to be grandfathered in here, in this particular proposal. Everybody's going to receive the proper training. And here's a letter from the Stone Eye Center in Chicago. "Today's optometry student receives excellent training in eye pathology and therapeutics. The clinical portion covers glaucoma, cataract, infections and a full range of medical eye problems." And it goes on to say "Senate Bill 1207 is a conservative measure in that it supports allowing optometrists to practice within the scope of their training and certification." And the issue that we seem to be talking about here most on this Floor deals with education and training. And here's an ophthalmologist who says what they receive is more than adequate. The American Public Health Association, which is -- established over a century ago, represents more than seventy-seven public health occupations, including medicine, dentistry, podiatry, nursing. The American

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Public Health Association has received -- has resolved that all states expand the scope of optometric practice to include the use of therapeutic pharmaceutical agents, and that's what this legislation does. This is not an issue of personalities. This is not an issue of associations. This is an issue of the people of Illinois and proper access to health care. This is not dealing with individual friends across the hall, or standing outside this door. This is dealing with the people and the people of Illinois who will benefit from the passage of this legislation. If thirty other -- thirty-eight other states in this country think it's all right, then why isn't it all right for Illinois? Vote Yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 1207 pass. Those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 25 Ayes, 31 Nays, 1 voting Present, and Senate Bill 1207, having not received the required constitutional majority, is declared failed. Senator Watson.

SENATOR WATSON:

Yes. Could I ask for postponed consideration?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson seeks leave to have this bill put on the Order of Postponed Consideration. Leave is granted. Senate Bill 1229. Senator Fawell. The Order of 3rd Reading. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1229.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fawell.

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SENATOR FAWELL:

Thank you very much. I think this is a little easier bill. This is basically the licensing bill for the bill collectors. It is -- been agreed to by the Department of Professional Regulation, and I'll be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Rea.

SENATOR REA:

Thank you, Mr. President. I do rise in opposition to this bill. And if you would look closely, you'd notice that there are some increases in the fees. The proposed fee increase are rather significant. In fact, the application fees are being raised by a thousand percent. Renewal fees are being raised two hundred and forty percent annually. And this action is meant to generate approximately a hundred and fifty thousand to the Department, which -- at the present time, they're receiving twenty-five thousand a year. So it's six times as much. There are several people that are still concerned about this legislation. The bill has made progress. There has been some negotiations that have taken place, and for instance, the Bar Association still has considerable concerns about this particular bill. And I might point out to you, that there is not an urgency for us to act on it today, or during this Session, because it does not sunset until December the 31st of '95. Now what we really need to do is to have additional work done on this bill, so that we can then end up with some good legislation. Because this particular sunseting would carry us until January the 1st, 2006. It was in committee, the -- the Department even agreed that it needs to be worked on more. I would ask you to vote No on it. I think that it should have gone to subcommittee - a working subcommittee - hearings should be held, negotiations should

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continue, and then come back during the next Session and pass the legislation that is needed. So I would ask for an -- or a No vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR FAWELL:

Thank you very much. First of all, this is the Illinois Collectors Association bill. They have agreed to those fees. The -- the fees are to go into a dedicated fund, which was also agreed to by the Department of Professional Registration <sic>. The only thing that the Bar Association is even looking at, very frankly, is language that is already in the Statute that they would like to have taken out. It has nothing to do with this bill. The one that has negotiated this bill in good faith, with all parties, is frankly not myself, but is Representative Lang, over in the House. As all of us know, the House, needless to say, is in a quandary over there, and so he asked me if I would take this amendment - which he drew up, which everybody agreed to, including the collectors - and as a Democrat, he asked me if I would take this bill and mirror his bill, so that we could get it passed. He is an attorney. He does a lot of collection work. He is the one that has done these negotiations. It is agreed to by the collection -- the Association of Bill Collectors, and it seems to me it is a reasonable bill. Why in the world should we be objecting to their own bill, when it is they who have agreed to it, and they who have looked at it and asked us to pass it in the present form? I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 1229 pass. Those in favor will vote Aye. Opposed will vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 32 Ayes,

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23 Nays, and 1 voting Present. Senate Bill 1229, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading, Senate Bill 1253. Senator Carroll. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1253.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Members of the Senate. This bill is because, if you think about it - a situation happens when a person's walking down the street; car pulls up; bunch of people get out; beat up that person. Not because they know them - because that person happens to be of a certain race, or certain creed, a certain color, some other reason like that. Or stores on strip shopping get their windows broken not because, even though it be a crime, somebody wants to break in and steal something - but because the store happens to be owned by Arabs or Asians. Or, like in my district, a place of learning gets torched. Arson itself is a crime, but it was not for any pecuniary reasons, not because they wanted money - but because it was a place of Jewish learning. All of these are instances of crimes motivated by hate. Something, as Art Berman talked about earlier, the Governor talked about today, is something our society should not allow. Illinois has been in the lead of trying to do something to stop these instances of hate, but as State's Attorney O'Malley has said to us, "unfortunately, last year alone, there were eighty-three cases of a person being convicted for the second time." The motivation for these crimes is not against the person, or the store, or even the place of learning, but it's to put fear in a people, whatever

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those people happen to be, so the punishment should fit that crime. And not be the same if it was just against you or me, but because they are trying to punish a whole people, the punishment should equally be that much harder. Bill does four things. It basically says, if it's a first offense and if community service is established in that county, they must do two hundred hours of community service as a minimum sentence. If in fact, it's over three hundred dollars of damage to an institution, it would be a Class 2 felony. If it is a second offense of a felonious type, it would be a non-probationable offense. And the fact -- fourthly, that the fact that it was a hate crime can be used by the judge in aggravation in giving sentence. I would be willing to answer any questions. Would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 1253 pass. Those in favor will vote Aye. Opposed will vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, and none voting Present. And Senate Bill 1253, having received the required constitutional majority, is declared passed. Senate Bill 1258. Is there leave to return to Senate Bill 1258, when we reach the other appropriation bills on page 5? Is leave granted? Leave is granted. On the top of page 3 of your Regular Calendar, Senate Bills 3rd Reading. Senate Bill 1274. Senator Watson. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1274.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

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SENATOR WATSON:

Yes. Thank you, Mr. President. I've -- this is the third time I've explained this -- this particular piece of Legislation, but we'll do it once again. This is the Chicago Learning Zone legislation, dealing with the City of Chicago only. And this spells out the recommendations that came forth from the Chicago Learning Zone Commission, which we established last year by State Statute, and who now makes their recommendations of -- which we have here before us now. It creates the Chicago Learning Zone Commission, and spells out the means by which it will approve petitions and -- and report any statutory waivers requested by those petitions. The Commission will consist of seventeen members, the Governor, the State Superintendent, the President of the Chicago School Board, the Mayor of Chicago, nine gubernatorial appointees with the advice and consent of the Senate, two coming from the Chicago Teachers Union, two coming from other Chicago school unions, one Chicago school principal, two from the local school councils and two from community organizations. And then one member each appointed by the four Legislative Leaders. This spells out the criteria by which a school would become a Learning Zone School. This establishes some limitations. It creates some nonwaivable mandates. It must report on those mandates and waivers, and it establishes the Learning Zone budget practices. And it establishes means by which to revoke a Learning Zone. I'd be glad to answer any questions, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. A couple weeks ago I was the cosponsor with Senator O'Malley and Senator Watson for the amendment that is this bill. But as the debate has gone on regarding this bill, and more importantly, some

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debate that has been held in the past couple days, including this morning in the Education Committee, I now stand in opposition to this bill, and I will tell you the reason for my opposition. What we have tried to do this morning was to encourage some innovation, some unique thinking and some initiative in Chicago, that would bring to Chicago the opportunity to operate some of their schools without some of the restrictions that presently exist. And in this bill, there is a process which I advocated as a member of the commission, and which sets forth that if you want to be a Learning Zone School you've got to set forth what rules and regulations and laws you want to waive and why you want to waive them. And I think that's very important. Instead of just giving a blank check as to how to handle our children, you've got to set out a plan as to how you're going to handle our children. But the problem is not only with this bill, but with the bill that we're going to be debating in a little while, and that's Bill 1716. That's the Charter School bill. And when I go back home and I talk to my constituents, they want to know why in the world do we talk about Learning Zone Schools and Charter Schools? And what's the difference? And why are there two different bills, that -- that downstaters are dictating to Chicagoans? So this morning what we tried to do was to combine the best elements of both bills. But my friends on the other side of the aisle, on a partisan roll call, said "No, we're not going to take the best parts of both bills; we're going to impose upon you what we want to impose upon you." And that is an imposition -- an imposition of perhaps fifty-five separate schools serving forty thousand children in Chicago under this bill. And another fifteen schools, serving I don't know how many children, under the Charter School bills, and it really happens that the Members of the majority party in the Senate don't want to listen to Chicago Senators make suggestions out of -- how to respond to an innovative initiatives to address

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our children, and deal with our schools, and respond to our citizens, whose children attend Chicago schools. I don't think that's responsiveness. I don't think that's fairness. I don't think that is collaboration or cooperation between those of us who represent constituencies in Chicago, and are concerned with innovative ideas in education. I'm sorry it has reached that point. But until I see something where there's a little credence given to those of us who represent Chicago, I'm going to ask for a No vote on this bill, and on the Charter School Bill. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. I also stand in opposition to this bill. We are basically talking about here, turning over forty thousand youngsters in the Chicago public school system to a Commission where the Governor will have control over thirteen out of the seventeen appointments. The Governor will also appoint the Chair. Now I am sure there are some legislators here who think that that's a wonderful idea. But I would argue that it is not a wonderful idea. I would argue that what the Governor should be doing, instead of trying to create a new school district in the City of Chicago, without giving it one additional cent, without giving it the resources it needs to be able to deal with the problems of overcrowding, with the problems of school safety, that will require additional resources to alleviate. Without giving it one more cent, the Governor wants to create a second school district in the City of Chicago, to be controlled by the Governor. This Commission will be able to grant statutory waivers, but not included on the list of nonwaiverable mandates is bilingual education. So therefore, I think the Governor of the State of Illinois feels that children who are limited English-proficient don't have the right to an education. And even though he was

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asked, his staff was asked, to include bilingual education on the list, it was not done. Now I don't fully understand that, given the Governor's campaign activities in the Hispanic and Polish, and other ethnic communities in the City of Chicago. I just don't understand why the Governor does not want to be responsive in that department. So I ask you to please also consider that this Commission, even though it's controlled by the Governor, it still -- it still can be overruled by this Body -- by the General Assembly. This bill allows for the General Assembly, by resolution, to change the plan of the Commission. So therefore, the General Assembly can dictate to a Commission that's already controlled by the Governor, what it will do in this school district, this new school district that is going to be created. I certainly don't think that that's the way to go. It is in contradiction to what we've been preaching all along about local control. And the most important point here is that it doesn't add one single cent - not one single cent - and I think that's the biggest crime of all here. Not giving these kids one additional cent in -- in a school district that is in dire need of resources. So I ask for a No vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Palmer.

SENATOR PALMER:

Senator Watson, how are these Learning Zones paid for?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Yes. Thank you. The designation of a -- as a Learning Zone

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School will entitle it to receive its funds in a lump sum allocation, based on the number of enrolled regular and special need students. It shall include operating funds for salaries, supplies, equipment, repairs, and all the necessary budgetary matters of the school.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Palmer.

SENATOR PALMER:

So in other words, this comes out of the operating budget for the Chicago Public Schools?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

The answer to that would be Yes, just as your schools do now.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Palmer.

SENATOR PALMER:

Was the Superintendent of the Chicago Public Schools a member of the Commission?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

The President of the School Board was, but the Superintendent was not designated. The State Superintendent was, but not the Superintendent of the Chicago Public Schools.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Palmer.

SENATOR PALMER:

And to whom will these Learning Zones report? How will they -- they be accountable?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

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SENATOR WATSON:

There is the Commission that we talked about, of seventeen members. Also the General Assembly has certain veto powers over those statutory waivers that Senator del Valle was talking about.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Palmer.

SENATOR PALMER:

Last remark, to the bill: so what we're asked to vote for is a bill that takes a significant amount of money out of the operating funds of the Chicago Board of Education - a board that is already strapped for money - to create side bar schools, where the Superintendent of the schools in Chicago was not even a member of the body that made decisions about how this should be created. And it will now be micromanaged by a Commission that does not include the Superintendent, and apparently includes very few Chicagoans. A lump sum will be given to this body, and it is not spelled out how that will be accounted for. In other words, we're back to the usual, where people who are not in Chicago, and in this case are now in the State, are dictating what Chicago should do. It gets wearisome; it really does. I would hope that we would vote No on this bill, and I wish there would come a time when you would let Chicago make its own decisions on its own schools, and its own children.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Demuzio. Senator Jones.

SENATOR JONES:

Yeah, thank you, Mr. President and Members of the Senate. I rise in opposition to Senate Bill 1274, and I echo the comments of Senator Berman, as well as Palmer and del Valle. But to go even a little further, it is the euphemism that is used that sends the wrong signal to the children of the Chicago Public School System. Here you are saying we're having a Learning Zone. Then what about

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the other ninety percent of the students who attend the school? Is that a non-Learning Zone? That only -- only the -- the students who attend -- attend this area will receive an education. Just the whole concept of this proposal is bad for all the children of Chicago Public Schools. And on top of that -- on top of that, the Governor has proposed even bringing in Charter Schools. Who knows what he is going to come up with tomorrow? All these different zones just in the City of Chicago. The best thing for the Governor to do, if he's really concerned about education, is give the Chicago schools to -- what it is entitled to and give it proper funding so they can have all the programs necessary to meet the educational needs of the children. But to have a specifically area designated that this is the only area that is considered a Learning Zone, does not work in the best interest of educating all the children of Chicago public schools, and this bill should be defeated.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR WATSON:

Yes. Thank you, Mr. President. What a difference a caucus makes. This morning we -- this proposal was presented by Senator Berman in the Education Committee as the answer to the Charter School. This -- this was his answer, was what we have before us now. This was his bill, that -- that he presented before the Education Committee. This bill's actually supported by Chicago Teachers Union. That's a switch, isn't it? Here we are over here advocating change which is supported by the union. They filed in support of this, and testified on behalf of it. You know, I -- I've heard this argument before about those of us that may live outside the -- the City of Chicago coming and trying to tell maybe the schools of Chicago what's best for them. I don't know, Mr. President, about you, but if I lived in the City of Chicago, and I

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represented a school system that graduated less than fifty percent of those students who entered -- entered those classrooms as freshmen, I'd be a little bit embarrassed. All we're doing here is to try to create a little flexibility in the process within the City. What can this hurt? And you're worried about who is sitting on this Commission. There's only two individuals that may live outside the City, out of the seventeen. One of them is the -- is the Governor. The Governor -- where's he from? Charleston? Springfield? Has a place in Chicago. State Superintendent; she - the temporary Superintendent - is from Joliet. Every single one of the other appointees could live within the City. This is a recommendation -- this is a recommendation -- what we have before us here today, right now, is a recommendation of that very group who Senator Berman sat at that table and agreed to the proposal we now have. This is totally permissive. This does not require any school -- we're not establishing some new school somewhere - this is a school-within-a-school concept. This is a Learning Zone. This is not creating more dollars to be spent. It is totally permissive. Again, flexibility. And I think that's something that many of us on this side have asked for the last couple of years, is give some school systems - not only in the City - but throughout this State, some flexibility in being able to function best for the kids that they represent. And that's all we're trying to do, Mr. President. And I appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 1274 pass. Those in favor will vote Aye. Opposed will vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 31 Ayes, 26 Nays, 1 voting Present, and Senate Bill 1274, having received the required constitutional majority, is declared passed. Senator Hendon, for what purpose do you rise?

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SENATOR HENDON:

Verification of the roll.

PRESIDING OFFICER: (SENATOR DUDYCZ)

That request is in order. Will all Senators be in their seats. Senator Hendon has requested a verification. The Secretary will read the affirmative votes.

ACTING SECRETARY HAWKER:

The following Members voted in the affirmative: Barkhausen, Burzynski, Butler, Cronin, DeAngelis, Dillard, Donahue, Dudycz, Ralph Dunn, Fawell, Fitzgerald, Geo-Karis, Hasara, Hawkinson, Karpel, Klemm, Lauzen, Madigan, Mahar, Maitland, O'Malley, Peterson, Petka, Rauschenberger, Sieben, Syverson, Topinka, Watson, Weaver, Woodyard and Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Does Senator Hendon question the presence of any Member voting in the affirmative?

SENATOR HENDON:

They all made it back.

PRESIDING OFFICER: (SENATOR DUDYCZ)

On a verified roll call, the Ayes are 31, the Nays are 26, those voting Present are 1. And Senate Bill 1274, having received the required constitutional majority -- bill is declared passed. On the Order of 3rd Reading, Senate Bills -- Senate Bill 1311. Senator Molaro. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1311.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

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

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Senate. This bill creates the Credit Reporting Licensing Act. For informational purposes, over -- and this comes from a figure from the Department of Financial Institutions -- over four hundred billion dollars - four hundred billion dollars - was given out in home mortgages -- residential mortgages last year. A few years back, in the infinite wisdom of the Federal Government, banks, savings and loans, mortgage companies, cannot produce their own -- their own credit reports. Now for those of you who ever bought a home - and you would know this - that when you go and you apply for a loan, the first thing that they ask for, is they ask for seventy-five dollars - or they put it on your charge - that you have to go out and get a credit report. While the banks and savings and loans can't do it themselves, so what they do is they have what they call these little credit reporting agencies. They get their data from bigger companies - credit bureaus; so now they put this data together - these little credit reporting agencies; they put it together and they go to the mortgage company, or the bank and the savings and loan. Now I don't care what you put on your application, I don't care what you're putting down, I don't care what you say your net worth is, if that credit report says you're a bad risk, you do not get the loan. And vice versa - if they say you're a good risk, then you get it. So everything relies on this little credit report that's being done by these credit reporting agencies. Four hundred billion dollars of -- of -- of the money in this State is given out by this little credit report, put together by a credit reporting agency. Well, they do not have to be licensed. They do not have to be bonded. If they -- if they're wrong and we don't get a loan, there's nothing we can do about it. We can complain all day long; the State can do nothing about it. If we go to sue them, they could say "I don't have any money," and open up next door. If -- if a mortgage company who gets burned by these people want to go out and sue

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them, they can't, because they have no money. All this bill calls for is -- since it has become such a part of our economy, that if you want to be a credit reporting agency, and you want to be in the middle of it - the cog on these four hundred billion dollars worth of loans - that we ask that you come in, register, be licensed by the State, and post a hundred-thousand-dollar bond. Myself and -- and -- and a few of the other Senators - Republican Senators - we checked out what bonding would be, and we'd get anywhere from ten to twenty dollars per -- per thousand. So we're talking about them coming up with about a thousand dollars, two thousand dollars, for the bond, and maybe about two hundred dollars for the licensing fee. That seems like a very small price to pay, considering how many loans are given out and how important of a cog that they are. So I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President, if I may, a question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Topinka.

SENATOR TOPINKA:

And -- and I certainly admire what you're trying to do here, Senator Molaro. The -- the bill had a number of people asking a number of questions, and there was some contentiousness about how this was all coming together in committee. Are you through amending this bill, because it strikes me that we were still anticipating another amendment?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

The -- the answer to that is, as it stands now, we are putting no amendments on as -- as it's before you. As it goes over to the

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House - and there's a House Bill that is exactly the same - we are going to be talking with the Director. The Director of Financial Institutions is coming up with rules and -- rules that we may make part of this bill, that will waive the bonding requirement for anybody who's been in business a certain amount of years, or has the financial responsibility, or comes with an audited statement showing that he's not a fly-by-night company, that he has some stature to him, and that the bond can be waived, which was the main concern.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Topinka.

SENATOR TOPINKA:

So am I understanding correctly, this bill will be coming back to the Senate with an amendment?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

That -- that is my understanding. House Bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further...

SENATOR MOLARO:

A House Bill with an amendment.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. A few questions of the sponsor, Senator Molaro.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield, Senator Weaver.

SENATOR WEAVER:

Does any other state in the United States license credit reporting bureaus?

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

I -- I'm not sure of that answer. I'd have to ask staff.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Weaver.

SENATOR WEAVER:

Well, I don't know of any other states in the United States that license credit reporting bureaus. All of them are operated under -- or regulated under federal law now, and who wants this bill?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

There are a bunch of credit reporting agencies that are existing now, credit bureaus that are existing now, that want to end the practice of these fly-by-night companies. I have in front of me, from the Illinois Attorney General's Office, over two hundred complaints that are filed with him that he can do nothing about. So in addition to credit bureaus, you have a lot of people out there and a lot of constituents that would like to see this type of industry with some type of reporting and -- and -- and licensing some type of regulation by the State of Illinois.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Weaver.

SENATOR WEAVER:

Well, I think the problem is, particularly downstate, there are many small credit bureaus downstate that probably don't do the volume that you're talking about, but they serve a regional area. And in some of these cases, I'm -- I'm not sure that they're even going to be able to afford or could get a bond. That's one of my concerns.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Weaver.

SENATOR WEAVER:

I understand that there -- it's not even clear that these types of bonds even exist.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

They do. Senator Syverson and myself, we've -- we've called up, I think it's SF&G -- what's the biggest bonding company? - SF&G - and they will bond for about twenty dollars -- twenty dollars a thousand. The other question is, Senator Weaver, to allay some of the fears, and I've talked to some of the smaller credit bureaus, if they show some -- some minimum of financial stability, as well of years of service, they will be exempted from the bonding requirement.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Syverson.

SENATOR SYVERSON:

Yes. I rise in support of Senator Molaro's bill. There are bondings that is -- that is available for them; it certainly would be a reasonable cost. I think the concern and the reason for this legislation, that was probably not necessary in the past, is the use -- is the use of computers now. Anyone with a computer and a modem can tie into TRD or other companies and -- and call themselves reporting agencies. And we get a lot of people who are -- are setting this up - doing it on the side - to make a few dollars, and they could certainly be selling the service, yet not be qualified to do this. This is just going to show that they've got some financial stability, that if they're going to be in -- in this game, they should be able to protect themselves from making those mistakes and giving both the -- the banks or the -- or the

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creditors, as well as the individuals who are wronged, a chance for recourse.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Watson.

SENATOR WATSON:

Yes. I'd like to ask the sponsor a question.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he'll yield. Senator Watson.

SENATOR WATSON:

In behalf of, and in memory of Jack Schaffer, have these people held a reception yet?

END OF TAPE

TAPE 4

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Watson.

SENATOR WATSON:

That was only for those of us who've been around when Jack Schaffer was here. But I -- seriously, I have a -- I have some concerns, and it kind of follows I think, a little bit, what Senator Weaver was talking about, is the impact that this may have on downstate small financial institutions. I -- I actually see here in the -- in the proposal, or in our analysis, that this was opposed by the Department of Financial Institutions, and the Credit Bureau Association of Illinois. I'd like to ask a serious question, if I could, of the sponsor, and if that -- and if he would respond: How will this impact smaller rural institutions?

