

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

50th Legislative Day

May 12, 1993

PRESIDENT PHILIP:

The hour of noon having arrived, the Senate will please come to order. Will our Members please rise, and our friends in the gallery please rise for the prayer by Reverend John Throop, St. Francis Episcopal Church, Chillicothe, Illinois. Reverend Throop.

THE REVEREND JOHN THROOP:

(Prayer by The Reverend Throop)

PRESIDENT PHILIP:

Reading of the Journals.

SECRETARY HARRY:

Senate Journal of Thursday, May 6th, 1993.

PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

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

PRESIDENT PHILIP:

Senator Butler moves to approve the Journal just read. There being no objections, so ordered. Senator Butler.

SENATOR BUTLER:

Mr. President, I move that reading and approval of the Journals of Friday, May 7th, and Tuesday, May 11th, in the year 1993, be postponed, pending arrival of the printed Journals.

PRESIDENT PHILIP:

Senator Butler moves to postpone the reading and the approval of the Journal, pending the arrival of the printed transcript. There being no objections, so ordered. We have two requests to tape the proceedings today, and it's Glenwood High School 23 and one of the students from the Scholastic Bowling <sic> Team. Is leave granted? Leave is granted. Senator Geo-Karis, for what purpose do you rise?

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SENATOR GEO-KARIS:

Mr. President, a point of personal privilege.

PRESIDENT PHILIP:

State your point.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I'm delighted to have in the President's Gallery a constituency of mine from the General Federation of Women's Clubs of Illinois. From the Waukegan Women's Club, we have Ludwina Homer, Laverne Brauch, B-R-A-U-C-H, and Ann Hughes. And from the Antioch Women's Club, we have Jean Droegkamp, D-R-O-E-G-K-A-M-P, and Mabel Lou Weber. And we have the vice president of the district where I belong, Evelyn Dill, from Zion, Illinois. In addition, we also have with us Emily Johnson and -- from -- who is a member of the school board of Zion-Benton Township High School, and others from our district. And I would like you all to welcome them here for us.

PRESIDENT PHILIP:

Would you please be -- rise and be recognized by the Senate? Senator Hasara, for what reason -- what purpose do you rise?

SENATOR HASARA:

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

PRESIDENT PHILIP:

State your point.

SENATOR HASARA:

Mr. President, in the gallery right above me are the members of Mr. Benning's eighth grade class at Trinity Lutheran School in Springfield, and I would like to welcome them to the Capitol.

PRESIDENT PHILIP:

Would the Lutheran School please rise and be recognized by the Senate? If I could have your attention for the minute, Senator

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Rea has a group of people from downstate, southern Illinois, who he'd like to introduce. So, Senator Rea.

SENATOR REA:

Thank you, Mr. President. I would ask the Clerk to read Senate Resolution 366, please.

SECRETARY HARRY:

Senate Resolution 366, offered by Senator Rea.

(Secretary reads SR No. 366)

SENATOR REA:

Thank you very much. We are very honored today to have with us a delegation from Herrin and the Herrin area, and this is a festival that they celebrate each year, and very proud of their heritage and also very proud of the work that they have done in terms of economic development and creation of jobs, and here today also to honor the Diagraph Corporation on their hundredth birthday. At this time, I would like to introduce the president of the Herrin Chamber of Commerce for some brief comments at -- this time, Jim Storch.

(Remarks by Mr. Jim Storch and Mayor Quaglia)

SENATOR REA:

Thank you, and again, congratulations and best wishes to the Herrin -- City of Herrin and the Chamber, community college and all -- and Diagraph Corporation, and all the others that have worked so much in unity to bring forth a better community. Senator DeAngelis, I recognize you. Did you have something you want to say? Thank you. Senator DeAngelis.

SENATOR DeANGELIS:

(Speaks Italian)

SENATOR REA:

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Thank you.

PRESIDENT PHILIP:

Senator Demuzio, for what purpose do you rise? Your light's on, anyway.

SENATOR DEMUZIO:

I just wanted to tell Senator DeAngelis...(speaks Italian).

PRESIDENT PHILIP:

Well, if you do, you'll wipe it up. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports that the following Legislative Measures have been assigned to committees: Be Approved for Consideration - Senate Amendment 2 to House Bill 1410 and Senate Amendment 3 to House Bill 1933.

To Committees: to the Committee on Commerce and Industry - Senate Amendment 1 to House Bill 641 and Senate Amendments 1 and 2 to House Bill 797; to the Committee on Education - Senate Amendment 1 to House Bill 392, Senate Amendment 2 to House Bill 468, Senate Amendment 2 to House Bill 1218 and Senate Amendment 2 to House Bill 2062; re-referred from the Judiciary Committee to Rules, then to Education - Senate Amendment No. 2 to House Bill 508; referred to the Committee on Environment and Energy - Senate Amendment 1 to House Bill 184, Senate Amendment 2 to House Bill 1316 and Senate Amendments 2 and 3 to House Bill 1341; to the Executive Committee - Senate Amendment 1 to House Bill 1313; re-referred from Revenue Committee to Rules, then to Executive - Senate Amendment 1 to House Bill 1739; to Insurance, Pensions and Licensed Activities - Senate Amendment 2 to House Bill 1933; to the Committee on Judiciary - Senate Amendment 1 to House Bill 898, Senate Amendment 1 to House Bill 935, Senate Amendment 1 to House Bill 936, Senate Amendments 1 and 2 to House Bill 1256 and Senate Amendment 2 to House Bill 2163; to Local Government and Elections - Senate Amendments 3 and 4 to House Bill 975 <sic> (979); to the

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Committee on Public Health and Welfare - Senate Amendment 1 to House Bill 564, Senate Amendment 1 to House Bill 1009, Senate Amendment 1 to House Bill 1147, Senate Amendment 1 to House Bill 1155 and Senate Amendments 1 and 2 to House Bill 1489; to the Revenue Committee - Senate Amendments 3, 4 and 5 to House Bill 317, Senate Amendment 1 to House Bill 904, Senate Amendment 1 to House Bill 930, Senate Amendment 1 to House Bill 1125 and Senate Amendment 1 to House Bill 1729; to the Committee on State Government Operations and Executive Appointments - Senate Amendment 1 to House Bill 1320 and Senate Amendment 1 to House Bill 1457; and to the Transportation Committee - Senate Amendment 1 to House Bill 115.

Senator Maitland, Chair of the Committee on Appropriations, reports House Bills 5, 12, 26, 848, 1326, 1525, 1551 and 2203 Do Pass; and House Bills 917, 1243, 1244, 1245, 1246, 1247, 1693, 1721 and 1885 Do Pass, as Amended.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Palmer, for what purpose do you rise?

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR DONAHUE)

State your point.

SENATOR PALMER:

I'd like to welcome guests in the gallery behind the President's Chair, from Cities and Schools. We have with us today Denise Hayworth, who is the director of the Aurora Cities and Schools; Sheila Radford-Hill, the executive director of Chicago Cities and Schools; and Wally Scott, who is a board member and from Northwestern University Kellogg School. Cities and Schools is a public-private partnership to help at-risk students stay in school. And I want to draw your attention to a paper we just put on your desks inviting you to the reception this evening that is

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cosponsored by Senator Doris Karpel and me. Would you welcome them to Springfield, please?

PRESIDING OFFICER: (SENATOR DONAHUE)

Please rise and be recognized. Senator Hasara, for what purpose do you rise?

SENATOR HASARA:

Thank you, Madam President. I have two very special introductions, if I might make those.

PRESIDING OFFICER: (SENATOR DONAHUE)

State your point, please.

SENATOR HASARA:

First of all, in the gallery, over in this corner, is a very important group of very intelligent students, and they are the Chatham Glenwood Junior High Scholastic Bowl Team that recently won the State championship in the junior high school category. And they're visiting today, and we'd like to stand and see them recognized with their coach, Mrs. O'Brien. We're very, very proud of all of you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please rise and be recognized. Senator Hasara.