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Molaro.

SENATOR MOLARO:

I have -- what it comes down to is this. We are -- we are working with Jack Schaffer, who served in this Body for twenty years -- is a Republican. He is for the bill, and the Department is for the bill, so I -- I don't know where the analysis came from. However, we are working, where if someone such as the downstaters who have been in business for -- for the period of years we're talking about and have been doing this for so long, they -- the provisions of the bond would be waived. We're talking about a two-hundred-dollar licensing fee. And even if they're not waived, even if someone doesn't get the waiver, we're talking about them getting a bond that would cost two thousand dollars. Now I know -- I'm not going to laugh at two thousand dollars, cause two thousand dollars is two thousand. However, if they're in this business, and they're out there in the business of deciding who gets loans and who doesn't, and we're talking about four hundred thousand a year. And even when I talk to some of the people from the Illinois Credit Bureau, their volume isn't that small. So even if they're stuck - which I submit to you they will not be - but even if someone is stuck, they're talking about two thousand dollars maximum, and two hundred dollars minimum, and that's the range; that's the impact on these small businessmen.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Well, thank you, and I appreciate your response. I -- I think this is one of those bills that, if it becomes law, we're going -- all of a sudden you'll be getting calls from back home wondering what have you done to us now. I think we ought to keep in mind what this legislation actually does, and it's going to increase costs. And which -- what that does, is increase the costs to our

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constituents. So I think we ought to look very carefully at this proposal. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Sieben.

SENATOR SIEBEN:

Question of the sponsor?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Sieben.

SENATOR SIEBEN:

Senator Molaro, in -- in presenting this bill in committee, you heard the testimony of the representatives of the twenty-five credit bureaus who had questions concerning the legislation. My question to you is, are you actively involved in discussions with the representatives of the credit bureaus who had concern with the legislation?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

Yes. It is -- is my understanding that I have met, they have -- the lobbyist for Transunion, which is the major player and underwriter of all of this, have met and they have talked about, if they're -- what their working out with Schaffer, if it needs to be codified and made into law, it will become part of this bill, or will become what the -- part of the House Bill that is coming over here to be amended.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Sieben.

SENATOR SIEBEN:

And it -- it is your -- as I understand it, it is your intention to amend this legislation to take into consideration the concern of the credit bureaus.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Molaro.

SENATOR MOLARO:

Yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Sieben.

SENATOR SIEBEN:

Mr. President, then I would suggest in supporting the Gentleman's legislation. There is a difference between a credit reporting service, that in Senator Molaro's area seems to be a fly-by-night operation that needs some regulation - some oversight - and a difference between them and a credit reporting, or a credit bureau. And with his commitment here to work on this legislation, I think we can vote in favor of this legislation. It had a good hearing in committee. The parties all know what they want to accomplish, and I would suggest an Aye vote on the legislation.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Cronin.

SENATOR CRONIN:

Just briefly, Mr. President, Ladies and Gentlemen of the Senate. I rise in support of the bill, as a cosponsor. My understanding is -- is, and this is my commitment to -- to this bill, and the responsibility to my Members is that this bill will be amended, to take into consideration the smaller agencies. I think the point here though, and why we want to move on this now is - aside from the fact that it is a deadline day - is that if -- if -- if you don't have constituents that have been harmed by inaccurate information from credit reporting agencies, I do. And they don't purge these records regularly sometimes when someone's had a problem, and has it -- and they've cleared it up, and then they subsequently go to apply for a mortgage or a loan and they can be harmed, and it can be significant. And so, I think that

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this is -- this is a good bill, and I think it is promoting a good policy. I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR MOLARO:

For the sake of brevity, I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall Senate Bill 1311 pass. Those in favor will vote Aye. Opposed will vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 45 Ayes, 9 Nays, 3 voting Present, and Senate Bill 1311, having received the required constitutional majority, is declared passed. Senate Bill 1318. Senator DeLeo, do you wish this bill returned to 2nd Reading for purposes of an amendment? Senator DeLeo seeks leave of the Body to return Senate Bill 1318 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1318. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 3, offered by Senator Dudycz.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there leave to have Senator DeLeo handle Amendment No. 3? Leave is granted. Senator DeLeo.

SENATOR DeLEO:

Thank you, Mr. President. Floor Amendment No. 1 <sic> (3) -- this amendment is being offered to give the voters an opportunity to vote on whether the precinct in which they live shall become part of the territory of the home equity program. We passed a home equity bill a few years ago, and so it was prior to

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redistricting the Chicago wards, prior to the 1990 census have been changed and this would allow them to be covered in the home equity assurance program.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. On the Order of 3rd Reading, Senate Bill 1318. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1318.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator DeLeo.

SENATOR DeLEO:

Thank you, Mr. President, and Members of the Senate. The amendment becomes the bill. This just gives the voters an opportunity for a referendum to become part of the home equity. It has to be a contiguous precinct. And the amendment becomes the bill. I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any question? If not -- any discussion? If not, the question is, shall Senate Bill 1318 pass. Those in favor will vote Aye. Opposed will vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. And Senate Bill 1318, having received the required constitutional majority, is declared passed. On the Order of 3rd

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Reading, Senate Bills. Senate Bill 1323. Senator Watson. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1323.

(Secretary read title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Watson.

SENATOR WATSON:

Thank you. Senate Bill 1323 does exactly what the calendar says: it amends the Capital Development Board establishing specific standards to determine the priority order of school construction projects. This originally was a bill dealing with bonding authority for construction and for technology. Due to the lack of -- of funds and resources to retire those bonds, we've decided to proceed with this particular amendment, which now -- which was Amendment No. 3, which now become the bill, in hopes, maybe, that if there is a revenue source out there somewhere in the near future, that maybe we can revisit the bonding program for construction and technology. But however, this -- this does establish the priorities, and those priorities are six in number. It's replacement or reconstruction due to natural disasters or fire. If a district's experiencing a shorting of classroom space because of population growths. Number three, reorganization of school districts, based on local referendum. Number four is accessibility alterations. And number five, continuing health life safety problems, and then possibly other unique situations. That's the bill at this particular point in time. Appreciate your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Demuzio.

SENATOR DEMUZIO:

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Thank you, Mr. President and Ladies and Gentlemen of the Senate. First of all, I want to be removed as a cosponsor of this bill. If -- if -- that's my request. Number one, Senator Watson is absolutely correct that when this bill started out, it started out for a very laudable purpose, and that was to sell general obligation bonds over eight years, to establish a one-billion-dollar program for technology grants. So there were specific criteria in that bill. It would encourage students, motivation to learn, enhance teacher training. It would increase communication in parental involvement. It would improve curriculum. It would provide additional resources in the classrooms to improve student achievement, and would certainly increase opportunities to learn throughout the State. But this bill was gutted. By virtue of amendment - Senate Amendment No. 3 - it merely does that which is already the priority to the State Board of Education. They're already using the criteria that is in this bill, and there is no bonding authority for -- as Senator Watson indicated, one dime of money for technology. Why was the bill gutted? Good -- good -- good idea. Why -- why was the bill gutted? This is the Governor who told the Technology 2000 group that, quote: "I am asking you to chart a course that will ensure the technologies available in our classroom, and that will ensure our teachers have the knowledge and skill to take advantage of it. And that's the same day that the Governor was making that speech, when he asked Senate Bill 1323, I assume, to be gutted - the very same day. What is the Governor's plan? Well, I guess he doesn't have one. So this proposal here, as it leaves here is simply a shell -- it is simply a proposal that -- which is already being done by the State Board of Education. It started out as a laudable clause, it certainly today is a toothless tiger, and I -- I don't think it makes any difference whether you vote for it or whether you don't.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I wanted just to share with all of our colleagues some of the conversation and debate that was -- that took place in committee this morning. Senator Demuzio points out that these criteria are already used by the State Board of Education. But for the first time, we are incorporating these criteria into Statute. To give you a little bit of the background regarding bonding for school construction and rehabilitation in Illinois, we have classically, at the appropriation level, and Senator Maitland, I'm going to mention your name, so I -- I -- I don't necessarily want a response, but I want to tell you that your name has been mentioned in our debate in the Education Committee. That when the appropriations have taken place in the previous allocation of bond money, to the school districts, it has been on a basis of twenty-five percent to Chicago, and seventy-five percent to all the school districts outside Chicago. With the setting out of these criteria in the Statute for the first time, I suggested this morning that we set out in the Statute that any future bonding -- the bonding was taken out by this amendment, but any future bonding dealing with school construction or rehabilitation, still set forth the classical agreement that we had of twenty-five percent for Chicago, and seventy-five percent for downstate. Someone asked me facetiously, and I -- I gave them an honest answer. I thought that's a fair split. And I don't know how these criteria will work out. But I think that twenty-five/seventy-five is a -- a fair split, and that this was to protect the seventy-five percent for downstate as well as the twenty-five percent for Chicago. My amendment was rejected again on a partisan roll call in our committee. I would -- it was

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suggested in there, that at the appropriation level - now that means at some point when we do authorize increased bonding, and we start to put money into the appropriation process, that if there is a -- a enactment of the seventy-five/twenty-five with the concurrence of the Chairman of the Appropriations Committee, that some of the Members in the Education Committee would abide by that. Some of the other Members said that they would consider it. I'm just putting this information out, that's -- this is one reason I'm voting No today, because this is a change in what we've classically done without any commitment that downstate will be protected as to the extent of seventy-five, or that Chicago will be protected as to twenty-five. And until we are willing to assure ourselves of where this order of priorities are going, I'm not ready to support this bill. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. I also am very concerned about the list of priorities here. As Senator Berman said, we are putting this into the Statute. In Chicago we are in dire need of new construction to relieve severe overcrowding. We're also in need of renovating many of the schools that are decades old - some eighty, ninety, a hundred years old. And this list of priorities does not guarantee that we'll get some relief in the near future, and so I would urge a No vote, given the list of priorities that has been established by this bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR WATSON:

Yes. Thank you, and I appreciate the comments by the Members of -- on the other side. And -- and I understand somewhat Senator Demuzio's concern, because after all, I introduced the bill that

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created the -- the billion-dollar-program for technology and I'm very supportive of it. But I think it would be irresponsible for us here to pass legislation that obligates us in out-years expenditures. That's how we got ourselves in -- in some of the financial problems we're in today, is simply passing legislation that has fiscal impact in -- in the out-years, and this one certainly would have. So I think we need to establish a revenue source for this, and this was not gutted yesterday or whenever it was that Senator Demuzio mentioned when the Governor was giving his speech at the technology summit. The Governor's very supportive of the technology issues, and technology approach to the problems of -- of education in -- in this State. But I -- and Senator Berman mentioned in committee today, about this -- this unwritten rule, or gentlemen's agreement, about the twenty-five percent for the City. I -- I'll tell you -- and he asked me if I would give my word, as far as supporting this, when it -- when it came time. Because this isn't the time; there's no money here, so as a result, this is not the time to be discussing that. But I'm not somebody who gives my word in a cavalier attitude, and when I say something and I make a commitment, I'll do it. And I would not do that this morning, because that's the responsibility of the appropriations committee. That's not the Education's Committee's responsibility; that's somebody else's. And if the Chairman and the people that are on that Appropriations Committee, Senator Berman, of which Senator Hall and Carroll and Hendon and Smith and Severns, and certainly Senator Demuzio, are representing your concerns on that appropriations committee, and that's where that commitment should come from. And that's when that time, that that should be dealt with. All we're doing here is establishing some priorities, by which construction grants will be granted throughout this State. And I ask for your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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The question is, shall Senate Bill 1323 pass. Those in favor will vote Aye. Opposed will vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 31 Ayes, 27 Nays, none voting Present, and Senate Bill 1323, having received the required constitutional majority, is declared passed. Senate Bill 1324. Senator DeAngelis, do you wish this bill returned to the 2nd Reading for the purposes of an amendment? Senator DeAngelis seeks leave of the Body to return Senate Bill 1324 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1324. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 3, offered by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Amendment No. 3 is a clarifying amendment that was requested by Senator Berman and some other Senators. It simply identifies what obligation means, and what employee means, and what salary expense means. I urge its adoption.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? If not, those in favor, say Aye. Opposed, Nay, and the Ayes it, and the amendment is adopted. Any further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. On the Order of 3rd Reading, Senate Bill 1324. Madam Secretary, read the bill.

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ACTING SECRETARY HAWKER:

Senate Bill 1324.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 1324 started off as a bill which would allow the State Board of Education to make direct transfers to school districts across the State. Some of the superintendents got concerned, so we filed an amendment that did it. I have a letter from the superintendents withdrawing their opposition. And then we created the Financially Distressed Educational Act, which had certain criteria, which we discussed rather lengthily as an amendment, and then we have the amendment that we just adopted, which clarified some things on that Financially Distressed Educational Act. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 1324 pass. Those in favor will vote Aye. Opposed will vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present, and Senate Bill 1324, having received the required constitutional majority, is declared passed. Senate Bill 1336. Senator DeAngelis. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1336.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 1336 afforded the taxpayers -- property taxpayers of the County of Cook, the same opportunities that those who reside outside of the county can have. Along with it, an amendment was adopted in committee which lowered the burden of proof -- lowered the ability to appeal from the burden of proof -- from constructive fraud to the burden of proof. And then there was some concern on the part of the more legal experts on the Floor, and we changed that from burden of proof to preponderance of evidence. Think this bill is going to probably be worked on a little bit more in the House. This is, in fact, a very significant step, however, for the taxpayers of Cook County and -- and across the State, and I would urge passage, and we'll keep working on it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall Senate Bill 1336 pass. Those in favor will vote Aye. Opposed will vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present, and Senate Bill 1336, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading is Senate Bill 1352. Senator Dillard. Madam -- Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1352.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

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Thank you, Mr. President, and Ladies and Gentlemen of the Senate. This bill addresses an interpretation that became confusing, which resulted from an Illinois Supreme Court case, dealing with consensual eavesdropping and the all-party consent provisions that's in the Illinois Eavesdropping law. And in the case called *People vs. Beardsley*, the Supreme Court found that consent of all of the parties to a conversation in an eavesdropping situation really didn't mean that. It meant all parties are not required, if it was clear that the conversation, or somebody in the conversation, really didn't carry an expectation of privacy. And this bill makes a suggested change by the Illinois State Bar Association that restores an all-party consent provision to our law in Illinois, regardless of whether the parties really intended their conversation to be private or not. It restores that, but then it goes on to create three exemptions to -- to the all-party consent requirement. The first thing I did was make a provision identical to a bill that passed this Body overwhelmingly a year ago, and that makes an exemption for undercover police that are investigating felony drug offenses, felony streetgang offenses, forcible felonies, where it's necessary to protect a police officer's safety. It's a very limited version of what about forty other states have, and what federal agents have. The second thing the bill does in terms of carving a exemption for consensual eavesdropping is something that was subject to an amendatory veto by Governor Edgar a year ago, and it died in the House in the fall Veto Session, and that's to say that where police officers pull someone over for a driving under the influence type of offense, that the audio portion of a videotape of that type of stop by law enforcement officers is also exempt from consensual eavesdropping in Illinois. And the last thing, and the third exemption, exempts recording by crime victims. In other words if a stalking victim has someone call

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them up on the telephone, they can clearly record that to help them in the prosecution of that crime against them, if they believe that -- that recording will help them obtain evidence that can be used to -- to prevent offenses. And finally, the bill expands nonconsensual wiretap with a court order to include murder, money laundering and streetgang felonies. I would be happy to answer any questions, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

Senator, did -- did I understand you to say that you followed the Beardsley case in this?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Dillard.

SENATOR DILLARD:

Senator Geo-Karis, we worked off of Beardsley, but we -- we clarified just some things in the practice out there, especially among police officers, that makes Beardsley in the law - in the Statute should this bill be signed by the Governor - a little bit more clear.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further discussion? If not, the question is, shall Senate Bill 1352 pass. Those in favor will vote Aye. Opposed will vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, 1 voting Present, and Senate Bill 1352, having received the required constitutional majority, is declared passed. Senator Klemm, do

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you wish that Senate Bill 1364 be returned to 2nd Reading for the purpose of an amendment? Senator Klemm seeks leave of the Body to return Senate Bill 1364 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1364. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 1, offered by Senator Klemm.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President. Amendment No. 1 clarifies a provision that was exempted in the original bill. It brings it back to its original form, and I do ask for its approval.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? If not, all those in favor, say Aye. Opposed, Nay. And the Ayes have it. And the amendment is adopted. Any further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senator Klemm.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm.

SENATOR KLEMM:

Amendment No. 2 includes school board members for school boards and community colleges that were inadvertently omitted from the original bill, and I ask its adoption.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, all those in favor, say Aye. Opposed, Nay, and the Ayes have it. And the amendment is adopted. Any further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 3, offered by Senator Klemm.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm.

SENATOR KLEMM:

Amendment No. 3 puts in a filing date for those members that were just included in Amendment No. 2, to have them file by October 1st, since it's unable to file by the May 1st deadline, since the bill wouldn't become law until after that date. And I do ask for its adoption.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? If not, all those in favor, say Aye. Opposed, Nay, and the Ayes have it. And the amendment is adopted. Any further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd reading. On the Order of 3rd Reading, Senate Bill 1364. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1364.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. What Senate Bill 1364 does is to clarify a provision that we did on the ethics statement last year that we adopted, and clarifies that it does not apply to members of boards or commissions who function only in an advisory capacity. It does now include school board, elected board members - employees were covered and still remain to be covered - and it puts in the date of when they have to file, so that everybody now is covered under

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the ethics bill. I do ask for its adoption.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Stern.

SENATOR STERN:

Will the Gentleman yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Stern.

SENATOR STERN:

I just wanted to be sure I understood a couple things about this, since this has long been an area I wanted to see change. Do I understand you to say the school board members have not had to file before this?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm.

SENATOR KLEMM:

Well, we changed, as you know, last year from a salary, and also elected officials, and in the bill we put down local government, and the interpretation was that local government does not include school boards. So we ended up finding out that it was inadvertently admitted <sic>, and now this is to correct that oversight.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Stern.

SENATOR STERN:

Is -- is there anything in this bill that will remove from the obligation to file, oh, for instance, firemen, paramedics, teachers who are in nonadministrative capacities, or do those folks still have to file?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm.

SENATOR KLEMM:

All those that we passed last year under the new provision

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still have to file; they will continue to file now. But it's not on a salary level as it used to be for years. It's now on a responsibility level of -- of -- of obligations, a level of importance of the job they do, rather than just a salary cap.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Stern.

SENATOR STERN:

Just one more. Does that also include teachers? The teachers are not on a salary scale either; is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm.

SENATOR KLEMM:

The bill included schoolteachers and the school employees. It still -- they still must file under current law, depending upon the jobs they hold, not on salaries.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any further discussion? Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. I just want to thank the -- the sponsor of the bill for including a provision that was in a bill that I filed early on, and I appreciate the fact that you've agreed with me, because I argued early on that school boards were not included in -- in there; they were not a unit of local government. And I was told by staff on your side of the aisle that I was wrong, but now it turns out that I was right, and that there was an oversight that had to be corrected, and so I'm in full support of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR KLEMM:

Just ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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The question is, shall Senate Bill 1364 pass. Those in favor will vote Aye. Opposed will vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. And Senate Bill 1364, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading, Senate Bills -- Senate Bill 1381. Senator Klemm, do you wish this bill returned to the Order of 2nd Reading for the purposes of an amendment? Senator Klemm seeks leave of the Body to return Senate Bill 1381 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1381. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 1, offered by Senator Klemm.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President. Floor Amendment -- or Amendment No. 1 to Senate Bill 1381, actually become the bill. It's a result of the Senate Task Force on Unfunded State Mandates. It allows school districts to ask for waivers after consultation with all the parties after public hearings. It's, I think, a bill that has now reached everybody's support, and I do ask for its adoption.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? If not, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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3rd Reading. On the Order of 3rd Reading, Senate Bill 1381.
Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1381.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. As I indicated earlier, we had a task force that had meetings throughout the State of Illinois. Heard testimony from teachers, school board people, elected officials, everyone in the education community. This is the results of a compromise that we feel that school boards can use to try to meet some educational requirements and get waivers of State mandates with the State board. It allows everybody to be a participant. It has reached the support of the IEA, the school boards, and everybody else, and I do ask for its support. I think it's very meaningful in Illinois, particularly at this time.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Berman.

SENATOR BERMAN:

Question of the sponsor?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Berman.

SENATOR BERMAN:

Am I correct that this bill does not apply to the Chicago School Board?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Klemm.

SENATOR KLEMM:

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That is correct.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, the question is, shall Senate Bill 1381 pass. Those in favor will vote Aye. Opposed will vote Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present, and Senate Bill 1381, having received the required constitutional majority, is declared passed. Senate Bill 1421. Senator Fitzgerald, did you wish to have this bill returned to 2nd Reading for purposes of an amendment? Senator Fitzgerald seeks leave of the Body to return Senate Bill 1421 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1421. Madam Secretary, there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 1, offered by Senator Fitzgerald.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fitzgerald.

SENATOR FITZGERALD:

Senate Floor Amendment No. 1 to 1421 is just a technical amendment on this continuing appropriation bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, all those in favor, say Aye. Opposed, Nay. And the Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. On the Order of 3rd Reading in Senate Bill 1421. Senator Fitzgerald. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

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Senate Bill 1421.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Mr. President. Senate Bill 1421 creates a continuing appropriation for the moneys that the State is obligated to put into the five State-backed pension funds; the Teachers' Retirement System, the Judges, the General Assembly, the State employees, and the State University Employees' Retirement Funds. This bill would take the pension funding issue away from it being considered on an annual basis by the Appropriations Committee. It would set up a continuing appropriation that would always be in place. That is how we fund the State's general obligation bonded indebtedness. That is on a continuing appropriation basis. This would do the same with the State pension funds. There is a companion bill, 1728, that is sponsored by Senator Madigan, and will be coming up later, that sets up an amortization schedule by which the State would retire the unfunded liabilities in the five State pension funds over a period of years. This is just a bill that sets up the continuing appropriation, and I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. Very briefly: I certainly agree with the concept of having a -- a continuing appropriation, so -- and an obligation, and a stepped-up payment. There is an alternative, which is in the House, which will undoubtedly come over here, which accelerates this payment even quicker. This is a -- I believe a fifty-year

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payment cycle, and the other -- the other alternative is an forty-year payment cycle. And so we will have the opportunity, hopefully, to debate that as well. Obviously, if we spend more money now, in catching up on these pension underpayments, we will save money in interest. And the difference between a forty-year and a fifty-year is a thirty-eight-billion-dollar difference, and that's something which we will debate when the House version comes over. And secondly, I just wanted to point out to -- to people something which they may not be aware of: there's two pension funds that deal with teachers. One's the Chicago fund; one's the downstate fund. The Statutes impose an obligation on us to pay the employer portion for the downstate teachers, but do not impose the obligation for the Chicago teachers. However, we at the State level do appropriate money for the Chicago teachers. Last year we appropriated about two hundred and thirty million dollars to the pension fund for the downstate teachers, and sixty million dollars for the Chicago teachers. I think that it might be appropriate at some point in time, that we codify that practice in the Statute, so that we do, in fact, have a continuing appropriation, both for the Chicago Teachers fund as well as the downstate teachers. And I -- I point out that this is not a Chicago versus the rest of the State issue, because as many of you know, the Chicago teachers who have retired, many of which - I bet you the majority - don't even live in Chicago anymore, but certainly they live in other parts of the State. So I'm not pointing out any -- this as criticism of this bill, I just think it's important to keep in mind, it's something in which we will be debating in the -- in the coming weeks and it's something that we all should be aware of. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Molaro.