SENATOR HASARA:

Secondly, Madam President, it is a real honor for me, with you in the Chair, Senator Donahue, to introduce a group of Republican women from your district, from Brown County, and I would like to have them stand and be recognized. Welcome to Springfield.

PRESIDING OFFICER: (SENATOR DONAHUE)

...(microphone cutoff)...rise and be recognized. Welcome. Senator Raica, for what purpose do you rise?

SENATOR RAICA:

Thank you, Madam President. For the purpose of committee announcement, if I may.

PRESIDING OFFICER: (SENATOR DONAHUE)

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State your -- state your announcement.

SENATOR RAICA:

Thank you. This afternoon there will be no Local Government meeting at 1 o'clock because of the tremendous outcry that we have. So there'll be no meeting today at 1 o'clock.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fawell, for what purpose do you rise?

SENATOR FAWELL:

Thank you very much, Madam President. For a similar announcement. There will be no meeting of the Transportation Committee. We will meet on Friday to handle the couple of amendments that we have.

PRESIDING OFFICER: (SENATOR DONAHUE)

Resolutions.

SECRETARY HARRY:

Senate Resolution 408, offered by Senators Syverson, Burzynski and Sieben.

It's substantive.

Senate Resolution 409 and 410, offered by Senator Demuzio.

Senate Resolution 411, by Senators Sieben and Hawkinson.

Senate Resolution 412, 413 and 414, all by Senator Topinka, as is Senate Joint Resolution 63.

They're all congratulatory, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Consent Calendar. We have another special guest that we're going to have introduced to the Senate today from Senator Walter Dudycz's district. Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Madam President. It is my honor today to introduce a teacher who has been recognized by her peers for excellence in education. Judy Sloan of Morton Grove was named the 1992-1993 Illinois Teacher of the Year during the State Board of Education's

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Annual "Those Who Excel" Banquet last October. Judy teaches at Niles West High School in Skokie, and her goal is to reach and teach each student, to help them build solid foundations of self-esteem, discover their goals and dreams and to make them realize the real value of education for everybody. She knows the importance of the subject matter, but to her, the student is absolutely essential. Let me read to you, briefly, her thoughts on the education process, which I think explain why she is being honored here today: "It is just as important to find out how many good, contributing, responsible citizens our schools produce as to discover the number of outstanding scholars in them. The real value of education to all children must be emphasized and measured not by how many doctors or lawyers we produce or by how many students get into the Ivy League, but by how many decent, thoughtful, responsible, contributing citizens results from our best efforts." Ladies and Gentlemen of the Senate, please join me in welcoming Judy Sloan.

(Remarks by Ms. Judy Sloan)

SENATOR DUDYCZ:

Once again, thank you, Illinois Teacher of the Year Judy Sloan, and thank you, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

All right. We're going to go to the middle of page 27 to House Bills 2nd Reading. We'll go right down the list and move through the Calendar as quickly as we can. We'll be working till approximately 12 -- or 1 o'clock. Senator Butler, for what purpose do you rise?

SENATOR BUTLER:

Thank you. There will be a meeting of the Commerce and



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Industry Committee at 3 o'clock in Room 400.

PRESIDING OFFICER: (SENATOR DONAHUE)

House Bills 2nd Reading. House Bill 69? Senator Hawkinson?  
Out of the record. House Bill 203? Senator Weaver? Out of the  
record. House Bill 258? Senator Fawell? Read the bill, Mr.  
Secretary.

SECRETARY HARRY:

House Bill 258.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Oh. Senator Fawell.

SENATOR FAWELL:

I'm sorry. It was the wrong bill. Would you take that out of  
the record?

PRESIDING OFFICER: (SENATOR DONAHUE)

Out of the record. Okay. Out of the record. House Bill 399?  
Senator Barkhausen? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 399.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senate <sic> (House) Bill 443? Senator Fawell?  
Senator Fawell? ...(microphone cutoff)...of the record. Senate  
<sic> (House) Bill 469? Senator Molaro? Read the bill, Mr.  
Secretary.

SECRETARY HARRY:

House Bill 469.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR DONAHUE)

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3rd Reading. Senate <sic> (House) Bill 508. Senator Sieben? Senator Sieben? Out of the record. Senate <sic> (House) Bill 532? Senator Watson? Okay. Out of the record. Senate <sic> (House) Bill 543? Senator LaPaille? Senator LaPaille? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 543.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator LaPaille or -- no. Have there been any Floor amendments?

SECRETARY HARRY:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senate <sic> (House) Bill 641? Senator Hendon? Senate <sic> (House) Bill 641. Senator Hendon. Out of the record. Senate <sic> (House) Bill 701? Senator Woodyard? Out of the record. Senate <sic> (House) Bill 767? Senator Barkhausen. Out of the record. Senate Bill -- Out of the record. Senate <sic> (House) Bill 797? Senator Farley? Senator Farley? Out of the record. Senate <sic> (House) Bill 898? Senator Maitland? Senator Maitland? Out of the record. Senate <sic> (House) Bill 1009? Senator Ralph Dunn? Senator Ralph Dunn? Out of the record. Senate Bill -- oh, I'm sorry. I have been... House Bill 1029? Senator LaPaille? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1029.

(Secretary reads title of bill)

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

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PRESIDING OFFICER: (SENATOR DONAHUE)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. House Bill 1109? Senator LaPaille? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1109.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. House Bill 1194? Senator Klemm? Out of the record. Senate <sic> (House) Bill 1203? Senator Cullerton? Senator Cullerton? Out of the record. Senate <sic> (House) Bill 1235? Senator Hawkinson? Out of the record. House Bill 1290? Senator Dunn? Ralph Dunn? Out of the record. House Bill 1300? Senator McCracken? Out of the record. House Bill 1302? Out of the record. 1313. House Bill 1313? Senator McCracken? Out of the record. House Bill 1319? Senator Cullerton? Out of the record. House Bill 1427? Senator Peterson? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1427.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. House Bill 1643? Senator Dudycz? Senator Dudycz. Out of the record. House Bill 1695? Senator Molaro? Read the bill, Mr. Secretary.

SECRETARY HARRY:

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House Bill 1695.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. House Bill 1718? Senator Geo-Karis? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1718.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DONAHUE)

Have there been any Floor amendments approved for consideration?

SECRETARY HARRY:

No amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR GEO-KARIS:

There is a Floor amendment that was filed, but it hasn't been heard yet. So, pass the bill, please. Just take it out of the record.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. House Bill 1733? Senator LaPaille? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1733.

(Secretary reads title of bill)

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

PRESIDING OFFICER: (SENATOR DONAHUE)

Have there been any Floor amendments approved for consideration?

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SECRETARY HARRY:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. House Bill 1854? Senator Madigan? Out of the record. House Bill 1900? Senator Raica? Senator Raica? Out of the record. House Bill 1905? Senator Molaro? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1905.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. House Bill 1941? Senator Raica. Out of the record. House -- House Bill 2062? Senator Raica? Out of the record. House Bill 2132? Senator Ralph Dunn. House Bill 2132? Senator Ralph Dunn? Out of the record. House Bill 2152. Senator Farley. Senator Farley. Out of the record. House Bill 2163. Senator Berman? Out of the record. House Bill 2242. Senator Topinka. Senator Topinka? 2242? Out of the record. House Bill 2262. Senator McCracken. Out of the record. House Bill 2272. -- out of the record. House Bill 2280? Senator Raica? Out of the record. House Bill 2307. Senator Madigan. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2307.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. House Bill 2375. Senator Raica. House Bill 2375? Out of the record. House Bill 2397. Senator Geo-Karis. Read the bill, Mr. Secretary.

SECRETARY HARRY:

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House Bill 2397.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senate -- House Bill 2408? Senator Barkhausen?  
Out of the record. ...(microphone cutoff)...Barkhausen, for what  
purpose do you rise?

SENATOR BARKHAUSEN:

Thank you, Madam President. I wish to announce that the  
Senate Financial Institutions Committee will not be meeting today.

PRESIDING OFFICER: (SENATOR DONAHUE)

Resolutions.

SECRETARY HARRY:

Senate Resolution 415, offered by Senators Fawell, Philip and  
others.

And Senate Resolution 416, offered by Senator Berman.  
They're both congratulatory, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Consent Calendar.

SECRETARY HARRY:

Senate Joint Resolution 64, offered by Senators Weaver,  
Woodyard and others.

It's substantive.

PRESIDING OFFICER: (SENATOR DONAHUE)

...(microphone cutoff)...Welch, for what purpose do you rise?

SENATOR WELCH:

Purpose of -- purpose of an announcement.

PRESIDING OFFICER: (SENATOR DONAHUE)

State your announcement.

SENATOR WELCH:

Tomorrow morning is the Legislative Prayer Breakfast at the  
Holiday Inn East, and I just wanted to remind all freshmen that

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they're required to attend.

PRESIDING OFFICER: (SENATOR DONAHUE)

All right. For the purposes of an announcement, please. We are going to recess... We're going to recess until the hour of 3:30 for the purposes of committee meetings, which have been announced - those that are meeting and those that aren't. We will return to the Senate Floor at 3:30 for -- for advice <sic> (advise) and consent. Senate stands in recess.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDENT PHILIP:

The hour of 3:30 having arrived, the Senate will please come to order. Let me make an announcement. It's the intent of the Chair to do some paper work today, to go through the Calendar, probably get to 3rd Readings, and probably work till, oh, 5 or 5:30. So without further ado, Messages from the House.

SECRETARY HARRY:

Message from the House, by Mr. Rossi, Clerk.

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

Senate Bill No. 7, together with the following amendment, which is attached, in the adoption of which I am asked to -- instructed to ask the concurrence of the Senate, to wit:

House Amendment 1 to Senate Bill 7.

We have like Messages on Senate Bill 347, with House Amendment 1; Senate Bill 405, with House Amendment 1; Senate Bill 439, with

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House Amendments 1 and 2; House <sic> (Senate) Bill 478, with House Amendment 1; Senate Bill 479, with House Amendment 1; Senate Bill 486, with House Amendments 1 and 2; Senate Bill 538, with House Amendment 1; Senate Bill 616, with House Amendment 1; Senate Bill 1096, with House Amendment 1.

All passed the House, as amended, May 12th, 1993.

PRESIDENT PHILIP:

Resolutions.

SECRETARY HARRY:

Senate Resolution 417 is offered by Senator Hall.

It's congratulatory, Mr. President.

PRESIDENT PHILIP:

Consent Calendar. Senator Hall, for what purpose do you rise?

SENATOR HALL:

Inquiry, Mr. President. Since we're going to be here no longer than 4:30, I mean, should you ring the bill awhile and so we can try to get everybody here?

PRESIDENT PHILIP:

I'd be more than happy to do that, Senator Hall.

SENATOR HALL:

All right.

PRESIDENT PHILIP:

I wish they were all as prompt as you are.

SENATOR HALL:

Yes, sir.

PRESIDENT PHILIP:

If I could have your attention for a short time - we're going to go to advise and consent and confirm the Governor's appointments, and then we will go to 3rd Reading. As you're probably aware, our staff have been working on a -- on a Agreed Bill List that hopefully will be ready tomorrow. So if -- when I go on 3rd Readings and skip over some bills, those bills probably



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will be on the Agreed Bill List, so please don't get excited. Could I have the attention of the Membership? We will now go to Executive Session for the purpose of advise and consent. Mr. Secretary, the Committee Reports.

SECRETARY HARRY:

Senator Ralph Dunn, Chair of the Committee on State Government Operations and Executive Appointments, to which was referred the Governor's Message of January 13, 1993, reports the same back with the recommendation that the Senate advise and consent to the following appointment.

PRESIDENT PHILIP:

Senator Dunn.

SENATOR R. DUNN:

Thank you, Mr. President. I'd like to read the -- some of the salaried appointments, and I move the Senate resolve itself in Executive Session for purpose of acting on the Governor's appointments set forth in his Messages of January 13th, 1993; April 27th, 1993; and May the 4th, 1993. Mr. President, with respect to the Governor's Message of January 13th, 1993, I'll read the salaried appointment to which the Senate Committee on State Government Operations and Executive Appointments became -- recommends the Senate to advise and consent:

To be the Assistant Director of the Department of Central Management Services for a term ending January 16th <sic> (18th), 1995, Rose Jennings of Chicago.

Mr. President...

PRESIDENT PHILIP:

Any -- any discussion?

SENATOR R. DUNN:

Having read the salaried appointments, why -- of the Assistant Director, I would move that you put the question -- on a roll call.

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PRESIDENT PHILIP:

Any discussion? If -- if not, the question is, does the Senate advise and consent to the nominations just made. Those in favor, signify by saying Aye. Those opposed -- excuse me. Those -- those in favor, vote Aye. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, ...(microphone cutoff)...voting Present are none. A majority of Senators elected concurring by a record vote, the Senate does advise and consent to the nomination just made. Mr. Secretary.

SECRETARY HARRY:

Senator Dunn, Chairperson of the Committee on Government Operations and Executive Appointments, to which was referred the Governor's Message of April 27, 1993, reported the same back with the recommendation that the Senate advise and consent to the following appointments.

PRESIDENT PHILIP:

Senator Dunn.

SENATOR R. DUNN:

Mr. President, with respect to the Governor's Message of April 27th, 1993, I'll read the salaried appointments to which the Senate Committee on State Government Operations and Executive Appointments...that the Senate do advise and consent:

State Board of Election - to be members of the State Board of Elections for terms ending June 30th, 1997, Judith Jones of Chicago; Langdon Neal of Chicago; David Murray of Sterling; Wanda Rednour of DuQuoin.

Having read the salaried appointments, I now seek leave to consider these appointments on one roll call, unless some Senator has an objection to these appointments. Mr. President, will you put the question as required by our rules?

PRESIDENT PHILIP:

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Any discussion? If not, the question is, does the Senate advise and consent to the nominations just made. All those in favor will signify by voting Aye. Those opposed, No. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 55 Ayes, no Nays, no voting Present. A majority of the Senators elected concurred by record vote, the Senate does advise and consent to the nomination just made. Senator Dunn.

SENATOR R. DUNN:

Thank you, Mr. President. With respect to the Governor's Message of April 27th, 1993, I'll read the salaried appointments to which the Senate Committee on State Government Operations and Executive Appointments...that the Senate do advise and consent.

Illinois Human Rights Commission, Rudolph Shultz of Springfield.

The Illinois State Labor Relations Board - to be Chairman of the State Labor Relation Board for a term ending January 23rd, 1995, Manny Hoffman of Hazel Crest.

To be a member of the Pollution Control Board for a term ending July the 1st, 1995, Bill Forcade of Chicago.

To be the Chairman of the Pollution Control Board for a term ending July the 1st, 1995, Claire Manning of Williamsville.

To be members of the State Mining Board for terms ending January 16th, 1995, Thomas Austin of Herrin; John Mills of Edinburg; Richard Mottershaw of Carlinville; Robert Weatherford of Pinckneyville; Perry Whitley of Crossville; J. Scott Williams of West Frankfort.

To be members of the Illinois State Toll Highway Authority for a term ending May the 1st, 1997, Thomas Fitzgibbons <sic> (Fitzgibbon) of Des Plaines.

Mr. President, having read the salaried appointments, I now seek leave to consider the appointments on one roll call, unless

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some Senator has an objection to these appointments. Mr. President, will you put the question as required by our rules?

PRESIDENT PHILIP:

Any discussion? If not, the question is, does the Senate advise and consent to the nominations just made. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 56 Ayes, no Nays, no voting Present. The majority of Senators elected concurring by the record vote, the Senate does advise and consent to the nominations just made. Senator Dunn.

SENATOR R. DUNN:

Yeah. Thank you, Mr. President. With respect to the Governor's Message of April 27th, 1993, I'll read the unsalaried appointments to which the Senate Committee on State Government Operations and Executive Appointments recommend that the Senate do advise and consent:

To be members <sic> (a member) of the Advisory Board to the Department of Conservation for a term ending January 16th, 1995, Don Swensson of Moline.