SENATOR MOLARO:

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Yes. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor will yield, Senator Molaro.

SENATOR MOLARO:

Yes. I apologize for not asking this at committee Senator, but when -- when these appropriations are, and of course, they -- they come out of -- the Executive Director of the Board of Trustees, send it over, on what funding level -- or what funding level are we trying to reach, under this bill?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Fitzgerald.

SENATOR FITZGERALD:

Okay, so that there's no confusion here, this bill does not itself attempt to amortize the unfunded liabilities in the pension funds, or say how much has to be appropriated. That is going to be in a separate bill. This is merely the appropriation bill. Okay? And this doesn't say how much we'll put into the funds. Now there is another bill that will set up an amortization schedule of fifty years; that's coming up later. But whether or not you favor a five-year amortization, a fifty-year amortization, or a hundred-year amortization, you should be in favor of this bill. This bill is just a continuing appropriation, and it is separate from the other bill, because, under the State Constitution, substantive bills cannot be mixed with appropriation bills.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? If not, Senator Fitzgerald, you may close.

SENATOR FITZGERALD:

As I just said, regardless of how long you would like to see the State pay off the unfunded liabilities in the pension funds, you should be in favor of this bill. And I would say in response

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to Senator Cullerton, from Chicago, this bill does not seek to create a continuing appropriation into the Chicago Teachers' Pension Fund, because that is not one of the State-funded pensions. This -- we only address the five State-funded pensions. We are not currently obligated by Statute to put any money into the Chicago Pension Fund. Just because we did in a couple of years by agreement, we don't want to become obligated for that. In fact, I think it's very clear that we have enough obligations that we're having a hard time meeting as it is. So, we are seeking to create a continuing appropriation into the five State pensions funds. I urge a favorable vote on this bill. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 1421 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 voting Aye, no voting Nay, no voting Present. Senate Bill 1421, having received the required constitutional majority, is declared passed. Senate Bill 1435. Senator Peterson. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1435.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President. Senate Bill 1435 deals with the liquefied petroleum pressure containers. Under the present Codes, the propane industry is governed by both the Office of the State Fire Marshal and the Boiler and Pressure Vessel Board. This would put the -- all the Code requirements under the Liquefied Petroleum

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Regulation Act. It is favored by the State Fire Marshal. It's a simplification of the Code, and will not have any effect on the safety standards that are adhered to by the propane market. I ask for a favorable vote on Senate Bill 1435.

PRESIDING OFFICER: (SENATOR WATSON)

Seeing no further discussion, Senator Peterson moves that Senate Bill 1435 pass. Those in favor will vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Yes, no voting No, no voting Present. Senate Bill 1435, having received the required constitutional majority, is declared passed. Senate Bill 1447. Senator Cronin. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1447.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. We've discussed this bill before. This seeks to provide that dentists who produce -- potentially infectious medical waste, shall not be liable for civil damages for waste, once it has been transferred, according to certain rules and regulations, to a transporter - a licensed transporter. And the waste must be managed by the dentist in accordance with appropriate Department rules and regulations, and I know of no opposition. I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 1447 pass. Those in favor will vote Aye.

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Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Yes, no voting No, no voting Present. Senate Bill 1447, having received the required constitutional majority, is declared passed. Senate Bill 1476. Senator Syverson. Senator Syverson. Out of the record. Senate Bill 1479. Senator Madigan? Read the bill, Madam Secretary. Senator Madigan, do you wish this bill returned to 2nd Reading for the purposes of an amendment?

SENATOR MADIGAN:

Yes, I do, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

Madam Secretary. Senator Madigan seeks leave of the Body to return Senate Bill 1479 to the Order of 2nd Reading for the purpose of an amendment. Leave is granted. On the Order of 2nd Reading is Senate Bill 1479. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 1, offered by Senator Madigan.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Madigan, to explain your amendment.

SENATOR MADIGAN:

Thank you, Mr. President. Floor Amendment No. 1 to Senate Bill 1479 is sponsored by myself and Senator Berman. And what it does basically, it's a technical, very detailed, lengthy amendment that essentially, in what -- it provides a framework for a mutual company to demutualize into a stock company. I'd be glad to answer any question, otherwise would ask for its adoption.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any other further Floor amendments approved for consideration?

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ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senator Madigan.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Madigan, on your amendment.

SENATOR MADIGAN:

Thank you, Mr. President. Floor amendment No. 2 to Senate Bill 1479 applies to the overlying bill, and it delays the requirement for medical providers to adopt or use a uniform claim form - it delays that effective date until January 1st of 1996, and I would ask for its adoption.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Seeing none, all those in favor, vote -- say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration, Madam Secretary?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd reading. Now, on the Order of 3rd Reading is Senate Bill 1477 -- 79. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1479.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. Senate Bill 1479, as amended, performs the previous two amendments that we just adopted. The overlying bill is a -- an extension of Senate Bill 830, which we passed last year. Senate Bill 830 required the insurance companies to adopt the uniform claim form. Senate Bill 1479 extends that

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uniformity to the medical providers. I would be glad to answer any questions on Senate Bill 1479, as amended.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR WATSON)

The sponsor will yield, Senator Cullerton.

SENATOR CULLERTON:

Senator, we just -- we just put an amendment on the bill, and I don't remember that one coming to our committee. Is there a reason why that amendment didn't come to the committee?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Madigan.

SENATOR MADIGAN:

Yes, Senator Cullerton. We had discussed this when -- when 1479 originally came up. We've been waiting for the amendment and an agreement between the medical providers and the insurance companies. We just got that amendment, and it's been reported directly to the Floor. It's an agreed -- agreed amendment by all parties.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cullerton.

SENATOR CULLERTON:

Okay. So it wasn't a technical amendment, it's just that we didn't have enough time to have the committee meet. And -- and could you tell me one more time what the amendment did?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. It delays the requirement of medical providers to -- delays that effective date to July --

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January 1st, 1996. If I said July earlier, I apologize, but I --
I think I said January 1st.

PRESIDING OFFICER: (SENATOR WATSON)

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

SENATOR MADIGAN:

I would ask for favorable consideration of Senate Bill 1479,
as amended.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 1479 pass. Those in favor,
vote Aye. Opposed, vote No. The voting is open. Have all voted
who wish? Have all voted who wish? Have all voted who wish? Take
the record. On that question, there are 58 voting Yes, no voting
No, no voting Present. Senate Bill 1479, having received the
required constitutional majority, is declared passed. Senate Bill
1491. Senator Farley. Do you wish to have this bill returned to
2nd Reading for the purposes of amendment? Senator Farley seeks
leave of the Body to return Senate Bill 1491 to the Order of 2nd
Reading for the purpose of an amendment. Hearing no objection,
leave is granted. On the Order of 2nd Reading is Senate Bill 1479
<sic>. Madam Secretary, are there any Floor amendments approved
for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senator Farley.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Farley, to explain your amendment.

SENATOR FARLEY:

Thank you, Mr. President, Ladies and Gentlemen of the Senate.
Senate Amendment No. 2 removes the opposition of the Illinois
Association of Realtors by narrowing the scope of the bill, to the
acquisition of land for improvements within a highway, rather than
the general highway and road purposes. The amendment also
requires that the depth of the taking must be within twenty feet

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of the existing highway, rather than within twenty feet of the rights-of-way. The amendment gives twelve months written notice to commercial and industrial property owners prior to the property being acquired. The bill was silent in that regard. The amendment also expands the time element for residential property owners; that would be written notice - must be given within at least eighteen months rather than twelve months prior to the property being acquired. And, Mr. President, I would move for the adoption of Amendment No. 2.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration, Madam Secretary?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Now on 3rd Reading, Senate Bill 1491. Senator Farley. Madam Secretary, will you please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1491.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Farley.

SENATOR FARLEY:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1491, as amended, contains two provisions. The first provision permits for a period of forty-eight months, being -- beginning in January of 1995, the taking of property under quick-take provisions, by Chicago, Cook and the other collar counties, for the acquisition of land improvements within a

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highway, if the taking is no more than twenty feet from and contiguous with existing highway under the jurisdiction of the county or municipality. Essentially this will permit only the roads under the jurisdiction of these local governments, the addition of a new lane of traffic. At the suggestion of the Illinois Realtors, the bill has been narrowly -- narrowed significantly. For the first time, commercial and industrial property owners must receive a twelve-month written notice. Written notice to residential property owners is increased from twelve months to eighteen months. And at the suggestion of the Realtors, the bill is no longer for an indefinite period of time, but it is now limited to forty-eight months. As a result, the Realtors have no longer opposition to this bill, but are now neutral. Also, the second provision of the bill is an amendment that was adopted earlier in committee to accommodate Senator Ralph Dunn. And that amendment would permit the Anna-Jonesboro Water Commission quick-take powers for a period of eighteen months after June 30th of this year, to acquire easements for improvement to its water treatment and storage facilities, and water transmission pipelines. Again, the power is only given for a certain period of time. The Anna-Jonesboro Water Commission wants to replace an antiquated water line that serves both communities, and the Choate Mental Health and Developmental Center. The new water line is approximately five miles long and would run through thirty-five tracks of land. The antiquated line recently had a severe break, and when breakage occurs, only a single day supply of water exists. With this, according to the Commission, granting it quick-take power will shorten the process by at least nine months, if not more. So, Mr. President and Ladies and Gentlemen of the Senate, I would ask that we do pass Senate Bill 1491.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Senator Palmer.

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SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor will yield, Senator Palmer.

SENATOR PALMER:

Senator Farley, I can understand the Anna-Jonesboro Water Commission part of it. They're asking for quick-take to do a specific project, but the rest of it seems vague to me. Are there any specific projects that are planned that require quick-take within this period of time?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Farley.

SENATOR FARLEY:

No, Senator, there is nothing specific at this time. It has just been requested and by Cook County and the collar counties, that they have this proviso.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Palmer.

SENATOR PALMER:

Senator Farley, it's so specific - the time period - and all of these counties and the city lining up, I -- who wants this quick-take?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Farley.

SENATOR FARLEY:

Well, Cook County, and the collar counties. Oftentimes the process of determining who are the owners of the land, the title searches and the evidence of ownership takes months and months of research, sometimes even years. When it comes to highway improvements, you can -- you can have literally hundreds of parcels involved, and to agree on compensation and other matters can take forever. In the meantime, the needed traffic

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improvement, particularly the added lane, is postponed. The power of quick-take is not being given for an indefinite period of time, and is very limited. As I said earlier, Cook County and some collar counties - or the collar counties, I should say - are requesting our approval of this legislation, so that they would be able to possibly add lanes to some existing highways.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Butler.

SENATOR BUTLER:

Thank you, Mr. President. I'd like to point out to the Body that we've heard from everyone on this bill, but the -- but a homeowner whose property may be under attack at some point or another. Our analysis says it all. It says - and I think we ought to heed this - it says, This may be a bill that will come back to haunt legislators when property owners lose their land to a highway. I particularly call attention to some of the suburban legislators, because such things as the big expansion of Route 83 through a number of suburbs, is exactly the -- the -- the thing that homeowners are going to suffer from, should this bill pass. I would suggest this bill goes too far.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor says he will yield. Senator Fawell.

SENATOR FAWELL:

There are -- there are several of us representing DuPage County over here, and we would like to know who in the world asked for this from DuPage County?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Farley.

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SENATOR FARLEY:

Well, when I introduced the bill, it was brought to me by Cook County, and DuPage indicated to me that they wanted to be included, early on.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Fawell.

SENATOR FAWELL:

Could you give me a name of who said we would like to be included, because none of us know about it?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Farley.

SENATOR FARLEY:

Well, they were represented by a counties organization, before -- or in committee, so...

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka? Question? Senator Petka.

SENATOR PETKA:

Thank you very much. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor will yield, Senator Petka.

SENATOR PETKA:

Senator, you indicated that there were representatives from some of the collar counties that were -- that approached you in connection with this. Who made the contact from Will County?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Farley.

SENATOR FARLEY:

Could you repeat that question, Senator?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Petka.

SENATOR PETKA:

Could you please indicate to me which official or officials

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approached you from Will County about this quick-take procedure?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Farley.

SENATOR FARLEY:

No one in particular from Will County. It -- as I said earlier, the United Counties Council was there with a witness slip as a proponent. So I imagine that the United Collar Counties Council represents Will County in some capacity.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Geo-Karis. I beg your pardon, Senator Petka. I'm sorry; I thought you were through. Senator Petka.

SENATOR PETKA:

Did the council indicate for what purpose or purposes that it was necessary to have quick-take against somebody's residence?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Farley.

SENATOR FARLEY:

Not specifically, no.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Petka.

SENATOR PETKA:

Well, Members of the General Assembly, I'm not particularly fond of quick-take in any event, but before you decide to cast a vote in this instance, please understand that we are granting an indefinite power to the collar counties to grab somebody's home by quick-take, if necessary. If you've never seen the devastating effects of a quick-take, I can tell you I've seen individuals who had their homes taken by quick-take seven days before Christmas. Quick-take - the power of the government to dispossess someone of their property - is awesome. It should be used with circumspection. It should be used cautiously. We should never

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ever have an open-ended agreement with units of government to permit this awesome power to be used against them. And for that reason, I would suggest and strongly urge a No vote.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, and Ladies and Gentlemen of the Senate. I concur with Senator Petka. The State right now -- the counties right now have the right of condemnation for road purposes. A quick-take means they take their property first and they think about paying them later. I don't think -- I never did like quick-take. And I -- I oppose quick-take provisions. And I oppose this bill.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Karpziel.

SENATOR KARPIEL:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor says he will yield, Senator Karpziel.

SENATOR KARPIEL:

I am not real sure, and don't know myself, what -- for what reasons quick-take can be used now, under what conditions, and what the procedures are? Could someone -- could you tell me that?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Farley.

SENATOR FARLEY:

Conferring with staff here, quick-take is when title is obtained in a summary -- summary proceeding, and preliminary valuation paid, with a later trial on the issue of final compensation. So that is what quick-take is defined as.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Karpziel?

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SENATOR KARPIEL:

Well, thank you. You mean there are no public hearings on this, no notice -- like a thirty-day notice of public hearings on -- on quick-take? It's just go in and do it? And under what conditions, I mean -- this is obviously expanding it for highways and roads. Is it now for specific purposes like an emergency type situation?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Farley.

SENATOR FARLEY:

Well, I would repeat, Senator, that the bill provides for a written notice to residents, twelve months to -- eighteen months to residential, and twelve months to business or commercial/industrial. So we are providing plenty of time, we feel, for notification that this would be proceeding. And that is why, because of those reasons, that the association -- the Illinois Association of Realtors has withdrawn their opposition, and became neutral on the bill. I might also answer early on, that Senator Fawell asked me who -- who was in committee for DuPage County, and Mr. Charles Vaughn, representing DuPage County, was there as a witness, as a proponent, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

Thank you, Senator Farley. Is there any further discussion? If not, Senator Farley, to close.

SENATOR FARLEY:

Well, Mr. President, Ladies and Gentlemen of the House. I know that quick-take is a -- a sensitive subject to a lot of people. However, with the written notice to both the residential and the commercial interests, I feel that it is a provision that we should provide to have a county - Cook County and these other collar counties to be able to expand a lane of highway if so desired. I think that with the provision of -- of the written

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notice, we are protecting the homeowner, and the -- the little guy, if you would. And I would move, Mr. President, that we do -- do pass Senate Bill 1491.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 1491 pass. Those in favor will vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 19 voting Yes, 32 voting No, 1 voting Present. Senate Bill 1491, having not received the required constitutional majority, is declared failed. Senate Bill 1509. Senator Maitland. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Bill 1509.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. Senate Bill 1509 represents a number of months of discussion and negotiations in an attempt to assist this State's ninety-plus truck stops, who, since we passed the increase in motor fuel tax back in 1988, have found their businesses failing dramatically. Under current law, the distributor is -- was responsible for collection of the motor fuel tax. Senate Bill 1509 moves ten cents of that liability downstream to the retailer level and then completely off pump. The buyer still owes it. Doesn't change that at all, but the retailer just doesn't list it on the pump. A collection will occur in two ways now. If the buyer is registered with the State of Illinois under the new IFDA permit -- the new IFDA agreement, and has a permit or decal, the trucker shall pay

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on a quarterly basis, as he is now. And that's the way it's being done now for interstate truckers. If the buyer does not have the decal, then the money is collected at the point of sale, and that money is remitted -- is remitted monthly. Let me indicate why this bill is so important to the economy of Illinois. Illinois has one of, if not the highest, pump price, and as most of you know, a interstate trucker who travels the country is responsible for the number of gallons of fuel, or the tax on the number of gallons of fuel that he uses in the state that he travels in. And -- and because Illinois has such a high pump price, the psychological impact on that trucker is to buy where the tax -- strike that - where the pump price is lower. Number of years ago Indiana went to the same plan that we are suggesting today, and as a consequence of that, the fuel that is sold in this State to interstate truckers has been cut almost in half, and the list of the jobs that have been lost across this State in truck stops is phenomenal. In one border town, nine truck stops have gone up in Indiana -- in Indiana, and flourished, while business in Kankakee had one of those, right next to the border, one truck stop failed. This legislation is also meant to get at other declining business at these truck stops. The trucker comes in and fills up with fuel. He perhaps sleeps there. He eats and does a number of other things. We don't have that business now in Illinois. It's gone to other states. This will provide equity. Now both the Department of Revenue and the Illinois Department of Transportation have some concerns with respect to this Act. Department of Revenue because they are concerned about administering the bill. The Department of Transportation because of a delay -- a small delay in the time in which this money is remitted into the Road Fund. The delay, in my view, is not as much as they are suggesting it will be, but I'm not going to misrepresent to you that there isn't a slight delay. This, in my

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view, is legislation that the State ought to pass. I believe it will be beneficial, and I seek your support.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I would rise in strong support of this bill. We're losing a lot of jobs in Illinois because of truckers just driving on through from one border to the next. Just to list some of the jobs we've lost: we've lost a hundred and thirty in McLean County; fifty-six in East. St. Louis truck stop; sixty-three in Calumet City; seventy-three in Monee; thirty in South Holland; sixty at Elgin; fifty-five at Effingham; seventy-seven in LaSalle County; and fifty in Kankakee. These are jobs that are lost because the truckers won't stop and eat, they won't stop and buy lottery tickets, they won't stop and sleep overnight, because they think they're getting cheap fuel at the border, and they just drive right through to the next state. You know, they're doing a lot of business in Missouri and Illinois <sic> at our expense. I think it's time that we got some of that business back. I think we should all support this bill.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR WATSON)

The sponsor will yield, Senator Palmer.

SENATOR PALMER:

Senator Maitland, does the Governor support this bill? I'm asking you that because I'm confused by -- my analysis says that the Department of Revenue doesn't support it, and I know you had just begun to talk about that, and now I have another piece of paper saying that the Department of Transportation does not

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support it, and, in fact, is saying that rather than a growth in revenue, that we will have a loss of five to ten million dollars in revenue.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Maitland.

SENATOR MAITLAND:

Senator Palmer, first of all, I don't know what the Governor's position is. I've not talked with him about this, so I -- I can't respond to that question. I indicated earlier that -- that there is a slight delay in cash flow. Not a loss in revenue. I mean, the money's going to be owed regardless of how you do it, but there would be -- keep in mind, the money is now on special fuels, as on other fuels; it's collected now from the bulk plant or the -- the wholesale distributor of the fuel. When he -- when he sells that gas to the retailer, he remits that money to the State. Now on the special fuel or diesel that -- ten cents of that will be moved up one step in the transaction. And so there's a little delay there between the time that the distributor remits it, versus when the retailer will remit it on a monthly basis. So there's a little bit of delay there, but -- but the fact of the matter is -- fact of the matter is - and Senator Welch touched on this - Economic and Fiscal view this as a net gain to the State of at least ten to fifteen million dollars, because of the ancillary business that we are now losing as a result of losing these sales to other states.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Palmer.

SENATOR PALMER:

Just one last question, because my analysis says that according to IDOT, this will be a permanent loss in cash flow from the MFT of five to ten million dollars that will never be recaptured. That's why I asked the question.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President and Members of the Senate. I rise in strong support of this legislation, you know, and having served on the Revenue Committee and the Transportation Committee, normally Department of Revenue and Department of Transportation is opposed to about anything we want to -- want to make some changes. And there -- there will be a little bit of delay, but I don't see where there'll be any loss. But what they're not looking at is -- is the overall picture -- you know, I have seven truck stops in my district on Interstate 64 and 57 and 70, and it's been devastating to them. They've lost about a third of their business. Have laid off a lot of people. And it's not just the -- the cost on fuel, as Senator Welch and Senator Maitland said. If they don't stop there, then they don't -- they don't spend money with these people. But -- and if you don't think it's really devastating, you take a look at some of these real fine rest areas we have on the interstates. You can't hardly pull into one of them for trucks parked there. They park there, they sleep awhile, they go in and they have a Coke, they go to the bathroom, they shave and clean up. They drive all the way across our State. These vehicles -- these over-the-road vehicles carry enough fuel they can run across this State twice without fueling up. And over half of the trucks that are on this -- on the interstates that are going from state to state are -- are owner-operators. Sure, we collect taxes on the ones we catch, or some of them. And I suspect there's a lot of fraud also going on with this. But since we've raised the Motor Fuel Tax, lately, it's really been devastating to these truck stops. And not just for the -- the sale of fuel. It -- it's -- the other money and stuff they spend once you get them into the truck stop.

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PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. And maybe I can keep it simple and short. They still collect the tax. The difference is they don't collect it at the pump. So it doesn't reflect the high price. When people who live on the borders and come over across the borders into Illinois because the price at the pump is reduced, they probably would buy more gas in Illinois. And I've got to tell you, when was the last time that the Department of Transportation was right? I can't remember. We ought to give this a green vote, and send it over to the House.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Maitland, to close.