To be a member of the Advisory Board of the Department of Conservation for a term ending January 20th, 1997, Benjamin Shepherd of Makanda.

To be members of the Advisory Board for the Department of Conservation for terms ending January the 18th, 1999, Rodney Brenner of Golconda; Mike Kepple of Peoria; Brenda Kay Underwood of Decatur.

To be members of the Economic Development Board for terms ending November 1st, 1994, William Hogan of Arlington Heights; John White of Elburn.

The Illinois Housing Development Authority - to be a member of the Illinois Housing Development Authority for a term ending January

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9th, 1995, John Viera of Des Plaines.

To be members of the Illinois Housing Development Authority for a term ending January 13th, 1997, Napoleon Tarnaris of Long Grove; A.D. Van Meter of Springfield.

To be members of the Surface Mining Advisory Council for a term ending August the 10th, 1994, Rollie Moore of Oneida.

To be members of the Surface Mining Advisory Council for terms ending August the 10th, 1995, Robert Dunker of Sidney; Parthenia French of Mt. Carmel; Jack Nawrot of Murphysboro; Gary Raines of Murphysboro; Kenny Stellhorn of Red Bud.

To be members of the Illinois Sports Facility Authority for a term ending June the 30th, 1994, Joe <sic> (Joel) Herter of Elmhurst.

Mr. President, having read the unsalaried appointments, I now seek leave to consider the appointments on one roll call. Mr. President, will you put the question as required by our rules?

PRESIDENT PHILIP:

Any discussion? If not, the question is, does the State -- Senate advise and consent to the nominations just made. Those in favor will signify by voting Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 57 Ayes, no Nays, no voting Present. A majority of the Senators elected concurring by the record vote, the Senate does advise and consent to the nominations just made. Mr. Secretary.

SECRETARY HARRY:

Senator Dunn, Chair of the Committee on State Government Operations and Executive Appointments, to which was referred the Governor's Message of May 4th, 1993, reported back the same with the recommendation that the Senate advise and consent to the following appointments.

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Senator Dunn.

SENATOR R. DUNN:

Thank you, Mr. President. With respect to the Governor's Message of May the 4th, 1993, I will read the salaried appointments to which the Senate Committee on State Government Operations and Executive Appointments...that the Senate do advise and consent:

To be the Commissioner of Banks and Trusts for a term ending February 1st, 1997, Richard Luft of Tazewell County.

To be the First Deputy Commissioner of Banks and Trust Companies for a term ending February 1st, 1997, Scott Miller of Rochester.

To be the Deputy Commissioner for Banks and Trusts for a term ending February the 1st, 1997, Joanne Mitchell of Chicago.

Mr. President, having read the salaried appointments, I now seek leave to consider the appointments on one roll call, unless some Senator has an objection to these appointments. Mr. President, will you put the question as required by our rules?

PRESIDENT PHILIP:

Senator Dunn, for what purpose -- Senator Ralph -- Tom Dunn, for what purpose do you rise?

SENATOR T. DUNN:

Point of personal privilege, Mr. President.

PRESIDENT PHILIP:

State your point.

SENATOR T. DUNN:

Thank you, Mr. President. The Senate today loses what I think has been a fine Senator for a number of years in our Body. His district is losing an individual who has always voted their wishes. It's been almost a practice in his district that he ran unopposed, or with very little opposition. And I think that when he was in the Majority, it could not be said of him that he was

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unfair to anyone, or that he was unreasonable or, even better yet, that he had no time for anyone. Richard Luft really has been a self-made man who got there because of his principles, and those are the principles that, if we're lucky, we inherit from our parents - those good, basic principles. While the executive branch is gaining a good person - they'll be richer - the -- our branch will be losing someone that I think has made a fine contribution in his many years of service to his State and to his district. He leaves with our bipartisan support and affection. And my only comment to that would be: Who -- who would want more, when they left this Body, to be respected as he has been over a long period of time? I wish him good luck.

PRESIDENT PHILIP:

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

SENATOR GEO-KARIS:

Mr. President, a point of personal privilege.

PRESIDENT PHILIP:

State your point.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I was privileged to serve with Dick Luft in the House, and he was always a very fair-minded, pleasant individual, and very capable and very talented. And I've also had the pleasure of serving with him here in the Senate, and I was privileged to make his nomination before the Executive Committee -- rather, the State Governments and the Executive Appointments Committee. Dick Luft has been -- is a very pleasant, very talented, very capable Gentleman, and we will miss him in the Senate, but we wish him well. And I know he'll do an excellent job, because if he doesn't, he'll hear it from all of us. Good luck, Dick.

PRESIDENT PHILIP:

Senator O'Daniel, for what purpose do you rise?

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SENATOR O'DANIEL:

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

PRESIDENT PHILIP:

State your point.

SENATOR O'DANIEL:

Senator Luft and myself are classmates. We went into -- we both got into government the same year. We served in the House. We were both elected in 1975. In fact, I sat next to Senator Geo-Karis, and we had, I think, 93 votes to elect the Speaker of the House, and she sang to us every day. But anyway, I wish -- wish Dick well. I think he's been -- an exceptional State Representative and a State Senator. And, you know -- and I think that life is all about taking advantage of a opportunity when it presents itself. And I -- I think he'll do an exceptional job in -- in this new endeavor, and I wish him -- wish him well. Thank you very much.

PRESIDENT PHILIP:

Senator Hawkinson, for what purpose do you rise?

SENATOR HAWKINSON:

Thank you, Mr. President. Point of personal privilege.

PRESIDENT PHILIP:

State your point.

SENATOR HAWKINSON:

I've been privileged, the past six years, to share the City and County of Peoria in representation with Senator Luft. I want to thank him for the help he gave me when I first came on board, in terms of learning how to best represent that area. But I've watched Dick Luft represent his district, and particularly the City and County of Peoria, and he's shown strong leadership. When our area has needed projects, he's been the driving force behind many of them, and he has served his constituents well. And I want to thank him and wish him well in his new endeavor.



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PRESIDENT PHILIP:

Senator Hall, for what purpose do you rise?

SENATOR HALL:

Point of personal privilege, Mr. President.

PRESIDENT PHILIP:

State -- state your point.

SENATOR HALL:

When I look up at you in that President's Chair, and to think that you and I came together here well over twenty-five years ago. And the night that I first looked at you, and here you are well over six feet, with your hair so black and all this kind of thing. And I look at you today... But -- but I want to say, it's been a great time, and I want to say that when you think, as we're dean of the Senate here -- around here today and all of this, and I want to wish Luft well, because Luft has never forgotten that destiny makes us sisters and brothers. And none of us go our way alone. What we add to the lives of others always comes back into -- home. I wish you well, Luft.

PRESIDENT PHILIP:

Senator Jacobs, for what purpose do you rise?

SENATOR JACOBS:

Point of personal privilege, Mr. President.

PRESIDENT PHILIP:

State -- state your point.

SENATOR JACOBS:

Well, I was prepared to vote for Senator Luft's appointment, but after hearing of a different Senator Luft here in all the eulogies, I don't know whether I should vote for him to keep him -- to let him go or to keep him around. Let me just state -- I would just like to add, too. Whenever I first come down to Springfield, I was told to follow Dick Luft, and you vote with Dick - with my district, I won't be too -- too far off. Well, we

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lost the first three bills, and I learned right off the bat that that's not the way to do it. And since that time, I -- I have learned to -- to understand why, because with Dick sometimes, you know, he -- he's like the wind. He's willowy and he floats through the wind, and he's done a very good job. But I also want to add to the accolades that Dick is -- is deserving of: Dick has been, to me, a good friend, and I think that that says more than anything else. I think to be a friend is foremost; to be a Senator is second. And we'll miss a good friend.

PRESIDENT PHILIP:

Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

On a point of personal privilege, Mr. President.

PRESIDENT PHILIP:

State your point.

SENATOR DEMUZIO:

Thank you very much. I, too, rise to offer my congratulations and best wishes to Richard Luft. His two children, who are with us today, who are about to see this historic occasion of the confirmation process of the Illinois Senate work. To Scott and to Darcey, this is indeed a great moment for your father, and we all join with him and with you in this glorious and happy day that he embarks on a new career. A career that, even for as old as he is, is a -- is one that I know that he will enjoy and one that he will serve the interests of the people of Illinois. And we will have our opportunity to continue to see him as he comes over to the appropriations process and asks, and begs, and whatever else is necessary, for his appropriation for his department. So, I too rise to offer my congratulations and best wishes. It's a historic day indeed for the Luft family, and I know that they're very, very proud of their father today. Thank you, Mr. President.

PRESIDENT PHILIP:

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Senator LaPaille, for what purpose you rise?

SENATOR LaPAILLE:

On a point of personal privilege, Mr. President.

PRESIDENT PHILIP:

State your point.

SENATOR LaPAILLE:

March 14th is an important day for several of us here. Dick Luft, myself and Albert Einstein - it's our birthday. I -- and I think you'll concur that the first two names are no Einsteins at all, but we do share that same birthday. And Dick Luft has often told people that Gary LaPaille and he were born just two hours apart. Two hours and sixteen years apart. And I think we'll all concur that Dick Luft is a student and one of the best examples of the "Ronald Reagan Forever Young Formula". And, Dick, I know you'll bring that youth and enthusiasm into the Commissioner of Banks Office. But, very seriously, the Democratic Party will also be missing a great Democrat. Dick serves on the State Democratic Central Committee and has served us very well the last several years, and many years, in that capacity. On behalf of the Senate, as well as the State Democratic Party, we wish you well, and we will miss you, Dick.

PRESIDENT PHILIP:

Senator Jones, for what purpose do you rise?

SENATOR JONES:

Thank you, Mr. President. A point of personal privilege.

PRESIDENT PHILIP:

State your point.

SENATOR JONES:

Yeah. Thank you, Mr. President. You know, I was prepared to vote for the nomination before I heard all these remarks. I -- I have known Dick for a number of years, and I looked over there at him to see whether or not we were still talking about the same

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person. You know, Dick and I served in the House for a number of years, and I recall he -- he made a statement on the House Floor that we shall all hang together. Well, they hung together in his district, and the Members lost, but he came back as a Senator. But one of the things you -- you learn in this Body is you learn to work with people from all walks of life, all different parts of this State. And I met Dick when I first came to Springfield, so we've become very, very good friends. He is a statesman. But I do rise to ask that the -- that we divide the question, because I want to see how he votes on this nomination. And -- and I advise the Members to vote as the nominee votes. And if he say he's not voting, then, I mean, you know, he may be sending us a good signal. But I do wish him well. I've already taken my money out of the banks, so therefore... But we do wish him well in his new endeavor, and I -- I commend you, Mr. President, for rising up to be his sponsor.

PRESIDENT PHILIP:

It takes courage. WCIA-TV Channel 3 has asked permission to film. Is -- is leave granted? Leave is granted. Senator Welch, for what purpose do you rise?

SENATOR WELCH:

A point of personal privilege.

PRESIDENT PHILIP:

State your point.

SENATOR WELCH:

Mr. President, Dick Luft -- I first met Dick Luft nineteen years ago when I moved to LaSalle County and Dick was my State Representative. And back then, Dick was a person who was well-known to be out amongst the constituents, learning what they wanted him to do and going to Springfield and doing it. Over the past few years - I've served with Dick for ten years here in the Senate - he's often been known as a very funny man, and that

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sometimes hides the fact that he's been an outstanding legislator. In the past few years, as you recall, the expansion of McCormick Place, the income tax surcharge - these are bills that Dick carried. When it came down to the crunch time at the end of the Session, Leadership and individuals and lobbying groups would look to Dick Luft to handle very difficult bills. Dick's service as the Chairman of the Revenue Committee and head of the Economic and Fiscal Commission was a high point of his term here in the -- in the State Senate. He was well-respected for his knowledge of those subjects, and -- and that's what led him to get this appointment as Commissioner of -- for -- for the banks. I think that we sometimes overlook that, because he is somebody that is always quick with a joke and easy to laugh with, but he has been an outstanding legislator. You know, I remember the -- the words of Will Rogers when he said, "I never met a man I didn't like." Well, Dick -- that reminds me of Dick Luft, because I've never met anybody who didn't like Dick Luft, and I wish him well in his new job.

PRESIDENT PHILIP:

Senator Cullerton, for what purpose do you rise?

SENATOR CULLERTON:

Point of personal privilege.

PRESIDENT PHILIP:

State your point.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. When I first came to the Senate a couple of years ago, I had the advantage of having Senator Luft be my seatmate, and got to know him much better, of course, because he was my seatmate, and really developed a tremendous amount of respect for him, especially his intelligence. He handled a number of very major, complex bills that Senator Welch referred to, and he really did an excellent

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job, representing not just his district, but keeping in mind the fact that there's a big State out there with a lot of different interests, he was able to bring all those interests together. I would also compliment the Governor for making the appointment -- obviously not a partisan issue -- and I think he should be congratulated. And when you think about it, all of us are going to leave this place at some point in time. I can think of a couple of ways of leaving that we would not like -- that way by being defeated or dying. Maybe the third way is the best: being appointed by the Governor to a nice position and having the support of all of our Senators. I think that's the way to go, and I think he should be complimented. Thank you.

PRESIDENT PHILIP:

Senator Severns, for what purpose do you rise?

SENATOR SEVERNS:

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

PRESIDENT PHILIP:

State your point.

SENATOR SEVERNS:

I rise to echo that which has already been said by so many Members. I think that once in a great while, that which should happen, does. And it has today, as we vote on the confirmation of Dick Luft. The Senate's loss is the Commission's gain, and the one thing that no one has said here yet, Dick, is: We're going to miss you, in part because you're just so darn good looking. Good luck.

PRESIDENT PHILIP:

And now to put the frosting on the cake, Senator DeAngelis. For what purpose do you rise?

SENATOR DeANGELIS:

Just a point of personal inquiry.

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PRESIDENT PHILIP:

Well, state your point.

SENATOR DeANGELIS:

How many votes does this take to get confirmed?

PRESIDENT PHILIP:

A hundred and seventy-five.

SENATOR DeANGELIS:

That's good. No, in all seriousness, you know, if anybody would look at Dick's legislative record, you would notice two things. There was no more frequent cosponsor than myself. And, Dick, now that you're leaving, I've got to tell you: It wasn't that you were such a great sponsor; it was that I wanted to get the bill passed and you were a Democrat. But, no, I think if you took a further look at that record though -- it would be very difficult if you would remove the name "Luft" and put out the legislation. Two things would hit you. One is, you would not be able to identify the area this person came from. You would say, "This is truly an Illinois State Senator." Nobody carried tougher legislation. Nobody reached out beyond his region. Nobody tried harder to do what was right in public policy. And so I look at your ascension to Banking Commissioner -- and as a Director I am more pleased, because I know that if you are the man for all seasons in banking, as you have been in the Legislature, we're going to have a very, very healthy banking climate in Illinois. Dick, good luck; God bless you. And I know one thing that's not going to end, and that's our social gatherings at least once a week. Thanks.

PRESIDENT PHILIP:

Any further discussion? If not, the question is, does the Senate advise and consent to the nominations just made. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Have

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you all voted who wish? Take the record. On the... On the question, there are 55 Yeas, no Nays, no voting Present. The majority of the Senators elected concurring by record vote, the Senate does advise and consent to the nominations just made. Congratulations. Senator Dunn.

SENATOR R. DUNN:

Thank you, Mr. President. I move that the Senate arise from Executive Session.

PRESIDENT PHILIP:

You've heard the motion. Those in favor, signify by saying Aye. Those opposed, Nay. The motion carried. Committee Reports.