SENATOR MAITLAND:

Well, thank -- thank you very much, Mr. President, Members of the Senate. I -- I appreciate the discussion on this legislation. Again, as I indicated earlier, it has -- has been worked on and talked about and discussed for several months, and this is the final package. There would be some further small amendments made in the House, should we be successful today. Let me mention to you the proponents of the legislation, if I might, please. The Illinois Retailers <sic> Merchants Association, Illinois State Chamber, Illinois Petroleum Council, Illinois Transportation Association, Illinois Truck Stop Association, Mid-West Truckers and others. I believe it is -- it is -- is good legislation. It ought to pass. And I would appreciate very much your support.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 1509 pass. Those in favor will vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who

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wish? Take the record. On that question, there are 40 voting Yes, 12 voting No, no voting Present. Senate Bill 1509, having received the required constitutional majority, is declared passed. Senate Bill 1516. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1516.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Tom Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. This bill is at the request of -- this portion of the bill is at the request of the State Police, and provides that a person who -- commits the offense of theft who obtains or exerts control over property represented as stolen by a peace officer or agent with the intent to deprive any named or unnamed person of its permanent use or benefit. The second portion of the bill deals with organized gang members who -- recruit within fifteen hundred feet of a school, and they would be guilty of a Class 4 felony. It would also make it a Class 4 felony for any two or more organized gang members to meet to plan a criminal offense within school property. The third element deals with the Child Sex Offender Registration Act, and changes the registration from ten years after the conviction, to life, and also increases the penalty for a violation of that Act from a Class A misdemeanor to a Class 4 felony. And also provides that if the individual is on probation, that that -- and violates the Act, that that probation should be revoked by the court and the individual sent back to prison.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Any discussion? If not, the question is, shall Senate Bill 1518 <sic> (1516) pass. Those in favor will

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vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Yes, no voting No, no -- no voting Present. Senate Bill 1516, having received the required constitutional majority, is declared passed. Senate Bill 1528. Senator Karpziel, do you wish this bill returned to 2nd Reading for the purposes of amendment? Senator Karpziel seeks leave of the Body to return Senate Bill 1529 <sic> to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1528. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 1, offered by Senator Karpziel.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Karpziel, to explain your amendment.

SENATOR KARPIEL:

Amendment No. 1 to Senate Bill 1528 puts in suburban Cook County into the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Seeing none, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration, Madam Secretary?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senator Karpziel, on the Order of 3rd Reading is Senate Bill 1529. 1528, beg your pardon. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1528.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. Senate Bill 1528, as amended, expands the -- the Rural Bond Bank. Changes the title to Bond Bank and expands it to include local governments in the collar counties and suburban Cook County. They indicate that by expanding into the collar counties and suburban Cook, it really isn't indicating a shift away from rural areas necessarily, but they feel that by expanding their jurisdiction, the Bank hopes to increase the bond volume. And this increase will produce greater savings for local government - will get better rates on the bonds, and that's all the bill does.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Welch.

SENATOR WELCH:

Yes. Thank you very much. I'd just like to say that some of the opponents of this bill include the Illinois Farm Bureau and the Illinois Rural Electric Cooperatives, and the reason they oppose this is because a few years ago we did a study of downstate Illinois, and that determined that there was very little economic growth going on downstate. And one of the outcomes of that study was that we're going to try to set up a mechanism to help downstate develop business, and that was the Rural Bond Bank. I'm not surprised at all that those on the Rural Bond Bank are asking to expand their authority. That's the way bureaucracies work; they always want to expand what they do. I'm surprised they don't want to make it an entire midwestern program, including five regional midwest states, let alone the suburbs and suburban Cook County, because that would create a greater bureaucracy for them to run.

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But this was meant to be a downstate Rural Bond Bank Program. Most of the funds from other programs were concentrated in Chicago and suburban areas, and I think it should be left alone. I see no reason why a downstate program should be rated. Just yesterday, for those individuals from the Cook County area, who said to us on the Floor, "You folks outside Chicago shouldn't be telling us what to do with Chicago schools; you have no right to tell us how to run Chicago schools." Well, let me say to you, that maybe you have no right to tell us how to run the Rural Bond Bank, because that's a downstate program. So, govern yourself accordingly, and if you act in contradiction to those warnings, it'll come back to haunt you, I'm sure. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Severns.

END OF TAPE

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SENATOR SEVERNS:

Thank you, Mr. President. I'm certain if my friend and seatmate had heard the same testimony that Chairman Karpiel and I heard, he would be arguing for a Yes vote. I hope everyone on this side votes Yes.

PRESIDING OFFICER: (SENATOR WATSON)

Any further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you very much, Mr. President. Senator Welch was absolutely right. We ought not to be expanding the Downstate Rural Bond Bank Program into the collar counties and in Chicago.

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He's absolutely right. Vote No.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Karpiel, to close.

SENATOR KARPIEL:

Thank you -- thank you, Mr. President. I want to thank Senator Severns for her voice of support on this. If you'll look at the analysis that we have on the bill without the amendment about Cook County, it was a unanimous vote, including Senator Demuzio. What -- no, he didn't vote on the amendment. I said, before we put the amendment on. This is supposedly, according to the Director of the Rural Bond Bank, that this will help downstate. They have a hundred-million-dollar cap that they can use in the Rural Bond Bank. They have not been using even nearly or just about a third of that. Last year they issued thirty-seven million dollars of bonds to fifty-one communities. They feel very strongly that by including more area and being able to issue more bonds, that they will get better rates, and it will decrease the cost, then, for the rural areas when they are, in fact, going out for bonds through the -- the Bank. And I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 1528 pass. Those in favor will vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 38 voting Yes, 17 voting No, 1 voting Present. Senate Bill 1528, having received the required constitutional majority, is declared passed. Senator Maitland, for what purpose do you rise?

SENATOR MAITLAND:

Mr. President, I just want to make the announcement, and would like the record to so reflect, that had Senator Philip and I not been so enthused about the vote on Senate Bill 1509 -- we had

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planned to vote Yes, but we both forgot to vote.

PRESIDING OFFICER: (SENATOR WATSON)

Senate Bill 1516. Senator Tom Dunn, do you wish this bill returned to 2nd Reading for the purpose of amendment? Senator -- I beg your pardon. Senate Bill 1598. This is -- bill is on recall. There is an amendment, Senator. Senator Dunn, do you wish this bill returned to 2nd Reading for the purposes of amendment? Senator Dunn seeks leave of the Body to return Senate Bill 1598 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1598. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senator Thomas Dunn.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Tom Dunn, to explain your amendment, please.

SENATOR T. DUNN:

Thank you, Mr. President. This deals with Public Aid and involves an amendment. So, before we hear the bill, I'd like to announce on the Democratic side, that Senator Jones has food in his office for any of the Democrats that want to go eat some food. Just kidding. Just kidding. Amendment No. 2 changes the implementation date of the program from 1/1/95 to 7/1/95. That's all it does.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Seeing none, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration, Madam Secretary?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

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3rd Reading. Senator Tom Dunn, on the Order of 3rd Reading, Senate Bill 1598. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1598.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Tom Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. Like Senator Raica's bill the other day, this bill is designed to keep the process going on welfare, trying to get some movement, make some changes. This bill provides for a five-year demonstration projects in two counties - one upstate and one downstate - and provides a limitation on welfare: after two years, that the individual's benefits are cut by twenty-five percent; the second year, fifty percent. We are all working together on this bill. There's a lot of discussion -- requests that we send it over to the House for more discussion.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any further discussion? Seeing none... Senator Shaw.

SENATOR SHAW:

Yes. Thank you. Will the -- will the sponsor yield?

PRESIDING OFFICER: (SENATOR WATSON)

The sponsor says he will yield, Senator Shaw.

SENATOR SHAW:

What did -- would you explain that again, in terms of -- you said a phase-in for welfare over a two-year period. What -- what -- what is the bill doing?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Tom Dunn.

SENATOR T. DUNN:

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Senator Shaw, do you want me to wait for you to get your entree, or do you want to finish your salad, or... Senator Shaw, what this -- what this bill is, is an attempt to move the process in welfare reform along. And what this bill says is that an individual who does not meet the dictates of a case management caseworker, in attempting to have a bona fide, good-faith effort to get a job, that individual will be cut.

PRESIDING OFFICER: (SENATOR WATSON)

Seeing no further discussion, the question is, shall Senate Bill 1598 pass. Those in favor will vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 49 voting Yes, 5 voting No, no voting Present. Senate Bill 1598, having received the required constitutional majority, is declared passed. Senator Madigan, do you wish to return Senate Bill 1624 to the Order of 2nd Reading for the purpose of an amendment?

SENATOR MADIGAN:

Yes, I do, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Madigan seeks leave of the Body to return Senate Bill 1624 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1624. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 1, offered by Senator Madigan.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Madigan, to explain your amendment.

SENATOR MADIGAN:

Thank you, Mr. President. Senate Bill 1624 represents or establishes a framework between real estate agents and the buyers

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and sellers. Amendment No. 1, or Floor Amendment No. 1 to Senate Bill 1624 represents an agreed amendment as a result of discussions between the Illinois State Bar Association and the Illinois Association of Realtors about some concerns that the Bar Association had about the original language. With this amendment, if it is adopted, the bill becomes, as far as I know, an agreed bill.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senator Madigan, on the Order of 3rd Reading, Senate Bill 1624. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1624.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. Senate Bill 1624, as amended, creates a statutory framework between real estate licensees and buyers and sellers, where there is no framework presently. This is an initiative of the Illinois Association of Realtors to address some concerns that have been addressed for several years. It's just between the consumer and a real estate agent, what -- what relationship actually exists. If you're buying a home or selling a home, who does the real estate agent -- truly representing? And Senate Bill 1624, as amended, creates that

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framework so that the consumer knows who the real estate agent is working for. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Seeing none, the question is, shall Senate Bill 1624 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 voting Yes, no voting No, no voting Present. Senate Bill 1624, having received the required constitutional majority, is declared passed. Senate Bill 1649. Senator Mahar. On the Order of 3rd Reading is Senate Bill 1649. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1649.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and Members. This is an issue that's been before this Body last year and for every year that I can remember since I've been around here, and it deals with the issue of proportionate share liability for clean-up costs at hazardous waste sites. It's very simple. Very simple sentence in the -- in the bill, and I would be happy to entertain questions or listen to Senator Welch's comments.

PRESIDING OFFICER: (SENATOR WATSON)

That will be forthcoming, Senator. Further discussion? Senator Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR WATSON)

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The question, I believe -- the sponsor, I believe, will yield.
Yes. Senator Welch.

SENATOR WELCH:

Senator Mahar, if there is a spill and the individuals who caused the spill don't have enough money to pay for it, if they're not all solvent, who is going to have to pay to clean up that hazardous waste site?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Mahar.

SENATOR MAHAR:

It's no different than what they do right now. It'll be borne -- those that we cannot find or are unable to assume the obligation of proportionate share, that will be either assumed by the taxpayers under the guise of the Federal Super Fund, or State appropriation.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Welch.

SENATOR WELCH:

But what you're doing with this bill is reducing the number of individuals who would be liable for the total amount that is necessary to clean up the site, and if you don't have enough individuals liable for the total clean-up costs, you're going to have to tap into a State fund. That State fund was subject of several pieces of legislation in the last few years to increase the funding for it, all of which failed, as I recall. I think the -- in fact, one was proposed by the Thompson administration in its last year. And all of these funding proposals for the Hazardous Waste Fund have failed. There are dozens of hazardous waste sites throughout the State of Illinois that are not being cleaned up because there isn't enough money in that fund. To now eliminate several individuals who could help pay for that, which is what this bill is going to do, will end up creating an even larger glut

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of sites that cannot be cleaned up. What this is going to do is increase the number of hazardous waste sites in the State of Illinois. Now, this may seem like an innocuous situation to many of you, because you can't think of one off the top of your head, but in just about every Senate district, there is a hazardous waste site that needs to be cleaned up. They're on a list, but they're not getting cleaned up. It's very slow going. Trying to get on the Super Fund list is very difficult. If you do get on it, it's going to take quite a while to get cleaned up, if it gets cleaned up at all. So this doesn't make a lot of sense, as far as cleaning up the State of Illinois. This helps people get away with hazardous waste pollution, and it shifts the burden to taxpayers, because that's ultimately who's going to have to pay the bill on these situations. So I think we should vote No.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Seeing none, Senator Mahar, to close.

SENATOR MAHAR:

Well, thank you, Mr. President and Members. I couldn't disagree with Senator Welch more. In fact, I think just exactly the opposite scenario is going to take place, and let me tell you why. An individual that came before our committee representing the industry, in fact working for Illinois Tool Works, made a very simple statement. He said to the effect that let's pass the legislation and begin cleaning up the sites. Now, why is that? Let me -- let me offer you the latest issue of Governing magazine, which had an interesting article, almost exactly on this: The cost of cleanup can be staggering. Expenditures at Super Fund sites by both the public and private sectors can average over thirty million dollars. Now, you would think that would be a lot of money going to clean up the sites. On the contrary: The lawsuits have diverted significant resources away from clean-up activities. A Rand Corporation study estimated that as much as

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one-fifth of all Super Fund-related spending by five potentially responsible parties was transaction costs, rather than actual, and for those that were insurers, the figure is much higher: eighty-eight percent. Eighty-eight percent is going to litigation, where it could be going to cleaning up the sites. Well, Senator Welch, I disagree with you totally, and out of fairness, proportionate share works for those - the little guy, who may have contributed one drum to cleaning -- or to a hazardous waste site, under our current law, would have to pay the entire cost - would be obligated for the entire cost of the cleanup. That's not fair. Proportionate share is. And I would ask for your support.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 1649 pass. Those in favor will vote Aye. Opposed, vote No. The voting is open. Have all those -- have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 34 voting Yes, 23 voting No, no voting Present. Senate Bill 1649, having received the required constitutional majority, is declared passed. Senator O'Malley seeks leave of the Body to return Senate Bill 1678 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1678. Ms. -- Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senator O'Malley.

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley, to explain your amendment.

SENATOR O'MALLEY:

Thank you, Mr. President, Members of the Senate. Senate Amendment 2 takes the notification period provided in the principal part of the bill to sixty days prior to the employee's

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last day of work.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I rise in opposition to the bill. In committee today, we explored the question about, for example, noncertified personnel who are assisting in the education of handicapped children - special ed children - and under this bill, those persons can be given a sixty-day notice at any time during the year and be fired. Well, with the concept of inclusion, I had suggested or inquired as to whether -- why the special ed personnel weren't exempted from this arbitrary sixty-day provision. We didn't get any reasonable answer, and I think that this bill should have been given greater consideration than we were allowed to give it. So I'm going to urge a No vote.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Seeing none, Senator O'Malley, to close.

SENATOR O'MALLEY:

I'd appreciate your support of this amendment.

PRESIDING OFFICER: (SENATOR WATSON)

All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration, Madam Secretary?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senator O'Malley, on the Order of 3rd Reading is Senate Bill 1678. Madam Secretary, would you please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1678.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Again, thank you, Mr. President and Members of the Senate. Now, as amended, Senate Bill 1678 provides that when an educational support personnel employee is rified, the school district need provide sixty days notice, prior to the employee's last day of work, provided that employee had been employed full time for a continuous period of at least two years. I would be happy to answer questions from the Body.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Berman.

SENATOR BERMAN:

I think I gave my 3rd Reading speech on 2nd Reading. I urge a No vote.

PRESIDING OFFICER: (SENATOR WATSON)

Any further discussion? Would you -- do you wish to close, Senator O'Malley? Senator O'Malley.

SENATOR O'MALLEY:

To close, to just make a few brief closing remarks. Oh, boy. First of all, most of us have been approached by our local school districts concerning this bill, and we know there's a great deal of interest in it. Existing laws in the area, I believe, chill employment because school districts tend to be reticent to hire support personnel. This makes our schools more businesslike, in that employees doing similar work outside school -- since employees doing similar work outside schools don't get the protection currently afforded. I might add too that in industry, thirty days seems to be the norm. This -- this particular legislation allows for sixty days. I'd appreciate your support. Thank you.

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PRESIDING OFFICER: (SENATOR WATSON)

On that question, shall Senate Bill 1678 pass, those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Take the record. On that question, there are 27 voting Yes, 29 voting No, 2 voting Present. Senate Bill 1678, having not received the required constitutional majority, is declared failed. Senator O'Malley.

SENATOR O'MALLEY:

I'd request postponed consideration.

PRESIDING OFFICER: (SENATOR WATSON)

That request is in order. Postponed Consideration is granted. Senator Philip, on the Order of 3rd Reading is Senate Bill 1688. Senator Philip? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. With your consent, I'd like to have 1688 referred back to Rules Committee.

PRESIDING OFFICER: (SENATOR WATSON)

Leave is granted. Senator DeAngelis, on the Order of 3rd Reading is Senate Bill 1691. Madam Secretary, will you please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1691.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. As all of us know, there has been in effect in Illinois for five years an income tax credit for research and development. It was due to sunset this year. This

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bill extends the sunset to the year 1999. As amended, it allows the exemption of fuel - jet fuel - used on domestic flights on inbound international flights. This is prospective. It is revenue-neutral because, currently, such fuel is exempt from federal taxation. And if we do not pass this, what it does, it allows these carriers or, in fact, forces them to buy foreign fuel, put it in the tank, and it's called bonded fuel. This bill then -- now would allow us to purchase domestic fuel and be on a parity in taxation, as they are everywhere else.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 1691 pass. Those in favor will vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Yes, no voting No, no voting Present. Senate Bill 1691, having received the required constitutional majority, is declared passed. Senator Philip, on the Order of 3rd Reading is Senate Bill -- is 1694. Senator Philip. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1694.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1694, as amended, does basically three things. It adds aggravated kidnapping to the list of offenses for which a third conviction carries life imprisonment. Secondly, it gives the State's attorney the -- the option of transactional immunity or the use of -- immunity in all criminal cases. And

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thirdly, it makes a technical correction in the stalking and aggravated stalking, suggested by a judge in one of our courts. Be happy to answer any questions. It's a good law and order bill. It had a full, thorough discussion in the Judiciary Committee, and I'd like to see a lot of green votes up there.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 1694 pass. Those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 voting Yes, 3 voting No, 2 voting Present. Senate Bill 1694, having received the required constitutional majority, is declared passed. Senator Philip, on the Order of 3rd Reading is Senate Bill 1698. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1698.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Once again, 1698, as amended, is a bill, in my judgment, will get a lot of weapons off of the street and being very, very tough on criminals. First, it makes armed violence committed with a handgun, sawed-off shotgun, sawed-off rifle, semiautomatic firearm or machine gun a mandatory twenty-five to thirty years imprisonment. Currently, the law is six to thirty years. The use of other firearms or dangerous weapons, ten to thirty years. It's currently six to thirty years. Secondly, it raises the penalty for possessing firearms without a FOID card. If a -- if a... It

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also -- it also makes it a penalty, becoming a Class 3 felony, which makes it two to five years imprisonment. Last but not least, this puts some real teeth on these people who abuse handguns and who buy handguns without a FOID card. Be happy to answer any questions. Had a thorough discussion in the Judiciary Committee, and if you're for law and order, you want to vote for this bill.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Stern.

SENATOR STERN:

I just -- will the Gentleman yield?

PRESIDING OFFICER: (SENATOR WATSON)

Yes, he will, Senator Stern.

SENATOR STERN:

I just wanted to be sure this was part of the Governor's package on firearms. Is this part of his program for this year?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Philip.

SENATOR PHILIP:

No. I haven't checked with the 2nd Floor at all. This is just a very tough law and order idea that -- that we had.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, Senator Philip, I rise to support your bill. I -- we haven't had a Democratic bill on the Calendar now for some time, and we have none left. Does that mean after we vote for this and get it out of here, that maybe we should go home and just leave you thirty-two to go ahead and conduct your business for the rest of the afternoon? That's a rhetorical question, but I just wanted to point out that we're just -- we're just here to help you out.

PRESIDING OFFICER: (SENATOR WATSON)

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We appreciate your help, Senator. Further discussion?
Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate.
Just to be clear, would the sponsor yield for one question?

PRESIDING OFFICER: (SENATOR WATSON)

Yes, he will, Senator Jacobs.

SENATOR JACOBS:

Senator Philip, this -- this bill does nothing as far as to
ban any firearms. Is that correct?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Philip.

SENATOR PHILIP:

That is correct.

SENATOR JACOBS:

Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Seeing none, Senator Philip, to close.

SENATOR PHILIP:

Well, it's strong law and order. It -- it -- it does what we
should do to people who -- who create crimes without legally
entitled to own a firearm. And I certainly would like to see a
lot of green votes up there.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 1698 pass. Those in favor
will vote Aye. The opposed, vote No. The voting is open. Have
all voted who wish? Have all voted who wish? Have all voted who
wish? Take the record. On that question, there are 53 voting
Yes, no voting No, 3 voting Present. Senate Bill 1698, having
received the required constitutional majority, is declared passed.
Senator Philip, do you wish this bill returned to 2nd Reading for
the purpose of amendment? Senator Philip seeks leave of the Body

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to return Senate Bill 1706 to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1706. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Madigan.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Madigan, to explain your amendment.

SENATOR MADIGAN:

Thank you, Mr. President. Floor Amendment No. 1 to Senate Bill 1706 increases the level of point of service business a limited health service organization would be permitted to write, from ten percent to twenty percent of that organization's total limited health services expenditures for any calendar quarter. I would be glad to answer any questions to Floor Amendment No. 1 to Senate Bill 1706, and otherwise, would ask for its adoption.

PRESIDING OFFICER: (SENATOR WATSON)

Any further discussion? Seeing none, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Burzynski.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Floor Amendment 2 adds an insurance agent to both the Mine Subsidence Board and the Fair Plan Board. I would be more than willing to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Discussion? Senator Cullerton.

SENATOR CULLERTON:

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Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor will yield, Senator Cullerton.

SENATOR CULLERTON:

Senator, before we attach this amendment to the bill, perhaps we ought to get a explanation from you as to what happened in committee, and what type of assurances were made to the insurance companies that oppose the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Senator Cullerton. That's a very good question. There were some concerns expressed about the balance within the Board itself and that producers wanted to make sure that -- the owners wanted to make sure that they had adequate representation, as well. There will be an agreement reached, as well, when this bill proceeds through the House process, to ensure that that balance is maintained that is currently in the Statutes.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Seeing none, Senator Burzynski, will you wish to close? All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further amendments?