SECRETARY HARRY:

Senator Ralph Dunn, Chair of the Committee on State Government Operations and Executive Appointments, reports Senate Amendment No. 1 to House Bill 1320 Be Adopted.

Senator Butler, Chair of the Committee on Commerce and Industry, reports Senate Amendment 1 to House Bill 641 Be Adopted, and Senate Amendment 2 to House Bill 797 Be Adopted.

Senator DeAngelis, Chair of the Committee on Revenue, reports Senate Amendment No. 1 to House Bill 113 Be Adopted, Senate Amendment 1 to House Bill 904 Be Adopted, Senate Amendment 1 to House Bill 1125 Be Adopted, Senate Amendment No. 2 to House Bill 1212 Be Adopted, and Senate Amendment No. 2 to House Bill 1729 Be Adopted.

Senator Mahar, Chair of the Committee on Environment and Energy, reports Senate Amendment No. 2 to House Bill 118 Be Adopted, Senate Amendment 2 to House Bill 300 Be Adopted, Senate Amendment 2 to House Bill 1341 Be Adopted, Senate Amendment 3 to House Bill 1341 Be Adopted; and Senate Amendment 2 to House Bill 184 Tabled by the Sponsor.

And Senator Woodyard, Chair of the Committee on Agriculture and Conservation, reports Senate Amendment 2 to House Bill 1553 Be



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Adopted, and Senate Amendment 1 to House Bill 2375 Be Adopted.

PRESIDENT PHILIP:

Senator LaPaille, for what purpose do you rise?

SENATOR LaPAILLE:

On a point of personal privilege, Mr. President.

PRESIDENT PHILIP:

State your point.

SENATOR LaPAILLE:

In the Republican side of the Chamber, up in the gallery - unfortunately they're on the Republican side - are students and parents attending the Tech 2000 demonstration downstairs from the Pasteur Elementary School within my district. I would like to have the Senate welcome them. Welcome to Springfield.

PRESIDENT PHILIP:

Will you please be -- please rise and be recognized by the Senate. Now we're going to 3rd Readings, the bottom of page 3. And I'll remind you that if -- if there's an opportunity for those bills to go on the Agreed Bill List, we'll just pass right over them. So the first bill is House Bill 45. Senator Hasara. Take it out of the record. House Bill 73. Senator Syverson. Take it out of the record. House Bill 78. Senator Berman. Read the bill.

SECRETARY HARRY:

House Bill 78.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This -- this bill requires the State Board of Education, this year and next year, to conduct a random sample of school

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districts to determine the manner in which the following subjects are being taught: Holocaust studies, Black History and Women's History; and for the State Board to report back to the General Assembly regarding that survey. I solicit your Aye vote.

PRESIDENT PHILIP:

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

SENATOR BERMAN:

Roll call.

PRESIDENT PHILIP:

The question is, shall House Bill 78 pass. Those in favor will signify by voting Aye. Those opposed, Nay. The voting is open. Have -- have you all voted -- you wish? Have you all voted who wish? Take the record. 53 <sic> (54) Ayes, no Nays, no voting Present. House Bill 78, having received the -- required constitutional majority, is declared passed. Senator Stern, for what purpose do you rise?

SENATOR STERN:

On a point of personal privilege, Mr. President.

PRESIDENT PHILIP:

State your point.

SENATOR STERN:

I would like to call the attention of the Body to the youngsters sitting in the President's Gallery, -- are from St. Athanasius School in Evanston, and I rarely have an opportunity to introduce folks from my district, 'cause it's so far away. I'd appreciate the applause of the Members.

PRESIDENT PHILIP:

If you'd please rise and be recognized by the Senate. House Bill 96. Senator McCracken. Senator McCracken. Take it out of the record. House Bill 115. Senator Burzynski. Take it out of the record. House Bill 118. Senator Mahar. Take it out of the

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record. House Bill 121. Senator O'Malley. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 121.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President and Members of the Senate. Senate Bill -- I mean -- excuse me. House Bill 121, as amended, creates the Illegal Drug Sale and Distribution Liability Act. It creates a cause of action on behalf of a person injured by a person under the influence of cannabis or controlled substances and against the person who illegally sold or distributed the illegal substance to the person who caused the injury.

PRESIDENT PHILIP:

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

SENATOR O'MALLEY:

I would appreciate a favorable roll call. Thank you.

PRESIDENT PHILIP:

The question is, shall House Bill 121 pass. All those in favor, signify by voting Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 50 Ayes, no Nays, 4 voting Present. House Bill 121, having received the required constitutional majority, is declared passed. Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, on a point of personal privilege.

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PRESIDENT PHILIP:

State your point.

SENATOR GEO-KARIS:

Today makes the forty-ninth birthday of our chief legal counsel, Philip Weber, and I just want to wish him a happy birthday, a healthy birthday, and a very successful birthday and many more of them.

PRESIDENT PHILIP:

Well, thank you very much. Happy birthday. House Bill 124. Senator Barkhausen. Read the bill, Madam Secretary.

PRESIDENT PHILIP:

House Bill 124.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Mr. President and Members. House Bill 124 was on the Agreed Bill List in the Senate Judiciary Committee. It amends the Juvenile Court Act to require notification to the school principal of an adjudication of delinquency of a minor on an unlawful use of weapons violation. As I say, it was an agreed bill. I solicit your Aye vote.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? The question is, shall House Bill 124 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. There are 54 Ayes, no Nays, 1 voting Present. House Bill 124, having received the required constitutional majority, is declared passed. House Bill 132. Senator Watson. Senator Watson. Take it out of the record. House Bill 153. Senator O'Daniel. Take it out of

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the record. House Bill 176. Senator Dudycz. Senator Dudycz.  
Take it out of the record. House Bill 184. Senator Peterson.  
Take it out of the record. House Bill 230. Senator Peterson.  
Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 230.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President. House Bill 230, as amended -- the amendment becomes the bill -- basically inserts the language that was contained in Senate Bill 100, which preempts the Chicago pop tax.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? The -- the question -- excuse me. Senator Cullerton, for what purpose do you rise?

SENATOR CULLERTON:

Can I ask a parliamentary inquiry? What is the number of votes necessary on this bill, since it preempts home rule, or on a partial basis anyway?

PRESIDENT PHILIP:

Thirty-six. All right, any further discussion? If not -- Senator DeAngelis, for what purpose do you rise?

SENATOR DeANGELIS:

Well, just to remind the Body that the reason that this bill passed out -- Senate Bill 100 -- is that in 1988 we did, in fact, do a sales tax reform. The City of Chicago chose to, with the pop tax, to violate two of the precepts of that reform. One is that they were not to add any more taxes of -- beyond a certain

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amount in home rules units; the other is that if you're going to assess a tax, you have to do it on gross sales. And I'd like to ask a question of the Body. If you're voting -- if you're thinking about voting No on this, how do you measure gallonage on a glass of pop at a counter? How do you measure it if you're ordering a seven seven at a bar? How do measure it on a six-pack? And the reason that this bill is there is because the tax, which tends to -- which is claimed to raise six million, is a tax that's impossible to administer, but also violates the agreement that was made in 1988. I urge a Yes vote on House Bill 230.

PRESIDENT PHILIP:

Senator Peterson, to close.

SENATOR PETERSON:

Thank you, Mr. President. I think it's been fully debated. I ask for the Senate's approval of House Bill 230, as amended.

PRESIDENT PHILIP:

The question is, shall House Bill 230 pass. Those in favor, signify by voting Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Have you all voted who wish? Take the record. There are 41 Ayes, 4 Nays, 5 voting Present. House Bill 230, having received the required constitutional majority, is declared passed. House Bill 237. Senator Smith. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 237.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 237 will designate May 17th of each year as

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Thurgood Marshall Day to be observed in Illinois by holding appropriate ceremonies in honor of the late Supreme Court's Justice, Thurgood Marshall. Thurgood Marshall Day will be observed as a commemorative day only. It will not be celebrated as a day off from schools, or children or State employees. It will merely be commemorative. Thurgood Marshall, for those of you who do not remember, who passed away January the 24th, 1993, was one of the preeminent figures in the American Civil Rights Movement and considered his greatest legacy a champion. He served here in the State of Illinois and went up and down the southern part of Illinois fighting for equal rights for schools. And he's honored. And he helped with the NAAC <sic> in their fights and the people here in the State of Illinois, and we would certainly like to have him as remembered by young people, yet unborn, that this great civil rights leader passed this way. I ask for a favorable vote, or would be happy to answer any questions.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? Senator Smith, to close.