SECRETARY HARRY:

No further amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senator Philip, on the Order of 3rd Reading is Senate Bill 1706. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 1706.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR WATSON)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1706 has been just amended. It amends the Limited Health Service Organization Act by including clinical laboratory services. And of course you've just heard of Senator Madigan's amendment, and Senator Burzynski's amendment. So I'd ask for some -- your favorable support.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 1706 pass. Those in favor will vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Yes, no voting No, no voting Present.. Senate Bill 1706, having received the required constitutional majority, is declared passed. Senator Maitland, do you wish this bill returned to 2nd Reading for the purpose of an amendment? Senate Bill 1709. Senator Maitland returns -- seeks leave of the Body to return Senate Bill 1709 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1709. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 18, offered by Senators Maitland and Madigan.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Maitland, to explain your amendment.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. Amendment No. 18 changed Amendment No. 1. In the original amendment, the coverage that would be -- the minimum coverage

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would have been the components that generally were embraced in the no-frills coverage that we passed a number of years ago. Senate Amendment No. 18, Floor Amendment No. 18, takes those requirements back up to a level that all employers are to offer in their plans, in the event that they offer plans. So, it just becomes what State law now is.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments filed, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senator Maitland, on the Order of 3rd Reading is Senate Bill 1709. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 1709.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. Senate Bill 1709 and 1710, which will follow, are a result of the work done by the Governor's Task Force on -- on Health Care. I -- I was -- I served on that task force, and Senate Bill 1709 would permit employers of any size to band together for the purpose of purchasing health insurance, authorize insurance company products for these purchasing group arrangements, and develop financially secure and cost-effective markets for the basic health care needs of employers and employees and their dependents. Currently in Illinois, it is not permitted for -- for companies to band

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together to secure health insurance. We now -- this now -- this -- this legislation now allows for the creation of what we now call "health purchasing groups". Lot of discussion on this legislation. I believe there is pretty much agreement across the board, and I would -- would seek your support.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Senator Palmer.

SENATOR PALMER:

Thank you. A question of the sponsor.

PRESIDING OFFICER: (SENATOR WATSON)

The sponsor will yield, Senator Palmer.

SENATOR PALMER:

Senator Maitland, is this supposed to be Illinois' version of managed health care or universal health care, or something to that effect?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Maitland.

SENATOR MAITLAND:

No -- no, Senator, it is not. This just simply gives companies the ability to band together - and "band together" may be a poor choice of words - but work together to go out and seek coverage for their -- employees. It is not -- hasn't anything to do with managed care.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Maitland will yield, Senator Cullerton.

SENATOR CULLERTON:

Yes, Senator, the -- the bill allows for the companies to band together in these health purchasing groups. Would then there be a

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contract between that group and the provider of the insurance?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Maitland.

SENATOR MAITLAND:

Senator Cullerton, it's my understanding that they would negotiate a contract. Yes, sir.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cullerton.

SENATOR CULLERTON:

Is there anything in this bill that would prohibit or limit the ability of an -- the contracting party - the health provider - to expel a employer or, if that employer showed a particularly large number of claims? In other words, could they just kick -- kick out a company if they felt that it wasn't -- it was too costly for that particular provider?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Maitland.

SENATOR MAITLAND:

I think, Senator, it would depend upon what was put into the contract. We want to tell them the coverage that they're going to have, and that's what this sets forth - what -- what they -- if they get into the pooling arrangement or -- or these health purchasing groups. But I think it would depend upon the contract - how that's written - whether or not that was the case. And frankly, we don't have any control, at this point, on that.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Seeing none, Senator Maitland, to close.

SENATOR MAITLAND:

Would appreciate the Body's support, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 1709 pass. Those in favor will vote Aye. Opposed, vote No. The voting is open. Have all

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voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Yes, no voting No, no voting Present. Senate Bill 1709, having received the required constitutional majority, is declared passed. Senator Maitland seeks leave of the Body to return Senate Bill 1710 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1710. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senators Maitland and Madigan.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. This proposal attempts to increase the availability of insurance coverage to Illinois employees by offering a lower-cost alternative extension to an employer's plan when employment is terminated, and two, allowing access to portability of coverage. It applies to preexisting conditions when changing places of employment. I would move for the adoption.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Smith.

SENATOR SMITH:

...(microphone cutoff)...President. I merely wanted to -- on the last bill, 1709, my Present didn't go off, and so you didn't -- no vote. I want to be registered Yes on that. Senate Bill 1709, please.

PRESIDING OFFICER: (SENATOR WATSON)

Thank you. Any further discussion? All those in favor, vote Aye. Beg your pardon. All those in favor, say Aye. All those opposed, Nay. The Ayes have it, and the amendment is adopted.

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Any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senator Maitland, on the Order of 3rd Reading is Senate Bill 1710. Mr. Secretary, would you please read the bill.

SECRETARY HARRY:

Senate Bill 1710.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Maitland. Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. This is the second bill of the package, and this is the one dealing with portability in an attempt to bridge the gap of employees as they move from -- from one employer to another. And -- and this, I would suggest, Mr. President, is -- is one that has had continuing, ongoing discussion with -- with the State's insurance providers and business concerns. There is some questions yet to be asked, but we would like to see this move over to the House, and further negotiations, I'm sure, will take place.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? If not, the question is, shall Senate Bill 1710 pass. Those in favor, vote Aye. Vote -- opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Yes, no voting No, no voting Present. Senate Bill 1710, having received the required constitutional majority, is declared passed. Senator Ralph Dunn. Senate Bill 1715, on the Order of 3rd Reading? Mr. Secretary,

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will you please read the bill.

SECRETARY HARRY:

Senate Bill 1715.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Ralph Dunn.

SENATOR R. DUNN:

Thank you, Mr. President. Senate Bill 1715, as amended, is a -- is a land conveyance bill. It conveys two parcels of land in Winnebago County - one small one, one large one. It conveys a small, one-acre parcel of land in Woodford County, a three-and-a-half-acre parcel in Tazewell County, and a thirty-nine-acre tract that's traded for another tract of land in -- in Jefferson County. Then there's a small parcel of land in the Anna-Jonesboro area conveyed by the Water Commission to -- from the -- from the Department of Mental Health and Department of Conservation to the Anna-Jonesboro Water Commission. There's another part, two small land conveyances in Sangamon County, and a seven-acre parcel in Grundy County. It wasn't needed any longer, and it's just been abandoned by the State. I'd be glad to answer any questions, and move for the passage.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 1715 pass. Those in favor will vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Yes, no voting No, no voting Present. Senate Bill 1715, having received the required constitutional majority, is declared passed. Senator O'Malley seeks leave of the Body to return Senate Bill 1716 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection,

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leave is granted. On the Order of 2nd Reading is Senate Bill 1716. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 3, offered by Senator O'Malley.

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley, to explain your amendment.

SENATOR O'MALLEY:

Thank you, Mr. President and Members of the Senate. Senate Amendment 3 to Senate Bill 1716 amends Senate Amendment 1 to address two concerns that were raised during a recent committee -- a recent committee meeting; that is, the retirement questions and the carrying over of unspent funds. Downstate -- the Downstate and Chicago Teachers' Pension Articles are amended to allow charter school employees who are certified to continue to participate in their respective pension systems. No current member of the two systems will be penalized for being employed at a charter school.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Seeing none, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senator O'Malley, on the Order of 3rd Reading is Senate Bill 1716. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 1716.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President and Members of the Senate, again. This is the charter school legislation of the -- of the Governor as originally introduced, and rather than try and explain the bill in great detail and -- at this point in time, I'd rather answer questions from the Body. We've spent a lot of time discussing it in -- in committee.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Palmer. Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in opposition to Senate Bill 1716. I have several reasons. Let me go through them rather quickly. As I mentioned in relation to a bill earlier today dealing with the Learning Zone schools in Chicago, this morning an amendment authored by Senator Demuzio and myself was offered in Education Committee to this bill. And we thought that this would be a reasonable compromise to address the many, many, many suggestions regarding revamping of Chicago schools and, at the same time, being part of the effort regarding charter schools. But that amendment was rejected on a partisan roll call. I think that I'm frustrated because I think that there is an interest in innovation in Chicago, but that innovation has to come from people in Chicago who want to come forth and be responsible for our children in Chicago, to get -- to do a better job. Yesterday there was testimony on this bill in the Education Committee from a representative of the Urban League. She voiced a number of -- of concerns. There was also a witness -- who -- who was a PTA and a local school council member. She -- she voiced some concerns. It was interesting that the concerns raised by the Teachers' Pension Fund was accommodated and included in an

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amendment that we just adopted five minutes ago, but the concerns of a mother, a PTA member, an LSC member, a representative from one of the broadest-based organizations in Chicago - they weren't included in any amendment that we saw today. That disturbs me. I think there's been a lack of inclusion of concerns of Chicagoans in this charter school program. Moving on, I want to refresh your memory that in the Governor's State of the State Message, the Governor proposed, just a couple months ago, that there be twelve schools total in the charter plan: four in Chicago, four in the suburbs, and four downstate. This bill has now got forty-five schools: fifteen in Chicago, fifteen in the suburbs, fifteen downstate. And a key element that was in the Learning Zone school program, but is not in this program, is as follows: everything except a list of about six or seven different pieces of legislation is automatically waived by the people that come forth to seek this charter school authorization. In the Learning Zone bill, we debated and the commission adopted a requirement that if you want to waive a State law, if you want to waive a State Board rule, if you want to waive some local board rule, you come in with the application; you show how the waiver of that rule will help to move the children, that are going to be in your charter school, forward. You justify the waiver of these rules or laws. That provision is not in the charter school bill. What you are doing in this proposed charter school bill is to say that the children that are going to be in your charter school have no outline of what the teachers, the administration, the charter school grantees are going to do with your children, as far as being able to ignore a whole body of law. Now, some people say that those are mandates, and that's a terrible word. And, oh, I hate mandates. The trouble is, when you sit down with a group of educators or administrators and you say, "What mandates do you really want to waive and why?" well, you really don't get much of an answer. You

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really don't get much of an answer. So all we're suggesting, or all that we suggested in this, is that if you want to be a charter school, tell the public, tell the charter granting authority, tell the local school board and the State Board why, in favor of educating our children, should Rule 14 be waived, should such and such rule be waived, should such and such law be waived. That's not in here. You're giving a blank check to the people that want to call themselves charter school organizers. Now, everybody -- strike that. Some people like the phrase "charter schools". It's exciting. Well, Ladies and Gentlemen, let me tell you the facts. It may be exciting, but we don't know if it will mean anything. The first state - the first state - to adopt charter schools was Minnesota. Their schools went to -- some of their schools went to charter status September of 1993. No one -- the most ardent advocate of charter schools admits, and admitted at a hearing that we had here in Springfield a couple of months ago - they admit there is no track record - none - to show that any of the charter schools in any of the other states have, in fact, accomplished a greater educational achievement for our children -- for their children than the previous system. None. We hope it does. I hope it does. But there is no track record. Why should we allow our children, without a track record, to be put into a system where all the rules, all the laws that we've debated and our predecessors have debated and the -- previous and existing Governors have signed into law, zippo, forget about them, just take care of our kids as you see fit, without any guidelines -- virtually any guidelines at all? If this was a business in which you're inventing widgets, you want to gamble your own money, invest your own money, be our guest, but that's not what you're doing here. You're taking our children's lives, our children's education, hoping that it works, and the minimum grant for a charter school is three years. Ladies and Gentlemen, if it

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doesn't work, who's going to make up those three years for those children? It's too early. It is not responsive to the needs of different parts of this State. I urge a No vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for question?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

Under this bill, the charter would be -- would have to be initially approved by the local school board. Is that correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

That is correct, Senator.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Geo-Karis.

SENATOR GEO-KARIS:

...(microphone cutoff)...board -- the boards must give preference to charter school proposals that, one, would have a high level of pupil, parental, community, business and school personnel support. Is that correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

That is correct.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Geo-Karis.

SENATOR GEO-KARIS:

They would set rigorous levels of expected pupil achievement and are designed to serve at-risk students. Is that correct?

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PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

That is correct.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, Richard Dennis, one of the biggest fund-raisers for the Democrat Party, has written to me twice supporting charter schools, and he's a brilliant man. He's a multimillionaire, and he's done quite a bit of study on this situation. So I think it's worth a try. When you talk about a track record, my dear colleague, when the education system in Illinois started, there was no track record for that, either. You have to start somewhere. And I would urge a favorable passage of this bill, and I think it's worth a try. We can't do any worse, and we might do much better.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. And to the Body on this bill: Once again, this is a radical redistribution of existing resources without any acknowledgement that the troubles facing the schools in Illinois are ones of inadequate funding and inequitable funding. And certainly for the last three years, that has been brought before this Body in more ways than one. I -- when I read this, I am really very saddened, because I was at the Educational Summit in October of 1987 when parents, teachers, reformers, people from all over the City of Chicago came together in one massive meeting to express their disappointment in Chicago schools. But out of that was shaped and honed a reform movement that included everybody who wanted to participate, and it led to a

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reform bill that both sides of the aisle helped to shape. This is an end run around those very people, and I am amazed, over and over again, that none of these people were involved. This could have been a decent idea, and I don't understand, frankly - that's really a rhetorical kind of remark - why we have to ram this down the throats of Chicago, when we could have worked together. No one is opposed to reform, and no one is opposed to bringing in new ideas, but it is very suspect when we do not involve the very people who in fact are organized, and in fact are people involved in change, why we would bring this bill before us at this time. I suggest to you that this is a very bad bill. It is an unfair bill. And once again, we are being dictated to by people who are not in Chicago and really haven't the foggiest notion about what is going on in my City, and not yours.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. It's interesting to hear the other side of the aisle keep referring to this as a Chicago bill. Perhaps you ought to read it one more time. Yes, Chicago gets fifteen schools, but so do the collar counties and so do the rest of the -- the downstate counties. One of the things that I noticed when I was teaching was the fact that we were so regiment -- regimented. We had to be on page 87 by September 30th, or heads would roll. We were all given teachers' manuals, and in those teachers' manuals were question one, question two, question three, question four. You know, an idiot could have taught those school kids. It didn't take four, five years of college training. Most of us who went into teaching, went into teaching with the idea that we would teach; that maybe we had something to offer that was a little unique to those kids; that maybe we could get them as interested in learning as -- as we were; that maybe there was

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something exciting in those books that we handed them, rather than this rote nonsense the book publishers tell us we should throw at these kids. Charter schools will give the teachers that ability to come up with a program which will come to the aid of those kids that we are losing. Maybe we could set up a school for those kids who are particularly interested in art, or particularly interested in math. In fact, if you want to really look at this, we've already set up a charter school in this school -- in this State, and it's been very successful. Happens to be in Aurora, and it happens to be called the Math and Science Academy. What else is that but a charter school? This is a good idea. Teachers, once they get used to the idea that nobody's going to tell them that they have to be on page 87 at a certain day, at a certain time, will want this bill. This is what we went to school for. This is why we became teachers. This is a good vote. Maybe if we pass something like this, we'll not only save those -- fifty percent of those kids that we're losing in the Chicago schools, but we might even save the twenty-six percent of the gifted children that we are also losing, that nobody wants to talk about. This is a good bill, and we ought to vote for it.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Garcia.

SENATOR GARCIA:

Thank you, Mr. President. Will the sponsor yield for a couple of questions?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Garcia.

SENATOR GARCIA:

Thank you. Senator O'Malley, I did not hear some of the discussion earlier regarding areas which are nonwaverable <sic>, but I understand, and I believe I heard correctly, that one of those laws which was -- which did not have to be adhered to is

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bilingual education. If that is the case, can you tell me why that is the case?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

It -- it -- it is not specifically nonwaverable <sic> in the bill, Senator Garcia, but it -- it is a matter of the charter. If that community wants it not to be waived, then it would be something that should be in the charter.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Garcia.

SENATOR GARCIA:

I believe that during the debate in committee, and perhaps prior to that, there was a request that bilingual education be included along with those other, I believe, six laws that cannot be waived - that the schools must adhere to. I believe that the point was well-taken, in that there was a commitment to include them. Why did that not happen?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Garcia, that -- I -- as I recall, and I was in those committee hearings, there was no commitment made to do that. And I -- again, I would say to you, it's something that's still open for discussion as this matter proceeds through the legislative process. But at this point in time, I believe my explanation to you earlier would be very appropriate. I think that those communities where a charter might be established could be very, very concerned about bilingual education, and make sure that it's included as a provision in their charter.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Garcia.

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SENATOR GARCIA:

Senator O'Malley, switching gears, regarding students who might be suspended or, more importantly, expelled from a charter school, is it true that these students would then be considered expelled from the public school system in Chicago?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

That is correct.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Garcia.

SENATOR GARCIA:

And given your expertise and education, what do you suppose would happen to students who may wind up in this predicament?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

I would -- I would say that the -- to Senator Garcia, that the expectation would be that that is a provision that could be placed in the charter.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Garcia.

SENATOR GARCIA:

Well, another question. I understand that these charter schools may choose to charge fees for textbooks or other instructional materials or any other fees that they deem fit. What about poor people and low-income people, students whose parents might not be able to afford the payment of these fees? Have you given that any thought?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

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Again, Senator Garcia, that is something that could be placed in the charter; that those parents -- those children wouldn't be subject to any fees like that.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Garcia.

SENATOR GARCIA:

Then we haven't really addressed that. We think that locally that will be solved. Is that correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Garcia, I believe that is similar to what we have now.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Garcia.

SENATOR GARCIA:

One last question and a comment, Senator O'Malley. Are Chicago teachers not permitted to pay into the retirement system? I heard you mention teachers. I believe they were all teachers outside of the Chicago School System. Am I incorrect in assuming that?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Garcia, the amendments that we put on have -- have addressed that concern.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Garcia.

SENATOR GARCIA:

So I'm to understand that Chicago teachers could continue to pay into their pension fund. Is that correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

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SENATOR O'MALLEY:

That is correct, Senator.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Garcia.

SENATOR GARCIA:

Thank you, Senator O'Malley. I just want to say that I'm voting against this bill because I believe that this bill excluded parties that should have been involved in this process. If we really want anything to be successful in Illinois or in the City of Chicago, then people must be involved in that process if it is going to be true to a spirit of change and reform. And I feel that this process has been one that has been sacrificed for expediency. We want to rush to set something up, and we want to legislate it from the top down. Secondly, I think it goes contrary to the spirit of school reform, and unless people in the communities that will be affected by this take ownership of a targeted goal that we have, then I think it is doomed to failure. That's why I urge a No vote. Thank...(microphone cutoff)...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Karpziel.

SENATOR KARPIEL:

Well, thank you, Mr. President. I would like to just reiterate something that Senator Fawell pointed out, and I want to say it real loud and clear: This is not a Chicago bill. For once we're talking about education in the entire State, not just Chicago. There are fifteen charter schools to be authorized in downstate, fifteen in the collar counties, and fifteen in Chicago. And may I also emphasize that this is voluntary. We're not mandating that any school, any local school council, any district, anybody, has a charter school. If they don't want 'em, they don't like 'em, they feel they've been left out of the process, they don't like what's -- what a charter school's all about, they don't have to have one.

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It takes -- it takes public hearings; it takes planning; and it takes the okay of the local school councils, the teachers, the parents and the students and everyone involved to form a charter school. And it is voluntary. If they don't like it, they don't have to do it. They have to, by the way, when they -- if they do want a charter school, they have to have a mission statement, goals, objectives, educational program, curriculum, the school year. This isn't just a bunch of people getting together and opening up a school and saying, "Okay, now what do we do?" They have to go according to certain regulations, certain ideals, and they have to come up with it themselves. Senator Garcia and some other people over there, you've been talking about the local school councils. I've worked with the local school councils on a lot of issues in the past, and I am a member - although, I must admit, I don't get to many meetings - of Cities In Schools. But the local school council people that I have worked with asked for one thing: Give us some control. We're tired of all the control in Chicago coming from the top, and we don't get to say what's going on in our own local districts. This will give them control, because it takes the local school council to okay a charter; it takes them to plan the plans, the curriculum. And by the way, Senator Garcia, if they want a curriculum including bilingual - and if it were in my school district, in new 46, they would probably have that, because they have a very large and successful and wonderful bilingual program in new 46 - and if your school districts want bilingual, they can have it. They get to decide what they want to do. What are we so afraid of that every time we try to do something about education in this State, we come up with the same old arguments? Who are we protecting and why can't we just try it? It isn't mandatory. It's voluntary. You don't have to have it if you don't want it. You get to put together your own program and try some innovation, for a change. And it would only

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be fifteen in the City of Chicago. Fifteen downstate. Fifteen in the collars. And we can then see how it works. What are we so afraid of to try something once in a while around this place? Talk about dinosaur mentality!

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Collins.

SENATOR COLLINS:

Thank you, Mr. Chairman. A question of the sponsor, please.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Collins.

SENATOR COLLINS:

Senator, in this particular bill, will -- I -- I notice that the charter schools can, in fact, charge a fee for textbooks and for instructional materials and student activities. Now I also understand that under current law, that you can do that now in the public school system. But, I don't know whether you realize it or not, there is a waiver provision -- provision in the existing law, which does not exist under your chartered school bill. Now I'm concerned about whether or not the child who cannot afford to pay - and I'm not talking about Chicago, because there are people downstate who won't have the monies to pay for textbooks or instructional material or activities - can this be used as a criteria for students not being able to participate? And then what will you do about waiving those fees so that they will have equal opportunity and access if they so choose to participate in this bill?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Well, again, I -- I don't want to be redundant, but I -- I think the answer I gave to Senator Garcia is similar to the answer I would give to you. That could be a function of the charter,

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Senator, and that's the nature of this process: decentralization, local control. It's an opportunity for people who are involved locally, who want to be, are very interested in schooling, education and their children, to come up with a charter, and in that charter can be specifically what you're asking for.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Collins.

SENATOR COLLINS:

So -- so you're saying that the people will make the decision themselves as to whether or not there should be a fee. Oftentimes, Senator - and I don't know whether you realize it or not - the people who probably need the assistance the most will not be actively involved in the decision making that goes into the charter, and that's what I'm concerned about here. Someone has to speak for those children in those families. You know, that's just basic reality. They're not going to be there. There will not be that -- that input. Now to the broader question: I am not afraid, personally, of some kind of innovative ideas. But if this problem, this -- this whole charter school deal, came up because the ultimate goal somehow is based on the premise that we have enacted legislative rules and probably local administrative rules that somehow impedes the progress of learning in these schools - and, Senator, I'm talking with you, the sponsor - if that be the case, I would like to know whether or not there were hearings in the -- in the school districts with all of these people who have the responsibility for administering these schools, and -- and they could identify specific some rules and regulations, whether or not they were legislative or administrative, at the local level, that -- that they could have some definitive data and say these rules are the reason or they impeded our progress toward achieving the goals of education. And if that was the case, when did that take place, and how many rules that you can identify or

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tell us, for example - just give me one or two that you know, for example - that -- that there was an outcry about that said, "These rules are bad for educating children, because it -- it impedes our progress." It would appear to me that before you enact legislation, we may just need a committee to go around and put together all of the administrative rules and all of the legislative rules, and take a look at it and -- and sit down with those people who are responsible for the administration and the -- and the programmatic planning in the education system, and maybe they will just tell us off the bat, "These rules need to be -- repealed so that we can be about the business of educating children." And we wouldn't have to be going through this debate. And I think that that would give us the test. If we suspend those rules, and then give it a time to operate, we may be able to look at and see whether or not we could make some progress based on these antiquated or -- or inflexible rules that we have imposed upon the school districts. And I'm really concerned about that.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. I think that the charter school concept is a concept that we should continue to explore, and I think that maybe if we can deal with some of the issues that have been addressed here today, including ensuring that children who are limited English-proficient are not left out in the cold, I think it could be done, especially if we're talking about doing it on a pilot basis, on a limited basis - fifteen schools - a few schools in Chicago, a few in the suburbs, a few downstate. But what we ought to be doing is also coming up with the dollars to fund them. And I think that, given the interests of the private sector in this, maybe where we ought to start is by going to the Illinois Manufacturers' Association and the Illinois Chamber of

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Commerce and all these groups who spent a lot of money to defeat the education constitutional amendment. Maybe these groups could then kick into a fund to support chartered schools, and then the Governor could set aside some dollars that he can get by cutting his budget and cutting other administrative expenses, and use those dollars to also support a few chartered schools on a pilot basis. But that's not what we're talking about here. What we're talking about is going to Chicago and going to other parts and saying, "You're already struggling, but you're going to have to use your current resources, your existing resources, to do that." And that's wrong. And then we don't even allow a provision to make sure that students - low-income students - who cannot afford, for a whole bunch of different reasons, to pay for textbooks, instructional materials and for student activities -- we don't even allow for a waiver for that. I need to ask the sponsor a question, if I may.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator del Valle.