SENATOR SMITH:

I merely ask for a favorable vote. Thank you.

PRESIDENT PHILIP:

The question is, shall House Bill 237 pass. Those in favor, signify by voting Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Have you all voted who wish? Take the record. 26 Ayes, 2 Nays, 19 voting Present. House Bill 237, having not received the constitutional requirement, is declared passed -- failed. Senator Smith.

SENATOR SMITH:

I ask for Postponed Consideration, please. Please. I ask that of you.

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PRESIDENT PHILIP:

Postponed Consideration. House Bill 248. Senator Cronin.  
Senator Cronin. Take it out of the record. House Bill 256.  
Senator Mahar. Take it out of the record. House Bill 273.  
Senator Hawkinson. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 273.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. House Bill 273 was sponsored by Representative Martinez in the House. It amends the Criminal Code regarding reckless conduct with a firearm. It's designed to deal with the drive-by shooting situations. It was amended to resolve the concerns of the National Rifle Association, who no longer opposes it. It exempts peace officers from the bill, and provides in the offense of reckless conduct with a firearm, that if a driver of a motor vehicle knowingly gives consent to the action of a passenger in -- in firing from a motor vehicle, that the driver is also guilty. It becomes a Class 4 felony. I would urge the adoption of House Bill 273, as amended.

PRESIDENT PHILIP:

Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. A point of personal privilege.

PRESIDENT PHILIP:

State your point.

SENATOR PALMER:

On House Bill 230, I'd like the record to reflect that I had pushed the wrong button. I meant to push Present.



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PRESIDENT PHILIP:

The record will so indicate. Any -- any further discussion on House Bill 273? If not, Senator Hawkinson, to close. The question is, shall House Bill 273 pass. Those in favor will signify by voting Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 54 Ayes, no Nays, no voting Present. House Bill 273, having received the required constitutional majority, is declared passed. House Bill 282. Senator Watson. Senator Watson. Take it out of the record, Madam Secretary. House Bill 293. Senator Berman. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 293.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill, as amended, clarifies that counties that purchase delinquent property at tax sales as trustees may purchase properties sold for delinquent taxes in the first year of delinquency, in addition to those sold in the second year of delinquency. It also allows counties to issue combined notices of all parcels purchased and that such combined notices shall include the street or common address. In all counties outside of Cook, it also provides that a municipal lien shall not be grounds for setting aside a tax sale as a sale in error, and that a municipal lien terminates with the issuance of a tax deed, provided that the city, village or town holding such lien was served with all the required notices and was permitted to redeem the premises from the

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tax sale. This is an initiative of the St. Clair County Board, the tax agents that represent a number of downstate counties that -- the tax purchasers. Be glad to respond to any questions.

PRESIDENT PHILIP:

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

SENATOR BERMAN:

Roll call.

PRESIDENT PHILIP:

The question is, shall House Bill 239 <sic> (293) pass. Those in favor, signify by voting Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, 31 Ayes, 15 Nays, 4 voting Present. House Bill 293, having received the required constitutional majority, is declared passed. House Bill 299. Senator Mahar. Take it out of the record, Madam Secretary. House Bill 300. Senator Mahar. Take it out of the record. House Bill 317. Senator Karpel. Take it out of the record. House Bill 232 -- 233 <sic> (323). Senator Petka. Senator Petka. Take it out of the record. House Bill 328. Senator Berman. Senator Berman. Read the bill, Madam Secretary.

END OF TAPE

TAPE 2

ACTING SECRETARY HAWKER:

House Bill 328.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDENT PHILIP:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 328 -- it has a provision in there dealing with the -- the question of a person -- what -- what do we do with the car when the driver is arrested for driving under the influence and also does not have mandatory insurance requirements. What this bill provides is that the motor vehicle which would be impounded by the arresting officer -- the enforcement officer is authorized to release the -- the vehicle to a licensed driver with the consent of the owner upon a showing of the proof of insurance that would be required and a payment of a fifty-dollar fine. Be glad to respond to any questions, and solicit your Aye vote.

PRESIDENT PHILIP:

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This was a bill that was held -- heard in the Transportation Committee. Basically what this bill does is if a -- a person drives with his driver's license while his driver's license is suspended or revoked, then the car is also impounded, and he would not only end up having to pay the fine, but he would also end up having to pay the towing charge et al, unless -- and -- and we are really adding these fines up. I just want the Assembly to be aware that that is indeed what this bill does. It is not noncontroversial.

PRESIDENT PHILIP:

Senator Molaro.

SENATOR MOLARO:

Thank you. Would the sponsor yield for a question?

PRESIDENT PHILIP:

Indicates he will.

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SENATOR MOLARO:

Okay. In the bill, are we talking about someone who was just stopped for a routine traffic stop and they've run on the computer and they find out that his driver's license is suspended, or does it also have to be driving while under the influence?

PRESIDENT PHILIP:

Senator Berman.

SENATOR BERMAN:

...(microphone cutoff)...sorry. Thank you for correcting me. If they are driving with a revoked or suspended license. I referred to DUI, and DUI is not the issue. If they are driving on a revoked or suspended license and do not have mandatory insurance, that's when this provision comes into play.

PRESIDENT PHILIP:

Senator Molaro.

SENATOR MOLARO:

The only -- the only thing -- and I -- and I would defer -- I don't know where the sponsor got a lot of the details. Lot of times what happens is when you -- you get your driver's license suspended for a myriad of reasons, one of which may be simple enough where you put your driver's license up for a court date and you don't come back, or you have it returned to supervision and you don't return from the supervision, and you can be suspended for reasons such as that. And I would just submit that it may seem a little harsh to have your vehicle impounded if that's the reason. Also, there are times that -- that a mistake is made, and I think the reason that police officer has discretion is that if the suspension is for driving under the influence or other types of suspensions or revocations, then maybe we should impound the car. But if it's for a financial responsibility because of a three-hundred-dollar judgment, parking tickets, now we can suspend licenses. So someone may have their license suspended for a

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parking ticket, maybe -- or parking tickets, may not be aware of it, and we're going to be impounding his vehicle.

PRESIDENT PHILIP:

Senator Berman.

SENATOR BERMAN:

Would you take this out of the record, please, Mr. President?

PRESIDENT PHILIP:

Take it out of the record. Senator Farley, for what purpose do you rise?

SENATOR FARLEY:

Point of personal privilege, Mr. President.

PRESIDENT PHILIP:

State your point.

SENATOR FARLEY:

My button was pushed in error as a Yes vote on House Bill 230. I'd like the record to indicate that I wish to vote Present on that bill, Mr. President. House Bill 230.

PRESIDENT PHILIP:

The -- the record will so indicate. House Bill 334. Senator Tom Dunn. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 334.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. This bill would extend to members of the armed forces who served in the Persian Gulf War, all -- or in Somalia, a veteran's grant. It's my understanding that the Student Assistance Commission has no objection to this bill, and they're neutral on it. This bill would affect the -- some four

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thousand reservists from the State of Illinois who participated in those instances.

PRESIDENT PHILIP:

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

SENATOR T. DUNN:

I urge an Aye vote.

PRESIDENT PHILIP:

Okay. The question is, shall House Bill 334 pass. Those in favor will signify by voting Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 53 Ayes, no Nays, 1 voting Present. House Bill 334, having received the required constitutional majority, is declared passed. Senator LaPaille, for what purpose do you arise?

SENATOR LaPAILLE:

Oh -- on my bill.

PRESIDENT PHILIP:

Oh, good. House Bill 335. Senator LaPaille. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 335.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator LaPaille.