SENATOR DEL VALLE:

Senator O'Malley, the bill indicates that ninety-five percent -- that the per capita student tuition will not be ninety-five percent less than the current per capita student tuition. Now, could you explain to me how it is that we're going to calculate that in the City of Chicago, where you have to include categorical funding for the per-pupil spending - that categorical funding includes bilingual education and a number of other areas - and where we also have to include Chapter I -- State Chapter I funding for low-income students? If a charter school does not have low-income students, if a charter school does not have a large percentage of low-income students, if a charter school does not have bilingual students or students in need of bilingual education, how is it that we're going to come up with the

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ninety-five percent per capita tuition?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator -- Senator O'Malley.

SENATOR O'MALLEY:

Senator del Valle, as you know - and you attended a number of the hearings we had in committee on this - the range here will be ninety-five to a hundred and five percent. What will actually be the case, however, I think we all have to understand what the process is about. You just don't go in and get a charter school just because you ask for one. You're going to have to go to -- in the case of a Chicago charter school, go to the Chicago Board of Education, and you're going to have to present a charter to them and make a contract with them in the manner that the school will be conducted. I would think that the provisions you're talking about would be certainly appropriate to be discussed and provided for in that charter, and I think that's how it's going to happen. And that's how it's going to happen all over the State.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator del Valle.

SENATOR DEL VALLE:

Senator O'Malley, the bill specifically states how much funding is going to go to these schools. And so, I'm just asking, how are you going to arrive at the amount, based on the bill that indicates that it cannot be less than ninety-five percent of the per capita -- current per capita student tuition?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Senator, that information is available from the State Board of Education, as you know very well.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator del Valle.

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SENATOR DEL VALLE:

Well, in closing, I really feel that this bill needs an -- an awful lot of work, and -- and I think you know it, Senator O'Malley. There were not public hearings on this bill. We had a hearing in committee, but I can't think of one public hearing in the City of Chicago where school reform groups, where experts were given an opportunity to come forth and speak to this proposal, and this proposal was just recently unveiled. And so what I think we ought to be doing -- because I -- I do want the day to come when I can support a concept like this. I'm really genuinely interested in it. But this is not the time to do this. Let's do it right. And I ask that you consider my request to go back to the drawing board and see if we can come up with something that we can all live with. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Senator, I agree with most of the comments of the last speaker, but I think I reach a different conclusion. And let me -- but let me check that out, because I think this bill still needs a good deal of work, as well. And while I favor the concept, in looking at it, I have some real concerns about how this bill is drafted. But is it your intention to -- if this bill goes to the House, to -- to go to the drawing board and to still seek further amendment to it?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

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SENATOR O'MALLEY:

This is a very fluid process. I would expect that as it -- as it goes through the legislative process, there will be a lot of discussion. There'll be a lot more input than there even has been to date, and there has been plenty. And so I would expect to see this back here with some additional provisions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hawkinson.

SENATOR HAWKINSON:

Well, with that understanding, I, for one, who voted for the education amendment and supported it and have not been in favor of taking public school dollars through a voucher system while we don't adequately fund public education, but I think this is an innovative concept, as Senator del Valle recognized, and I think while it may be not the time to enact the final bill, it's certainly not the time to kill the concept. And I think we ought to move it along, in the hope that we can improve this one.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. I certainly don't disagree also with the concept of -- of charter schools. I do, however, quarrel with some of the provisions of -- that are included in this bill, even though it will be a continuing process, as Senator has indicated on the other side of the aisle, with respect to further work in the House. The one that I'm particularly interested in here, it says allows individuals without teaching certificates to teach in public classrooms. Thirty years ago, when I taught the sixth grade, I made a very valiant effort to attempt to get to the provisional certificate level of sixty semester hours at that time, and then ninety hours the following year. I don't know why

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I worked so hard to -- on the provisional certificate and to try to get my certificate to teach, if we're going to now just simply willy-nilly say that individuals - anybody - without any training whatsoever, can come into the classroom and teach youngsters. That's like saying that you don't have to have an architect's license in order to build a building, or you don't have to have a attorney's license in order to be a practicing attorney. Well, come to think of it, there are a number of people around here who think they are practicing attorneys and don't need a license anyway. But nevertheless, I guess my -- my real point is that I'm not really opposed to this concept. I would like to see more about it. I would like to see the results that are happening in other states with respect to charter schools. This is, as Senator Karpiel has indicated, not a Chicago issue. Flexibility: We've already given school districts the flexibility in a bill that we passed out today - was Senator Klemm's, in Senate Bill 1381. So I think that although the innovative and creative approach that this bill seeks to bring about, I'm not quite sure that the results are those that -- are going to be those that will be found in other studies or other surveys of those states that have created charter schools. So I don't think that this is the time, and I would rise in opposition.

END OF TAPE

TAPE 6

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Stern.

SENATOR STERN:

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Mr. President and Members of the Senate, I too find this a seductive concept, and would like to see and hear more about it. I was at Richard Dennis' breakfast and listened to the experiences of other States that had established charter schools and heard something about them. I see some problems with this one, most of which have been aired - this bill, I mean. And I'd like to ask about just one, and it may be a minor inconsistency. I'm not sure. On page 5, Section 27 -- 27A-5, line 21, it speaks of the fact that a charter school shall be a public, nonsectarian, nonreligion, non-home based, and nonprofit school. On the very next page, it makes the statement at the bottom of the page, among the last couple of lines, that a charter school may negotiate and contract with a school district, et cetera, et cetera and et cetera, or any public or for-profit or nonprofit organization. Now, if it has to be a -- not-for-profit on one page, how can it be for-profit on the other? It's just something I would ask about.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Senator, that last provision that you referred to has to do with renting facilities.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Stern.

SENATOR STERN:

Is it only renting facilities? They're not renting services or course instruction or anything. Only -- only buildings? Is that correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

I understand it's facilities, food services, those sorts of

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services for -- for, you know, schools.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Stern.

SENATOR STERN:

That's it. Thank you, sir.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Rea, in Senator Berman's -- Senator Berman's light is on. You're sitting in his seat. Senator Rea, at Senator Berman's... I don't know what's going on here for sure.

SENATOR REA:

Mr. President, having spoken once before, I would like to yield to Senator Rea.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Berman, at Senator Rea's seat, for a second time.

SENATOR BERMAN:

As Senator Rea, I think that this is a downstate issue, and I want everyone to know that. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator Watson.

SENATOR WATSON:

Well, I don't know -- thank you, Mr. President. I'm not sure what that was just all about. You know, we're talking about buildings; we're talking about teachers; we're talking about unions; we're talking about organization. We're talking about everything but what matters - and that's kids. And I was in -- I made the comment in committee the other day that we had a parade of witnesses coming through and everybody testifying, and -- and kids very seldom got mentioned. And that's -- that's sad, because that's what this is all about. We're trying to create some creativity and allow for some creativity in education. And I applaud the Governor for taking the initiative to try to create

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change. The answer we hear to this, it seems to me, from the other side or from the alternative to the Governor, is a forty-two percent tax increase. Now I don't think that's necessarily what the people of this State want. I think they want reform. I don't think they want to continue to throw more and more money at a problem that seems to be very long from being solved. And one of the previous speakers talked about "top down" on an issue like this? This is truly "bottom up". This is giving people at the grassroots level - parents, teachers, the administration, people within the community - the opportunity to get together and talk about initiatives, talk about what's best for kids. And let's try it. Let's try something different. I got the opportunity to go to the Corporate School of America, and a fellow by the name of Joe Kellman - some of -- most of you may know him or some of you may, may not - a good, outstanding man. Puts his own finances, puts his money where his mouth is, where he wants to really do something, again, for kids. And this is the inner city of Chicago, and it's not a selective school. But it's working. And it's that kind of concept that I think the charter school wants to follow. I also had the opportunity to go to Price Elementary - right next to King High School - a few weeks ago, and they have a school within a school. Again, the same kind of a thing we're talking about, charter schools, and the teachers that were there that were involved in this program - there was eight of them - they told me, they said, "We had a hell of a time convincing the union that this was the right thing to do." They resisted every possible means to create the environment by which Price Elementary School is educating their young people. They finally relented. And now the union supports what's going on at Price, because they see the success that a little innovation, a little creating... And that's all we're asking for. That's all this is all about, Mr. President. And when we stand here and when we push this

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button, let's punch one green for kids. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley, to close.

SENATOR O'MALLEY:

Well, Senator Watson, thank you for -- for your close. I appreciate that very much. I do feel compelled, however, to take a little time here - not too much - and I hope you'll bear with me. Senator Berman, you and I have had the privilege of serving together on the Chicago Learning Zone Commission, and during that time, we discussed a lot of the issues related to Chicago and Chicago concerns. Charter schools are not intended to be Chicago Learning Zones. You know that and I know that. There are many things that we talked about to be included in Chicago Learning Zones, that frankly don't belong in charter schools. It's anathema to the entire concept of charter schools. Senator Berman, you mentioned the Chicago Urban League and suggestions they made and concerns they have. Their representative told me many of their suggestions were addressed as a result of them bringing forward their comments and concerns, and because of the meeting that you and I -- well, the administration convened a meeting at my request, and frankly at our request, Senator Berman - yours and mine - to address many of the questions that came up in the original hearing. And I think it's important to clarify that, yes, the Governor did talk about twelve charter schools in his address to us earlier this year, but he didn't talk about limiting it to twelve; he said at least twelve, and to do it statewide. Forty-five is what's provided for in this legislation. And forty-five is a compromise, frankly, with interests around this State who want to see a lot more than forty-five. Senator Palmer, it seems anytime anybody does anything with the Chicago schools - and you know how much I respect you - but anything that may come anywhere near Chicago, it seems like you think that the

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only people who are interested in Chicago have to reside there. Well, I grew up there, but that isn't enough reason for me to be interested. The reason I'm interested and the reason a lot of people in this Chamber are interested is because we were elected by the citizens of Illinois, who have a profound interest in the City of Chicago, in the vitality of the City of Chicago. I represent part of Chicago. I think it's a great City, and I want to see the people who live there be even greater. Senator Garcia, I'm not going to say a lot more than to say to you that I believe the Hispanic community especially should be interested in this proposal. Local control. Decentralization. An opportunity for you to really say something about the education of your children and your favorite issue, which seems to be bilingual education. Senator Collins, my good friend, we have had public hearings on this and we have had them in the Education Committee. And I know that you've been pressed by other business, and frankly, you weren't able to be at these hearings. But had you been there, you'd have known it. Ladies and Gentlemen of the Senate, when I first heard about charter schools last year, I was probably one of the biggest skeptics in the State Legislature. We heard about it through a press release and news clippings - some vague concept out there that for weeks none of us -- well, everybody wanted to know, "Well, what is a charter school?" Well, I sure didn't know, and a lot of people were asking me questions. So maybe we ought to talk a little bit about what a charter school is. It's simply decentralization. It's local control. It's giving Senator Garcia, and people in Senator O'Malley's community, and people down in Senator Demuzio's community, the opportunity to do something different. And I'll tell you, it's public education - an alternative to what we generally know as public education. It's open enrollment. It's nonsectarian. And this is permissive legislation. You know, when all is said and done, there may not

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-- you know, if this becomes law, there may not be one charter school established in the State of Illinois. And maybe there will be forty-five, and maybe they'll work so well, there'll be ninety. But the bottom line is we're creating an opportunity here for the people of Illinois to take another look at public education in a different way. And there's no special interests involved in this for me. I have one interest - and I want to say it the same way the leader of -- and the Chairman of the Senate Education Committee would be - my interest is in the kids of the State of Illinois. Let's give ourselves one more way to serve their interests. Let's no longer just have kids in public education at risk; let's all have something at risk. Thank you, and I'd appreciate your support.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 1716 pass. Those in favor will vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Take the record. On that question, there are 29 voting Yes, 19 voting No, 7 voting Present. Senate Bill 1716, having received -- having not received the required constitutional majority, is declared failed. Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President. I would request postponed consideration.

PRESIDING OFFICER: (SENATOR WATSON)

That request is in order and is granted. Senator Mahar, on the Order of 3rd Reading is Senate Bill 1724. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1724.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and Members. Hopefully this will be far less contentious than the previous bill. It has two components. First that which was offered by the Illinois EPA and provides a procedure for extending the period of time to challenge EPA permit decisions from thirty-five to ninety days. This will allow the permit applicant and the Agency to negotiate longer -- prior to the applicant's right of appeal coming to an end. The second provision deals with a -- something that is going on in the business community today called voluntary environmental audits. A business will do this to see if they comply with the myriad of State and federal regulations involving their -- their business. Unfortunately, one of these audits may contain self-incriminating evidence which could be used against the facility in the future. What this bill will do will -- will provide a legislative privilege that the audit and its component parts would not be admissible in evidence in any legal action. Of course, it goes on to define those circumstances where it would be admissible, such as if the privilege was waived, if fraud was involved, if certain material is beyond the scope of the audit, et cetera. The proponents are working with the EPA -- the EPA, for the Members' edification, had prepared a bill which was very similar to this, to be introduced. They didn't. The proponents are working with the EPA to come up with some agreed-upon language, which I am told they're very close to doing. I would hope that this move to the House will return to us with a -- as an agreed bill.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Any discussion? Seeing none, the question is, shall Senate Bill 1724 pass. Those in favor will vote Aye.

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Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 voting Yes, no voting No, no voting Present. Senate Bill 1724, having received the required constitutional majority, is declared passed. Senator Madigan seeks leave of the Body to return Senate Bill 1728 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1728. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senator Madigan.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Madigan, to explain your amendment, please.

SENATOR MADIGAN:

Thank you, Mr. President. Senate Bill 1728 is a technical amendment to correct a funding problem in the five State pension systems. I would ask for its adoption, and then we can debate the bill. Amendment No. 2 becomes the bill, and we can debate the bill on 3rd Reading.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Seeing none, those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senator Madigan, on the Order of 3rd Reading is Senate Bill 1728. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1728.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. Senate Bill 1728, as amended, represents the -- Governor Edgar's plan to solve the unfunded liability in the five State-funded pension systems. 1728, as amended, basically is a restart of Senate Bill 95 that this General Assembly passed several years ago, and for one, of a lack of money, and demand by other funds in interest, we were never able to complete that plan, which essentially was a fifty-year plan with a seven-year ramp and then a, I think, forty-three- or forty-seven-year catch-up, so at the end of that time, the five State pension systems would be fully funded. This plan as presented to the Senate for approval, represents a differential from Senate Bill 95 in that it comprises a twenty-year ramp and then a thirty-year period of catching up, so that at the end of fifty years, the five State pension systems will be fully funded, and at the fifty-first year, the normal contributions to the five State pension systems would be all that is necessary. That -- that is the plan. I think everybody is familiar with the plan. I would be glad to answer any questions to Senate Bill 1728, as amended.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Stern.

SENATOR STERN:

Mr. President and Members of the Senate, I'd just like to call your attention to the fact that I made a strong effort to get an amendment on this bill which would have extended the early retirement option for teachers from June 30th, '95 to June 30th, 2000. We tried it on another bill first and then thought we could surely get it on this one, and there was no -- no luck. But I

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would point out if I may, just for a moment, that this is the kind of planning that a teacher needs to do a year in advance and that we do them no favor by deferring this until next spring or even this coming fall. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes, Senator -- would the sponsor yield?

PRESIDING OFFICER: (SENATOR WATSON)

Yes, Senator Cullerton, the sponsor will yield.

SENATOR CULLERTON:

When is the first year that this -- or the first budget that this bill will affect?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. Senator Cullerton, the first year of the start-up is FY'96.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cullerton.

SENATOR CULLERTON:

And in Fiscal Year '96, how much more money will this bill obligate us to pay into the pension fund than we are paying in Fiscal Year '95?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Madigan.

SENATOR MADIGAN:

It has been represented in testimony, Senator Cullerton, that over and above the normal contributions, that it will require approximately eighty or eighty-two million dollars additionally in State -- State funds to the five pension systems.

PRESIDING OFFICER: (SENATOR WATSON)

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Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you very much. Let me simply say that Senate Bill 95 was a proposal that we thought was going to be the panacea to all of the funding problems for pensions years ago, and there wasn't anybody in this Body or anybody in the House at the time who voted in the -- in the negative. The problem was that we never had the resolve or the discipline and the Chief Executive never adhered to Senate Bill 95, and as a consequence, we failed to put in the first dime. Now there is another alternative proposal that's floating around that saves about thirty-eight billion dollars, which is difference than -- different than this proposal; however, unless we come to grips with this pension program, we are never going to resolve this problem. So there is a crisis. I don't think this is the best proposal around, but tonight I'm prepared to support it, keep the process moving along. Perhaps we can come to some resolve before the end of the legislative Session and somehow or other combine the two proposals or do whatever is in the interest of the taxpayers. But I'm going to rise in support of this proposal this evening.

PRESIDING OFFICER: (SENATOR WATSON)

Any further discussion? Any further discussion? Seeing none, Senator Madigan, to close.

SENATOR MADIGAN:

Thank you, Mr. President. Just briefly, let me respond to Senator Stern and her proposed amendment. I believe that I'm a cosponsor of that amendment, Senator Stern, and I will assure you that at the proper and appropriate place, we will give that matter full consideration. I think that that's what -- I think Senator Demuzio summed it up pretty well. We've got a problem. This is one plan to it. Perhaps however way we walk through this process, I think everybody agrees that we have to address the system, or

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the five systems, as best we can. I think that this is a reasonable plan, and would ask for its favorable consideration.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 1728 pass. Those in favor will vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Yes, no voting No, no voting Present. Senate Bill 1728, having received the required constitutional majority, is declared passed. Senator Hawkinson seeks leave of the Body to return Senate Bill 1730 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1730. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 4, offered by Senator Hawkinson.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Senate Amendment No. 4 to the zero-tolerance bill provides for an exception and provides there will be no suspension of a license if an individual or a minor -- someone under twenty-one's blood alcohol concentration resulted only from ingestion of a prescribed or recommended dosage of medicine that contained alcohol. And I would move the adoption of Amendment No. 4 to Senate Bill 1730.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Seeing none, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further amendments for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

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PRESIDING OFFICER: (SENATOR WATSON)

Senator Hawkinson, on 3rd Reading -- excuse me. 3rd Reading. Senator Hawkinson, on the Order of 3rd Reading is Senate Bill 1730. Madam Secretary, would you please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1730.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. This is the zero-tolerance bill. There's a similar bill, not in the same form as of yet, but that is probably going to come over from the House. This is the proposal that recognizes the fact that we're losing too many of our children to drunk driving fatalities in the State of Illinois. It's a proposal that recognizes the fact that it's against the law in Illinois and every other state in the union to drink alcoholic beverages if you're under twenty-one. And yet, we've had a system that allows someone to drink and drive with no consequences to their license. This proposal says that if you are stopped for a traffic reason - has to be probable cause for a traffic stop - and if the officer has reasonable suspicion that you have been drinking alcoholic beverages and you're under twenty-one, that you can be read your rights and offered a Breathalyzer test. Now, if you refuse it or if you blow the test and show that you've been drinking alcoholic beverages, your license will be suspended. I've been impressed the last couple months, as we've been promoting this bill, primarily -- and there's a wide variety of groups, as you can imagine, who are supporting it, but I've been particularly impressed by the young people who support this bill. This week, Senator Rauschenberger had a group of high school

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students down here supporting it - not particularly an organized group. But Students Against Driving Drunk made strong presentations, and other high schoolers from across the State have supported this. And I think the reason is, is because this will give them support in their courage, in their fight against tremendous peer pressure to drink alcoholic beverages. And the pressure on a young person is tremendous today, as it has been in the past. And this will give them another tool with which to avoid drinking and driving, because they know that if they do, they will lose their driver's license. There are exceptions in the bill, for religious ceremonies and the amendment that we put on today, which provides an exception for medicine. I'd be happy to answer any questions, but I would strongly urge that we move this process forward toward zero-tolerance in Illinois for the benefit of our kids.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. First of all, I want to say that I still have some problems, which Senator Hawkinson is very much aware of in the committee, in regards to the implied consent for the blood test. But I think Senator Hawkinson has done a yeoman's job on this bill. I think he's brought it a long way, and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

Any -- any further discussion? If not, Senator Hawkinson, will you wish to close?

SENATOR HAWKINSON:

Just briefly, because the hour is late. But again, we have a real problem with losing too many of our kids on the highways of this State, and I think this is a -- a real step forward. I applaud the Secretary of State Ryan for suggesting it, and I urge

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an Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 1730 pass. Those in favor will vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Yes, no voting No, no voting Present. Senate Bill 1730, having received the required constitutional majority, is declared passed. Senator Maitland seeks leave of the Body to return Senate Bill 1733 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1733. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 3, offered by Senator Maitland.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Maitland, to explain your amendment.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. Amendment No. 3 to Senate Bill 1733 is an agreed-to amendment between Secretary of State George Ryan and the Department of State Police, which clarifies some administrative procedures regarding the processing of fingerprints and fees for fingerprint-based criminal background investigation of -- of prospective school bus drivers. It also makes some technical connections -- corrections to the bill. It changes the effective date to July 1, 1995 and removes school bus drivers from the current name-based criminal record check in the School Code, which would be redundant if, of course, the bill was enacted. I would move for its adoption, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

Thank you. Are there any -- any discussion? All those in

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favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senator Maitland, on the Order of 3rd Reading is Senate Bill 1733. Madam Secretary, would you please read the bill.

ACTING SECRETARY HAWKER:

Senate Bill 1733.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. Senate Bill 1733 is Secretary of State George Ryan's fingerprinting legislation of school bus drivers. And let me indicate to you that the current system of oversight of school bus drivers is somewhat fragmented. The -- the Secretary of State's Office is involved. The State Board of Education is involved. The Illinois State Police, regional superintendents of schools, school bus companies in some cases, and a -- and a maze of other hoops that one has to -- to jump through. The Secretary has suggested this ought to be all under one -- under one department. He is the one that administers the tests, obviously, and so has introduced this bill. It was, when it was originally introduced, pertained to all school bus drivers, including those who are now driving. This now is prospective in nature, would involve only those new hirees. It is safe to say that ninety-nine percent of the school bus drivers in this State are absolutely outstanding

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citizens and there are no problems, but this is a check that we think we need to protect the young boys and girls in our school system. And, Mr. President, I would seek the approval of the Body.

PRESIDING OFFICER: (SENATOR WATSON)

Any further discussion? Seeing none, the question is, shall Senate Bill 1733 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Yes, no voting No, no voting Present. Senate Bill 1733, having received the required constitutional majority, is declared passed. Senator Donahue seeks leave of the Body -- pardon me. Senator Raica, for what purpose do you rise?

SENATOR RAICA:

Thank you, Mr. President. A question of the Chair, if I might.

PRESIDING OFFICER: (SENATOR WATSON)

Certainly.

SENATOR RAICA:

Since the majority of the approp bills were debated on 2nd Reading, would this be an inappropriate time to ask that -- of the possibility to make a motion to roll them all out on one roll call, since... It was just a thought, you know.

PRESIDING OFFICER: (SENATOR WATSON)

Well, it wasn't a bad thought either. Senator Donahue seeks leave of the Body to return Senate Bill 1746 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 1746. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

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Floor Amendment No. 1, offered by Senators Hasara and Donahue.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Donahue. I beg your pardon. Senator Hasara.

SENATOR HASARA:

Thank you, Mr. -- thank you, Mr. President. This amendment amends the Adoption Act, and it would change the burden of proof for termination of parental rights from clear and convincing to a preponderance of the evidence. This would have the effect of requiring the courts and the State's attorneys to balance the best interests of the child more evenly against the best interests of the natural parents. We all know this is a huge issue in the State of Illinois. I have a number of constituents who call me regularly who are making every attempt to adopt foster children that they have cared for since birth or for several years. Sometimes it's five and six years. And the Department and the courts, the State's attorneys keep sending these children back to their natural parents. I have had -- foster parents tell me that two and three times these children have come back with -- even with cigarette burns on them, only to give the parents one more chance. This is a terrible situation that we've been living under. We have a worse and worse problem every year getting foster parents and keeping good foster parents. And it's heartbreaking to watch them, hundreds of them, care for these children for year after year, to see them continually taken away from them again, taken back into an abusive situation. I ask for a favorable roll call. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Senator, I understand where you're coming from. I know you want to make it easier to -- in certain cases that you pointed out, to take away the natural parents' parental rights. But what

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you're doing is apparently changing the burden of proof from a -- what is now clear and convincing evidence to a preponderance of the evidence, and there is a Supreme Court case - U.S. Supreme Court case - right on point. 1982 case, Stankowski versus Kramer, and they just said in ruling on a New York case -- New York Statute, that you couldn't do it. So I'm just curious if you're aware of that case and -- and what could you possibly put into the record to make this bill constitutional?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hasara.

SENATOR HASARA:

I just recently became aware of it, Senator. I was not aware of it when I introduced the amendment. I would simply say that this certainly would not be the first time that this Body has attempted to do something that we felt was right, when we knew we were taking a chance on having it overturned. I believe that we passed a constitutional amendment this week that dealt with an issue that's come back to us three times, dealing with the videotaping of child witnesses. I would just add that that case is twelve years old. I believe that a lot has changed in the last twelve years. And I think at least this is an attempt to do something about this terrible problem, and I am certainly willing to take that chance, particularly in light of the fact that I have seen no other measure introduced this year to try to solve this problem to this extent.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, as my colleague on the other side knows, this is a civil procedure. In civil procedures, it's a preponderance of the evidence, and the preponderance of the evidence is far clearer to me than clear and

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convincing evidence, because preponderance means a greater weight of the evidence. I think this is a step in the right direction, and I don't anticipate this bill being ruled unconstitutional at all. I've had a lot of experience in adoptions, and there's no question that it's been very difficult for people to go ahead with adoptions because of some of the crazy laws we have passed. Clear and convincing is not clear and convincing to me, but a preponderance of the evidence, means a greater weight of the evidence, and that is convincing to me, and I support the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Any further discussion? Seeing none, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 2, offered by Senator Donahue.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Donahue, to explain your amendment.

SENATOR DONAHUE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This amendment changes the base bill, and let me just very briefly tell you what it does. We're requesting and directing the Department of Children and Family Services to develop a pilot project in Cook County with their investigators in Priority I and Priority II cases. We are asking them to have a private investigator go along with a few of their investigators so there are two sets of eyes looking at these Priority I and Priority II cases. Now, I'd like to make it very clear that we're not saying anything against this investigator, but we're saying that two eyes -- or two sets of eyes are better than just one set. And we think that this might be a way to help some of the problems that are going on with the Department of Children and Family Service, and it's only for two years. If it doesn't work, we'll stop it. If

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not, it could be something that could help in the future. I would move for its adoption.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. This is a fine amendment and I support it, and I ask my colleagues to do so, also.

PRESIDING OFFICER: (SENATOR WATSON)

Any further discussion? Seeing none, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further amendments?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

3rd Reading. Senator Donahue, on the Order of 3rd Reading is Senate Bill 1746. Madam Secretary, would you please read the bill?

ACTING SECRETARY HAWKER:

Senate Bill 1746.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Donahue.

SENATOR DONAHUE:

Thank you very much, Mr. President. For the sake of brevity, we have just explained what the bill contains under Senator Hasara's amendment and under my amendment, and I would just request your support.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Seeing none, the question is, shall Senate Bill 1746 pass. Those in favor will vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who

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wish? Have all voted who wish? Take the record. On that question, there are 53 voting Yes, no voting No, 4 voting Present. Senate Bill 1746, having received the required constitutional majority, is declared passed. With leave of the Body, we're going to skip the appropriations bills for now and go to page 8 and take up the substantive bills that are left, of which Senate Bill 1819. Senator Demuzio.

SENATOR DEMUZIO:

...(microphone cutoff)...I move we adjourn.

PRESIDING OFFICER: (SENATOR WATSON)

I beg your pardon?

SENATOR DEMUZIO:

I move we adjourn.

PRESIDING OFFICER: (SENATOR WATSON)

That motion is always in order, Senator.

SENATOR DEMUZIO:

Good. Let's go. Bang the gavel down.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Demuzio has moved that we adjourn. All those in favor, say Aye. Opposed, No. The Noes have it, and we will continue. Senate Bill 1819. Senator Klemm. Senator Klemm, on the Order of 3rd Reading is Senate Bill 1819. Madam Secretary, would you please read the bill?

ACTING SECRETARY HAWKER:

Senate Bill 1819.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President. An inquiry of the Chair. Were Amendments 1 and 2 adopted?

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PRESIDING OFFICER: (SENATOR WATSON)

Yes, we do.

SENATOR KLEMM:

Yes? All right. Thank you. Senate Bill 1819 is an attempt to try to find some -- alleviating some problems about parking tickets and parking violations that have emanated from Chicago in error to residents who live out of the area, when it's not their vehicle. Certainly we have no problem with trying to certainly give tickets to those who violate the Chicago City ordinance and codes; however, but when we find out that they are not even the vehicle that was supposed to be ticketed, we find that certainly should not be allowed. Amendment No. 1 made some changes that the City of Chicago said was having problems. We made the corrections to satisfy their concerns. What it basically does is allow that if the Secretary of State in verifying the vehicle plate number with the vehicle itself on the identification of the make, that if they don't -- coincide, we obviously find out that it's not the vehicle in question, and therefore, that would be grounds for dismissal of the ticket. I do ask for your support. Some previous legislation by Senator Cullerton was also passed last year, helped in this process, and this is a continuation of trying to find some reasonableness. And I ask for your support.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 1819 pass. Those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Yes, no voting No, no voting Present. Senate Bill 1819, having received the required constitutional majority, is declared passed. The intent of the Chair is to go back to the appropriations bills, but first, Messages. Mr. Secretary.

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SECRETARY HARRY:

A Message from the President, dated April 21st, 1994.

Dear Mr. Secretary - Pursuant to the provisions of Senate Rule 2-10(e), I am extending the deadline for final action on the following categories of bills, with specific bills enumerated under these categories, to January 10, 1995: Elections - Senate Bills 1701 and 1263; Judicial System - Senate Bills 1358 and 1168; Economic Development - Senate Bills 1685, 1686 and 1687; and Public Health - Senate Bill 1690.

Additionally, pursuant to Senate Rule 2-10(e), I am extending the deadline for final action on the following category of bills, with specific bills enumerated under this category, to May 10, 1994: Appropriations - Senate Bills 1754, 1757, 1758, 1759, 1760, 1761, 1774, 1775, 1777, 1778, 1779, 1780, 1781, 1782 and 1783.

Signed by President Philip.

PRESIDING OFFICER: (SENATOR WATSON)

Previously today we had granted leave to go back to page 2 for appropriations bills. Senate Bill 1258. Senator Hasara, pardon me just a moment. Senator Demuzio, for what purpose do you rise?
SENATOR DEMUZIO:

On a parliamentary inquiry. I would like to know -- I would like to have a ruling from the Chair as to how certain bills can be -- the deadline can be waived by simply a letter from the President. It would seem to me that waiving the deadlines -- if you can make the respective citations for me in -- in your rule book up there, it seems to me that that takes a -- a vote of the Membership. Now, it may take thirty votes, and you certainly have thirty votes. But simply to suggest that the -- the President can send and circulate a letter indicating that certain bills are exempt from the -- from the -- from the deadlines that have been set, seems to me to be an extraordinary unprecedented action that

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has taken place here in this General Assembly for a long period of time.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Demuzio, under Senate Rule 2-10(e), gives the President that prerogative. Senator... It is Senate Rule 2-10(e), Senator Demuzio. Senator Hasara, on Senate Bill 1258. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1258.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hasara.

SENATOR HASARA:

Thank you, Mr. President. Senate Bill 1258 appropriates five million two hundred and forty-three and a half thousand for the State Board of Elections. I move its adoption.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Senator Demuzio. Senator Jones, for what purpose do you rise?

SENATOR JONES:

Yeah. Thank you, Mr. President. With all due courtesy, Senator Demuzio was questioning the ruling of the Chair, and for you to just arbitrarily ignore that request as he tried -- he's trying to find out what powers do the President has, which is unprecedented. And I think you owe him not only an apology, but at the same time, give him the due courtesy as a Member of this Body to let him complete his questioning on this particular point.

PRESIDING OFFICER: (SENATOR WATSON)

Thank you. Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

Well, Mr. President, as I read the 2-10(e), the President may

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schedule deadlines for any other action on any category of legislative measures that he or she deems appropriate. Are you -- are you suggesting that -- that the President has the extraordinary power without the affirmative majority vote of this General Assembly and this Membership - that he or she can, in fact, make any deadlines that he or she wishes at any time?

PRESIDING OFFICER: (SENATOR WATSON)

I believe that's correct, Senator. You read the -- the rule and that's exactly what it says. Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President. Following on that point of order. If you'll look at 2-10, 2-10(a) specifies those powers the President has for setting deadlines for legislative action. Final days for introductions; the final days for standing committee; final days for standing committee on appropriations, et cetera. When you then go to (e), it says "other" than those he can do. He has already established by his letter the final day for standing committee action, the final day for 3rd Reading and passage, which is the fourth one down, except appropriation bills, the fifth day -- the final day for appropriation bills. He talks about something that is not listed as a passage date - something other. This is not an "other". This is a deadline day as described in 2-10(a). And I don't think unilaterally that can be done. Clearly it can be done by action, by motion of the President and thirty votes, but it cannot be done by a simple letter, under -- under the rules of the President of the Senate.

PRESIDING OFFICER: (SENATOR WATSON)

Well, we have made our ruling, Senator, and if you wish to appeal the ruling of the Chair, you know the appropriate motion. Senator Demuzio.

SENATOR DEMUZIO:

Well, I think this, again - and I think Senator Carroll has

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pointed out - that if you wish to waive the deadlines -- and you may very well wish to do so, but you ought to do that by a affirmative vote, a roll call vote, if you will, of the majority of the Members of this Senate elected. As a matter of fact, if -- if I read this -- this letter correctly, this waiver goes all the way to January the 10th of 1995. Now I would, in fact, appeal the ruling of the Chair, because I think this is an unprecedented action. I think it's a violation of our rules, and I think that if you wish to -- to -- to waive the deadlines, and you very well have the votes to do so, but this is not -- this is not the remedy. This is not the way to proceed. And so I would appeal the ruling of the Chair.

PRESIDING OFFICER: (SENATOR WATSON)

You have that right, Senator. And the question is, shall the ruling of the Chair be sustained. All those in favor of sustaining the rule -- the ruling, vote Aye. All those opposed to sustaining the ruling, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 31, the Nays are 25, and no voting Present. Having failed to receive the necessary three-fifths negative vote, the appeal fails, and the ruling of the Chair is sustained. Senator Hasara.

SENATOR HASARA:

Thank -- thank you, Mr. President. Senate Bill...

PRESIDING OFFICER: (SENATOR WATSON)

Well, Senator, there is a process by which you can ask for that, and one would be to punch the light button, speak button, on your desk, and you would receive recognition. Senator Demuzio.

SENATOR DEMUZIO:

I would seek a verification of the roll call.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Demuzio has requested a verification. Will all the

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Senators be in their seat. Senator Hawkinson.

SENATOR HAWKINSON:

Well, a point of order. I think that motion is dilatory, because to overrule the Chair, you have to have the negative vote of a certain level and not the affirmative votes. So, it's the absence of thirty or thirty-six negative votes that is the key here.

PRESIDING OFFICER: (SENATOR WATSON)

That is correct. Senate Bill 1258. Senator Hasara. The bill has been read, and to the bill.

SENATOR HASARA:

Thank you, Mr. President. Senate Bill 1298 <sic> (1258) appropriates five million two hundred and forty-three thousand five hundred dollars for the State Board of Elections.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? Seeing none, the question -- the question is, shall Senate Bill 1258 pass. Those in favor will vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 45 voting Yes, no voting No, 13 voting Present. Senate Bill 1258, having received the required constitutional majority, is declared passed. We are now on page 5, and we will proceed with Senate Bill 1755. Senator Maitland, on the Order of 3rd Reading is Senate Bill 1755. Excuse me. Senator Hendon, for what purpose do you rise?

SENATOR HENDON:

Thank you, Mr. President. Senator Raica had a -- a motion to take all the approp bills at one time, and it was ignored. And I make a motion that we take all the approp bills together.

PRESIDING OFFICER: (SENATOR WATSON)

Well, that motion is not in order at this time. Senator

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Maitland, on Senate Bill 1755. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1755.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. Senate Bill 1755 is the OCE of the Judicial Inquiry Board. It was introduced at three hundred and thirty-two thousand one hundred dollars and is at that level at this point.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 1755 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Yes, no voting No, no voting Present. Senate Bill 1755, having received the required constitutional majority, is declared passed. Senator Maitland, on the Order of 3rd Reading is Senate Bill 1756. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1756.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President. Senate Bill 1756 is the annual Court of Claims awards legislation. As amended, it stands at five million three hundred twenty-four thousand dollars. I

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seek your support.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 1756 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Yes, no voting No, no voting Present. Senate Bill 1756, having received the required constitutional majority, is declared passed. Senator Philip, on the Order of 3rd Reading is Senate Bill 1762. Mr. Secretary, will you please read the bill?

SECRETARY HARRY:

Senate Bill 1762.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1762 is the appropriation for the ordinary and contingent funds of the Office of the Governor. It's seven million five hundred and ninety-three thousand dollars. Hope there will be a lot of green votes up there.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 1762 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 47 voting Yes, no voting Nay, 9 voting Present. Senate Bill 1762, having received the required constitutional majority, is declared passed. On 3rd Reading, Senator Weaver, is Senate Bill 1763. Read the -- read the bill,

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Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1763.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. This is the OCE for the Board of Higher Education and the Math and Science Academy, in the amount of eighty-five million, a hundred and fifty thousand nine hundred dollars. Appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 1763 pass. Those in favor will vote Aye. Those opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Yes, no voting No, 1 voting Present. Senate Bill 1763, having received the required constitutional majority, is declared passed. Senator Donahue, on Senate Bill 1764, on 3rd Reading. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 1764.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. This is the OCE for the Community College Board and the State Community College. Current level is at two hundred and fifty-one million four hundred and ninety-four

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thousand seven hundred dollars. I would move for its adoption.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 1765 <sic> (1764) pass. Those in favor will vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 voting Yes, 3 <sic> (none) voting No, 3 voting Present. Senate Bill 1765 -- 1764, having received the required constitutional majority, is declared passed. Senator Woodyard, on Senate Bill 1765. Mr. Secretary, please read the bill.

SECRETARY HARRY:

Senate Bill 1765.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Woodyard.

SENATOR WOODYARD:

...(microphone cutoff)... you, Mr. President, Members of the Senate. This is the OCE for the Student Assistance Commission. Current level is four hundred and seventy-four million seven hundred and seventy thousand five hundred dollars. I would move for its adoption.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 1765 pass. Those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Yes, no voting No, no voting Present. Senate Bill 1765, having received the required constitutional majority, is declared passed. On 3rd Reading is Senate Bill 1766. Senator Donahue. Would you please read the

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bill, Mr. Secretary?

SECRETARY HARRY:

Senate Bill 1766.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. This is the Community College Board rate bill. It's the substantive bill, and the companion bill to the budget. I would move for its acceptance.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Seeing none, the question is, shall Senate Bill 1766 pass. Those in favor will vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Yes -- 58 voting Yes, no voting No, no voting Present. On that -- Senate Bill 1766, having received the required constitutional majority, is declared passed. On 3rd Reading is Senate Bill 1767. Senator Weaver. Would you please read the bill, Mr. Secretary?

SECRETARY HARRY:

Senate Bill 1767.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Yes. Senate Bill 1767. Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. This is the OCE for the State University Civil Service System in the amount of nine hundred and twenty-six thousand eight hundred dollars. Appreciate a favorable roll call.

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PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 1767 pass. Those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Yes, no voting No, no voting Present. Senate Bill 1767, having received the required constitutional majority, is declared passed. Senate Bill 1768, on 3rd Reading, is Senator Weaver. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1768.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. This is the OCE for the University of Illinois in the amount of seven hundred and eighty-four million two hundred and seventy-two thousand seven hundred dollars. Appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Seeing none, the question is, shall Senate Bill 1768 pass. Those in favor will vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Yes, no voting No, no voting Present. Senate Bill 1768, having received the required constitutional majority, is declared passed. Senate Bill 1769, on 3rd Reading. Senator Donahue. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

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Senate Bill 1769.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. This is the Board of Governors appropriations for the Board of Governors itself and its universities, for two hundred and forty million three hundred and forty thousand five hundred dollars. It's at its introduced level. I would ask for your support.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 1769 pass. Those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Yes, no voting No, no voting Present. The -- Senate Bill 1769, having received the required constitutional majority, is declared passed. Senate Bill 1770. Ralph Dunn. On 3rd Reading. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1770.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Ralph Dunn.

SENATOR R. DUNN:

Thank you, Mr. President. I move we pass 1770. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 1770 pass. Those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted

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who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Yes, no voting No, no voting Present. Senate Bill 1770, having received the required constitutional majority, is declared passed. Senate Bill 1771, on 3rd Reading. Senator Maitland. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1771.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. Senate Bill 1771 is the OCE for the Court of Claims. It is at -- currently at twelve million nine hundred seventeen thousand dollars. I would seek your support.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 1771 pass. Those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Yes, no voting No, no voting Present. Senate Bill 1771, having received the required constitutional majority, is declared passed. Senate Bill 1772, on 3rd Reading. Senator Maitland. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1772.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

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Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. Senate Bill 1772 is the Board of Regents annual appropriation. It now stands at two hundred and sixty-four million six hundred sixteen thousand dollars. I would seek your support.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 1772 pass. Those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Yes, no voting No, no voting Present. Senate Bill 1772, having received the required constitutional majority, is declared passed. Senate Bill -- Senator Severns, for what purpose do you rise? Your light's on.

SENATOR SEVERNS:

Thank you, Mr. President. I just wanted to state for the record that I might have a conflict of interest with this vote, but I'll vote my conscience at this late hour.

PRESIDING OFFICER: (SENATOR WATSON)

Very good, Senator. Senate Bill 1773. Senator Butler. On 3rd Reading. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1773.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Butler.

SENATOR BUTLER:

Thank you, Mr. President. Senate Bill 1773 is the ordinary and contingent expenses for the Office of Lieutenant Governor at the introductory amount of five million eight hundred and

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thirty-three thousand seven hundred dollars.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 1773 pass. All those in favor, vote Aye. All those opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Yes, no voting No, no voting Present. Senate Bill 1773, having received the required constitutional majority, is declared passed. Senate Bill 1777. Senator Maitland. 3rd Reading. Senator Maitland, for what purpose do you rise?

SENATOR MAITLAND:

Thank you, Mr. President, Members of the Senate. I would seek to recommit Senate Bill 1774 <sic> to Rules.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Maitland, your motion was to recommit 1774? Is that correct? Senator Maitland. Senator Maitland.

SENATOR MAITLAND:

Mr. President, Members of the Senate, I seek to recommit Senate Bills 1777, 1778, 1779, and 1780 to -- and 1781 to -- and (17)83 to the Rules Committee.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Maitland moves to recommit to committee Senate Bill 1777, Senate Bill 1778, Senate Bills 1779, 1780, 1781 and 1783. Those in favor, say Aye. Opposed, Nay. The Ayes have it. Motion carries. Senate Bill 1795. Senator Hall. Senator Hall.

SENATOR HALL:

Are we on? Yeah. Thank you, Mr. President. I want to get inquiry from the Chair. What are we going to do about these bills? I mentioned that earlier today, I mean. Are you going to put them into Rules, or are you going to recommend -- what are -- what are you doing, Mr. Chairman?

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PRESIDING OFFICER: (SENATOR WATSON)

Thank you, Senator Hall. Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. Senator Hall, we have recommitted our vehicle bills to Rules, and I think the discussion you and I had was that you would refer yours back to Rules as well for this -- for this evening.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hall.

SENATOR HALL:

You're exactly right, but you never did tell me that -- now you tell me, that's what you're doing, right? I agreed that I would do that. So we'll do likewise. Okay?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Hall, maybe we ought to know which bills you want to recommit. Are those all of them that are on the Calendar there from 1795, 1796, 1797, (17)98...

SENATOR HALL:

(17)98.

PRESIDING OFFICER: (SENATOR WATSON)

...01 -- 1801 and 1802.

SENATOR HALL:

That's correct.

PRESIDING OFFICER: (SENATOR WATSON)

Okay. Senator Hall moves to recommit Senate Bills 1795, 1796, 1797, 1798, 1801 and 1802 to committee. All those in favor, say Aye. Opposed, Nay. The Ayes have it. Motion carries. On Supplemental Calendar No. 1, there is Conference Committee Report Senate Bill 405. Senate Bill 405, sponsored by Senator Rea and Ralph Dunn. Senator Rea. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Second Conference Committee Report on Senate Bill 405.

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PRESIDING OFFICER: (SENATOR WATSON)

The Chair recognizes Senator Rea.

SENATOR REA:

Thank you, Mr. President. Conference Committee Report on Senate Bill 405, Second Report, is a report that is sponsored by Senator Ralph Dunn and myself. This allows solid waste landfills which the EPA has determined to be needed to receive related waste from a federally designated major disaster area declared by the President during the summer of 1993, that they may receive additional waste materials not to extend past October 9th, 1994. The initial extension for the landfills were scheduled for closure under Subtitle D but had remained open in order to take in waste due to last summer's flood by April 9th, 1994. However, the areas have not yet been totally cleaned of related debris, and an extension for these landfills is needed. And this extension would be limited to six landfills and would be limited to six months. And would ask for passage of Second Conference Committee Report on Senate Bill 405.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? Senator Ralph Dunn.
SENATOR R. DUNN:

Thank you, Mr. President. I certainly urge a favorable roll call on Second Conference Committee Report of Senate Bill -- 405.

PRESIDING OFFICER: (SENATOR WATSON)

Any further discussion? Seeing none, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 405. 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. On that question, there are 57 voting Yes, no voting No, 1 voting Present. Conference Committee Report -- the Senate does adopt the Conference Committee Report on Senate Bill 405, and the bill, having received the

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required constitutional majority, is declared passed. On page 15, we have Motions in Writing to Reconsider the Vote. Senate Bill 1456. Senator Cronin. Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Having voted on the prevailing side of Senate Bill 1456, I make a motion to reconsider that vote.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Seeing none, Senator Cronin -- having voted on the prevailing side, Senator Cronin moves to reconsider the vote by which Senate Bill 1456 failed. Those in favor, say Aye. Opposed, Nay. The motion carries, and the question is now before the Senate. We are waiting on some paperwork on Senate Bill 1456, so we'll have to return to that order of business. We'll now go to page 14, order of business is Secretary's Desk, Concurrence, Senate Bills. Senate Bill 1037. Mr. Secretary.

SECRETARY HARRY:

House Amendments 1, 11, 12, 13, 14, 15, 16, 17 and 18 to Senate Bill 1037.

PRESIDING OFFICER: (SENATOR WATSON)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I move that we concur with House Amendments 1, 11, 12, 13, 14, 15, 16, 17 and 18. Actually, Amendment No. 18 wipes out all the previous amendments, so the only one we're voting for is No. 18. It's a -- an amendment requested by the attorneys for the Illinois International Port District that provides that the district may borrow through short-term notes to construct and operate certain recreational facilities. They, as you probably know, won a -- a suit with the Metropolitan Water Reclamation District on some material that they had dumped on their properties. They cleaned it up, and they're

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in the process of building a golf course. The Metropolitan Water Reclamation District did award them ten million dollars in damages for what they had done. They're a little short on the money. This does not require any State money whatsoever. All it does is they're going to borrow some short-term notes from banks to complete the project.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Senator Demuzio.

SENATOR DEMUZIO:

...(microphone cutoff)...I understand it, 13, 14, 15 and 17 are fee increases, and then you wipe that out by -- by Amendment No. 18, and you reinstitute all of the -- from 1 through 17, or whatever it is, and you put in and you allow the Port District to start a golf course. Is that -- is that what we're doing here?

PRESIDING OFFICER: (SENATOR WATSON)

Was that a question, Senator? I guess Senator DeAngelis will yield. Senator DeAngelis.

SENATOR DeANGELIS:

Well, I don't where Senator Demuzio got that information, but the other stuff is -- the other stuff is all out. The only thing is the ability for the Port Authority to borrow short-term notes. The golf course is almost completed. There is no State money in it. They just want to complete it.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any other further discussion? Senator Shaw.

SENATOR SHAW:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor will yield, Senator Shaw.

SENATOR SHAW:

What -- you're allowing the Port District, you said, to borrow short-term loans. How...

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PRESIDING OFFICER: (SENATOR WATSON)

Senator DeAngelis.

SENATOR SHAW:

Wait.

PRESIDING OFFICER: (SENATOR WATSON)

Excuse me.

SENATOR SHAW:

How does the -- how does the golf course get involved in this?

PRESIDING OFFICER: (SENATOR WATSON)

Senator DeAngelis, for a second time.

SENATOR DeANGELIS:

The short-term notes are to complete the golf course, to complete the closure of the landfill that was created when the Metropolitan Water Reclamation dumped all their doo-doo on their property.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any further discussion? Seeing none... Here again, I mean... There you go. Thank you. Senator Shaw.

SENATOR SHAW:

Is -- is this the golf course that we're talking about at 103rd and Doty, just east of Doty there?

PRESIDING OFFICER: (SENATOR WATSON)

Senator DeAngelis.

SENATOR DeANGELIS:

If that's where -- I have never seen it, Senator Shaw. If that's where the Port District property is, that's the one. By the way, this is supported by almost everyone, including the Metropolitan Water Reclamation District that created the problem in the first place.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator O'Daniel.

SENATOR O'DANIEL:

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Yes. Thank you, Mr. President. I rise in support of this legislation. We had this in -- in Revenue, and, you know, the -- these landfills that have been kept, they are limited to what you can do with them and what you could build on them and all. And they make ideal golf courses. And all they're asking for is the authority to borrow a little money. And I don't think there's anything at all wrong with this. I think we ought to support it.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Seeing none, Senator DeAngelis, would you like to close? Senator DeAngelis.

SENATOR DeANGELIS:

Yeah. Let me just comment to Senator Demuzio. If you'll check your amendment, you'll see in the fifth line that it replaces everything after the enacting clause. So, I move for a favorable roll call.

PRESIDING OFFICER: (SENATOR WATSON)

This is final action, and the question is, shall the Senate concur in House Amendments 1, 11, 12, 13, 14, 15, 16, 17 and 18. Those in favor will vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 40 voting Yes, 7 voting No, 9 voting Present. The Senate does concur in House Amendments 1, 11, 12, 13, 14, 15, 16, 17 and 18 to Senate Bill 1037; having received the required constitutional majority, is declared passed. After having moved to reconsider the vote on Senate Bill 1456, this bill now is on 3rd Reading. Senator Barkhausen. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1456.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

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Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Mr. President and Members. Senate Bill 1456 we have, I guess, debated now on two occasions, and the hour is late. I don't need to belabor the point. This is really just, again, a legislative revisory bill that comes to us from LRB, pursuant to their charge to recommend to us legislation that brings our Statutes into compliance with Executive Orders that have already taken effect. This affects the State Police. I'd be glad to answer your questions, otherwise would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you. Thank you, Mr. President, Ladies and Gentlemen of the Senate. I don't know what has happened since yesterday to make this bill better, but it, in effect, is still just a shell game. We're playing with numbers to make it appear that while we are reducing the head count, we are, in effect, reducing the number of people on the streets. And I think that that has not changed since yesterday. I think it was a bad bill yesterday. It's a bad bill now. And -- and let me add one thing, if I might, because I just want to let some of those who might have some ideas of where we're going with the next three bills, don't look at where I voted before on the other bills, because bringing bills back this quick on Postponed Consideration after they were defeated the same night and brought again, I may vote just the opposite on all three of them just to screw things up.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Welch, to further screw things up.

SENATOR WELCH:

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: You haven't even heard my speech yet, Senator.

PRESIDING OFFICER: (SENATOR WATSON)

: I have an idea we know what's coming.

SENATOR WELCH:

: You're going on past history. Let me just say that a couple days ago, I had a few questions about this bill, as well, and that is: Is this going to take troopers off of the road? And Senator Barkhausen said he couldn't answer that question. And we still haven't had an answer to that question. What this is going to do is put some troopers in uniform, only part time. It's going to result in a reduction in the number of troopers on the road. You know, Senator Barkhausen has said that this is the product of the Legislative Reference Bureau. I used to be the lead sponsor of these bills, and I don't remember the Legislative Reference Bureau ever coming up with bills that codified an Executive Order that resulted in a -- a controversy such as this. The Legislative Reference Bureau is there to do what all the legislators agree on, not come out with bills that are Executive Orders and say we're codifying existing law. Those are Executive Orders. They should stay Executive Orders. Nobody's voted on them. So I think it's -- it's a misstatement to say that the Legislative Reference Bureau is just bringing this to our attention. I don't see it that way at all. Their purpose is to correct errors in the law that we have passed, to bring up revisory Acts, to compile laws that we pass and eliminate changes that are redundant, not to come up and change Executive Orders into Statutes and say that they're just routine votes. So I think we should vote against this. It's a vote to reduce the number of troopers on the road, and I think it's a mistake to do that.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Carroll.

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END OF TAPE

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SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I too, again, rise in opposition, and I think it is clear that this is a reduction in troopers on the road. Since Edgar has become Governor, there's already been a reduction of two hundred and thirty State troopers on Illinois' highways. This again would be a reduction by merger of the number of troopers on the State highways. And to those of you who have any interest, you are taking again from you the information of how many are actually assigned to road work. By merging these divisions, you no longer will be able to identify those who are supposed to be on road or police work, and those who are in these other functions of investigation. This is absolutely a horrible way to go, especially since he has not had any of the cadet classes, and they are, in fact, down two hundred and thirty State troopers.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Yeah. Thank you, Mr. President. Just to clarify a little further, or to confuse a little further - it depends on your perspective. The three-year revitalization process -- first of all, this is not a -- a reduction; this is reorganization. And the three -- three-year revitalization... I think somebody sprung a leak here, Mr. President. The three-year revitalization process was completed, reducing eighty-nine duplicative command positions, and there have been no facility closures, and no employee layoffs. Again, we stress this is not a reduction of law enforcement

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personnel; this is strictly a reorganization of the Department.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. I want to rise in support of what Senator Welch said. Let's be very clear, that ordinarily LRB bills are to codify language to make sure there are no duplications. This is a policy bill, and we have no business voting Yes on something that should have been considered as a legislative piece, if you want us to put it into law. We are now giving what amounts to a service -- operation the mechanism to make a policy judgment, and I think that is totally inappropriate.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Seeing none, Senator Barkhausen, to close.

SENATOR BARKHAUSEN:

Thank you, Mr. President. In -- in -- in closing, in particular to the last speaker and to the prior speaker that questioned whether this was in keeping with LRB's usual role, let me take the trouble to cite Chapter 15, of the Illinois Compiled Statutes, Section 10, labeled Revisory Bill. "The Legislative Reference Bureau shall prepare for introduction..." after a reorganization takes effect - which is what has occurred here with regard to the Department of State Police - "...revisory bill affecting such changes in the statutes as may be necessary to conform the statutes to the changes in law made by the reorganization." As I said yesterday in debate, if there was going to be an objection to what is happening within the Department of State Police, it should have come about in the normal course of business, pursuant to the State Constitution, within sixty days of the Governor having issued his Executive Order, or it should have happened in the appropriations process,

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and of course during the remainder of the Session, there is still an opportunity to make an impact on the appropriation for the Department of State Police. That's where the debate belongs, not on this revisory bill. I urge your support.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 1456 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 28 voting Yes, 30 voting No, no voting Present. Senate Bill 1456, having failed to receive the required constitutional majority, is declared failed. The intention of the Chair is to go to Consideration Postponed on page 14. Just to advise the Membership, this is the second time that we've voted on these bills. We would like to keep the debate limited; in fact, we would like to have the sponsor begin and one opponent speak, and we'll take a roll call. Senate Bill 1329. Senator Peterson, on 3rd Reading. Read the bill, Mr. Secretary. We don't seem to have the bills at this time that are on the Regular Calendar. So we will go to the Supplemental Calendar, which has been distributed. It's Supplemental Calendar No. 2, Consideration Postponed. Senate Bill 1207 will not be called. Senate Bill 1678. Senator O'Malley. We are on Supplemental Calendar No. 2, Consideration Postponed. Senate Bill 1678. Senator O'Malley. Read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1678.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

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Thank you, Mr. President and Members of the Senate. I appreciate your indulgence in -- in reconsidering Senate Bill 1678. I won't take up much of our time; I know it's been a long day. I think we know what this bill's about. I believe it's a reasonable limitation, and a management tool deserving of your support. I'd ask you to take a serious -- again, serious reconsideration for anybody who could not support it. I think this is something good for our school districts, and good for the State of Illinois. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Any discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in opposition to this bill. This is an example of a bill that is far in excess of what may, in fact, be needed. We did not hear any details outside of the fact that the administration in schools would rather be able to fire anybody at any time during the year, instead of just on April 1st. In -- in a response to a specific question, as to why special ed personnel could not be exempt, we didn't get an answer. They said, "Well, there's other people that are -- that would be covered." We have special ed kids that need a lot of personnel. We're getting fewer and fewer outplacements. This would allow an administration that's pressed by dollars to deny the services to special ed kids that they sorely need. This bill is no better now than it was a couple of hours ago. I urge a No -- a No vote.

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley, to close.

SENATOR O'MALLEY:

I -- I don't have any more words to add. I think we've all heard enough about this today, but I would -- I would request you again to seriously consider your votes and appreciate your

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support. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 1678 pass. Those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 25 voting Yes, 31 voting No, no voting Present. Senate Bill 1678, having failed to receive the required constitutional majority, is declared failed. On Supplemental Calendar No. 2, Consideration Postponed, we find Senate Bill 1716. Would you read the bill, Mr. Secretary?

SECRETARY HARRY:

Senate Bill 1716.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

I -- I think I'll reserve my remarks for closing, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

Very good. Is there any discussion? Senator Berman.

SENATOR BERMAN:

Leave for the last roll call? This is a charter school bill. There are two bills that have been introduced in the House; if they're going to move a charter school bill, let them do that one. We have debated this bill. I don't think that the minority party in this Body has received the fair consideration for some of our proposals that would have really allowed us to move this bill forward. That disturbs me, and it disturbs the Members of my caucus. And I think that what we ought to be able to do is to look at what these bills are doing to our children. And let me point out again - and I'm sorry to -- to repeat this - there is nothing

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in any charter school in the country to show any meaningful accomplishment regarding children. The -- the first one was in Minnesota. They didn't get started till last September, and there is no proof; it's all academic. Now if we're not going to require the people that want to take a charter and have them explain how, by waiving all of the rules and the regs, they're going to improve student achievement, why should we put our children to risk just because somebody wants to be called a charter school? It doesn't make sense. You're gambling children for at least three years, perhaps five years. Now let's sit down and -- and wait for the House to pass the bill, if it's going to do so. Let's not just gamble three to five years of our children's lives on this bill. I urge a No vote.

PRESIDING OFFICER: (SENATOR WATSON)

Under the understanding we had earlier, there's -- there's a couple lights on, but we were going to allow one speaker to oppose, and the sponsor of the bill to make a presentation. So -- thank you; the lights are now off. Senator O'Malley, to close.

SENATOR O'MALLEY:

Thank you, Mr. President. Thank you, Members of the Senate, for allowing me to talk to you again about this bill. I will attempt to be brief. Senator Berman, you and I talked briefly since this bill was last voted on. You know, and I know, that when this bill arrives in the House, it is going to be looked at very circumspect. I can't imagine any of us in this Chamber believing that this bill leaving here will come back identical to the condition it's in today. Many of the concerns that Senator Berman is referring to can be addressed, as part of that process. I'd only say to us: Let's take a chance. Let's do something different. Let's focus on what could be. Let's do something for our kids. That's what this bill is about. It's an opportunity to do it. I'd ask for your support. Thank you.

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PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 1716 pass. Those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 31 voting Yes, 21 voting No, 6 voting Present. Senate Bill 1716, having received the required constitutional majority, is declared passed. Senator Berman, for what purpose do you rise?

SENATOR BERMAN:

I'd ask for a verification of the affirmative vote, please.

PRESIDING OFFICER: (SENATOR WATSON)

That is in order, Senator Berman. Will all the Members please be in their seats. Senator Berman has requested a verification. Will the Secretary please read those voting in affirmative?

SECRETARY HARRY:

The following voted in the affirmative: Barkhausen, Burzynski, Butler, Cronin, Cullerton, DeAngelis, Dillard, Donahue, Dudycz, Ralph Dunn, Fawell, Fitzgerald, Geo-Karis, Hawkinson, Karpiel, Klemm, Lauzen, Madigan, Mahar, Maitland, O'Malley, Peterson, Petka, Raica, Rauschenberger, Sieben, Syverson, Topinka, Watson, Weaver and Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Berman, do you question the presence of any Member voting in the affirmative?

SENATOR BERMAN:

Senator Raica.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Raica is in his chair. Any other questions? On a verified roll call, the Ayes are 31, the Nays are 21, and 6 voting Present. Having received the required constitutional majority, Senate Bill 1716 is declared passed. Senator O'Malley, for what purpose do you rise?

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SENATOR O'MALLEY:

I move to reconsider the vote.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Geo-Karis moves that the motion be tabled. All those in favor, say Aye. Opposed -- opposed, Nay. The Ayes have it, and the motion is tabled. We will now go back to the regular Calendar on page 14, Consideration Postponed. Senate Bill 1329. Senator Peterson. Would you please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1329.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President. Senate Bill 1329 adds a ground for disciplinary action when land surveyors engage in washout arrangements. A washout refers to the practice of some surveyors, mostly large companies, of waiving fees for services when transactions fail to occur. This arrangement is profitable to large high-volume surveyors, and tends to restrict open market conditions. Washout arrangements are currently considered illegal under federal law, when federally backed mortgage loans are involved. I ask for an affirmative vote on Senate Bill 1329.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Seeing none, the question is, shall Senate Bill 1329 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 47 voting Yes, 7 voting No, 1 voting Present. Senate Bill 1329, having received the required constitutional majority, is declared passed. On Consideration

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Postponed is Senate Bill 1401, by Senator O'Malley. Please read the bill, Mr. Secretary.

SECRETARY HARRY:

Senate Bill 1401.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President, Members of the Senate. Senate Bill 1401 will allow the corporate authorities of a municipality - and only a municipality - to vote to abolish an existing 9-1-1 board, once the implementation of the 9-1-1 service is complete and has been approved by the Illinois Commerce Commission. The bill, as amended, affects only those 9-1-1 boards which are made up of a single municipality and where 9-1-1 service is only within the boundaries of that single municipality. I would like to make a -- I'd just like to read into the record a letter from Vince Cainkar. He is the attorney for the Village of Evergreen Park where the request for this legislation originated. In part, in a message from Vince Cainkar that says, quote, "It makes no sense to have an extra board exist just for the sake of approving monthly bills. Each municipality has an elected corporate authority which approves all of the other bills in the municipality, and there is no reason to have separate approval for 9-1-1 bills." I'd be happy to answer any questions you may have.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Now we have three lights on, so I guess we ought to -- now just -- no lights. Senator Cullerton, would you like to respond?

SENATOR CULLERTON:

I'll be happy to.

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PRESIDING OFFICER: (SENATOR WATSON)

Senator Cullerton.

SENATOR CULLERTON:

The -- bill is opposed by several groups including Ameritech, the Associated Fire Fighters, the American Association of Fire Protection Districts, Sprint/Centel, the Illinois Commerce Commission, the Illinois National Emergency Number Association. The Commerce Commission position paper says that this bill takes the ongoing operation of 9-1-1 systems throughout Illinois out of the hands of the people that know the most about public safety - police, fire and emergency service providers - and puts it in the hands of the local elected officials. For that reason, I think we should oppose the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley, to close.

SENATOR O'MALLEY:

Again, thank you, Mr. President and Members of the Senate. Thank you, Senator Cullerton, for sharing the opposition to this bill. Let me talk to you about the kind of people who should support this bill. I have served - I've just completed, this month - nine years serving on a fire protection district board. Fire protection districts probably have the least to say about emergency service through 9-1-1 service, because their calls represent a relatively small percentage of all the calls that go into dispatching. But I can tell you, based on my experience, that after the 9-1-1 board is established - and I've been very involved with dispatching for nine years - this is a very legitimate and appropriate request. The technical problems associated with 9-1-1 service are accomplished at the time we're saying a municipality that is responsible to pay the bills will be able to do so. And I think this is -- this is simple, straightforward legislation. It's -- it's appropriate legislation

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under the circumstances, especially at a time when we're trying to save money for local taxpayers. That's precisely what this bill does. It's efficient. It's good. I'd ask your support. Thank...(microphone cutoff)...

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall Senate Bill 1401 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 22 voting Yes, 31 voting No, 2 voting Present. Senate Bill 1401, having not received the required constitutional majority, is declared failed. Messages from the House, Mr. Secretary.

SECRETARY HARRY:

A Message from the House by Mr. Rossi, Clerk.

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

House Joint Resolution 142.

(Secretary reads HJR No. 142)

Adopted by the House, April 21st, 1994.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. I'd move for the dispensing of the rules for the immediate consideration and adoption of House Joint Resolution 142.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Weaver moves to suspend the rules for the purpose of the immediate consideration and adoption of House Joint Resolution 142. Those in favor will say Aye. Opposed, Nay. The Ayes have it. The rules are suspended. Senator Weaver has moved for the

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adoption of House Joint Resolution 142. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Messages from the House.

SECRETARY HARRY:

A Message -- a message -- a Message from the President.

Dated April 21st, 1994.

Dear Mr. Secretary - pursuant to Rule 2-10 of the Rules of the Illinois Senate of the 88th General Assembly, the Senate will not be in regular Session on Friday April 22nd, 1994.

Signed by President Philip.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

I -- I -- I was just wondering: Are we going to go to House Bills 1st Reading yet before we adjourn, or -- or do you know?

PRESIDING OFFICER: (SENATOR WATSON)

Well, be sure to get up here and pick up as many as you can, Senator. You want to sponsor as many as you want. Senator -- Resolutions, Mr. Secretary.

SECRETARY HARRY:

Senate Resolutions 1307 through 1317 <sic> (1318) are offered by Senator Hall.

And Senate Resolution 1318 <sic> (1319) is offered by Senator Severns.

They're all congratulatory, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

Consent Calendar. We will now proceed to the Order of Resolutions Consent Calendar. With leave of the Body, all those that have been read in today will be added to the Consent Calendar. Mr. Secretary, have there been any objections filed to any resolution on the Consent Calendar?

SECRETARY HARRY:

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No objections have been filed, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? If not, the question is, shall the resolutions on the Consent Calendar be adopted. All those in favor, say Aye. Opposed, Nay. The motion carries, and the resolutions are adopted. I think we should take this moment to congratulate each of us for completing our business before the deadline. I hope that you will have a nice weekend and week off. Is there any further business to come before the Senate? If not, pursuant to the adjournment resolution, Senator Weaver moves that the Senate stand adjourned until Tuesday, at 10 o'clock, April...(microphone cutoff)...okay. Tuesday, April 26th, it will be in a perfunctory Session. I wish my wife happy birthday, because April 26th is her birthday. The Senate will stand adjourned.

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