SENATOR LaPAILLE:

Thank you, Mr. President. House Bill 335 came out of the Senate Executive Committee unanimously. What it will do is will -- since 1919, the State Treasurer has been forced to receive interest payments on the first Monday of every month. By doing that, banks give you a lower interest rate, because that's an

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administrative cost, to sweep the interest on a monthly basis. What this bill will do, will allow the Treasurer to negotiate when interest would be swept, either quarterly, once or twice a year, or once a year which would then hopefully increase the amount of interest that will be given back to the State of Illinois. This bill could bring in millions of dollars in additional interest to the Illinois taxpayers, and I would move for its passage.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? Senator LaPaille, to close.

SENATOR LaPAILLE:

I would just seek the Senate's approval of House Bill 335. It'll -- could possibly bring in millions of dollars for Illinois taxpayers.

PRESIDENT PHILIP:

The question is, shall House Bill 335 pass. Those in favor will signify by voting Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 57 Ayes, no Nays, no voting Present. House Bill 335, having received the required constitutional majority, is declared passed. House Bill 354. Senator Jacobs. Senator Jacobs. Take it out of the record, Madam Secretary. Excuse me. I skipped over one. House Bill 344. Senator Woodyard. Senator Woodyard. Take it out of the record. House Bill 377. Senator LaPaille. Take it out of the record. House Bill 391. Senator Dudycz. Take it out of the record. House Bill 392. Senator Berman. Take it out of the record. House Bill 411. Senator Cronin. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 411.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDENT PHILIP:

Senator Cronin.

SENATOR CRONIN:

Thank you -- thank you, Mr. President, Ladies and -- Ladies and... Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 411 amends the Illinois Mortgage Foreclosure Law in the Code of Civil Procedure. The bill does essentially two -- two things. Number one, it makes clear that all persons legally in possession of property are given adequate notice before being removed from their homes. We're talking about real property or other property. Secondly, it makes explicit that no leases of property being foreclosed are subject to automatic termination of the leasehold estate by reason of entry of a judgment of foreclosure. The Illinois State Bar Association drafted this bill. It's received support from both sides of the aisle. I ask for your Aye vote.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? Senator Cronin, to close.

SENATOR CRONIN:

I simply ask for your Yes vote.

PRESIDENT PHILIP:

The -- the question is, shall House Bill 411 pass. Those in favor, signify by voting Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 57 Ayes, no Nays, no voting Present. House Bill 411, having received the required constitutional majority, is declared passed. House Bill 418. Senator Burzynski. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 418.

(Secretary reads title of bill)



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3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill amends the School Code; requires students to successfully complete the previous two semesters of school work prior to eligibility for enrollment in driver's education course.

PRESIDENT PHILIP:

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

SENATOR BURZYNSKI:

Would request a favorable roll call. Thank you.

PRESIDENT PHILIP:

The question is, shall House Bill 418 pass. Those in favor, signify by saying Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 53 Ayes, no Nays, 3 voting Present. House Bill 418, having received the required constitutional majority, is declared passed. House Bill 419. Senator DeAngelis. Senator DeAngelis. Take it out of the record. House Bill 424. Senator DeAngelis. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 424.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. House Bill 424, as amended, is designed to curb an abuse that currently exists. The bill is

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promoted by the Illinois Library Association. It requires that if someone buys a nonresident library card, that they use the library that they bought the card from, rather than shopping all over to find who's got the cheapest nonresident card, and then using any library they choose. This bill does not, however, interfere with or supersede library system-wide borrowing cards. In other words, if you choose to buy, as a nonresident, a card that permits system-wide borrowing, you will, in fact, have that privilege as well.

PRESIDENT PHILIP:

Further discussion? Further discussion? Senator Welch.

SENATOR WELCH:

A question of the sponsor.

PRESIDENT PHILIP:

Indicates he'll yield.

SENATOR WELCH:

Senator DeAngelis, what is the range of costs for library cards, high to low?

PRESIDENT PHILIP:

Senator DeAngelis.

SENATOR DeANGELIS:

This is a guess, Senator Watson, but it can be as low as fifteen, as high as a hundred and fifty or two hundred, or two-fifty.

PRESIDENT PHILIP:

Further discussion? Senator DeAngelis, to close.

SENATOR DeANGELIS:

Just ask for a favorable roll call.

PRESIDENT PHILIP:

The question is, shall House Bill 424 pass. Those in favor will signify by voting Aye. Those opposed, No. The voting is open. Have you all voted who wish? Have you all voted who wish?

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Take the record. On the question, 55 Ayes, no Nays, no voting Present. House Bill 424, having received the required constitutional majority, is declared passed. Top of page 8. House Bill 436. Senator Mahar. Read the bill, Madam Secretary.  
ACTING SECRETARY HAWKER:

House Bill 436.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. The original bill extends to lawncare wash water containment areas the same requirements and permit procedures that were passed last year for agrichemical facilities. And what it would allow is lawncare facility operators to take advantage of the same one-stop shopping for permits that is available for agrichemical facilities. In committee action, Committee Amendment No. 1 clarifies the EPA's responsibilities for auditing local government's use of State grant fund for inspection of local sanitary landfills, and that the IEPA must publish one notice that a person has petitioned the Pollution Control Board for a variance, and exempts household hazardous waste days from local siting approval if the local governing body waives local siting approval. Committee Amendment No. 2 is -- was offered by Senator Rauschenberger. It only applies to his district, requiring that a permit application for a solid waste disposal site within the boundaries of a solid waste disposal district include a statement that the district has reviewed the application and approved the site. And I'd be happy to try and answer any questions.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? If not,

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Senator Mahar, to close.

SENATOR MAHAR:

Roll it.

PRESIDENT PHILIP:

All right. The question is, shall House Bill 436 pass. All those in favor, signify by voting Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. There are 53 Ayes, no Nays, 2 voting Present. House Bill 436, having received the required constitutional majority, is declared passed. House Bill 444. Senator Topinka. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 444.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President, Ladies and Gentlemen of the Senate, basically this is the House version of something we've already passed out of here which -- which allows those non-for-profit agencies and those who have -- have petitioned to have legal bingo nights to be able to substitute another night if, indeed, the night on which is their regular night to have bingo indeed is a holiday, and therefore shut down for the night. So, it basically keeps the same number of days, but it gives them that alternate date to make up for the -- the holiday. And I'd ask for a favorable roll call.

PRESIDENT PHILIP:

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

SENATOR TOPINKA:

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Just a roll call.

PRESIDENT PHILIP:

The question is, shall House Bill 444 pass. Those in favor, signify by voting Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. There are 55 Ayes, no Nays, no voting Present. House Bill 444, having received the required constitutional majority, is declared passed. House Bill 462. Senator Hasara. Out of the record. House Bill 467. Senator Weaver. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 467.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President and Members of the Senate. House Bill 467 is the Geologist Registration Act. We passed this Act last year, but was vetoed by the Governor because the start-up costs were deemed to be too great. This Act would be effective July the 1st, 1994, and it is proposed and agreed that the registration exam fee would be two hundred dollars and the biennial fee would be set by the Department of Professional Regulations. I think this solves the Governor's problem as to the start-up costs for registering geologists, and I would appreciate a favorable roll call.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? If not, the question is, shall House Bill 467 pass. Those in favor, signify by voting Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the

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record. 55 Ayes, no Nays, no voting Present. House Bill 467, having received the required constitutional majority, is declared passed. House Bill 468. Senator Topinka. Take it out of the record. House Bill 482. Senator Fawell. Senator Fawell. House Bill 482. ...(microphone cutoff)...Fawell. Read -- read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 482.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This provides that two-axle trucks specifically equipped with frontloading compactor used exclusively for garbage, refuse <sic> (refuse) or recycling may transmit twenty thousand pounds per axle provided that the gross weight of the axle does not exceed forty thousand pounds. And it was offered at the request of the Illinois Transportation Association.

PRESIDENT PHILIP:

Any further discussion? Senator Stern.

SENATOR STERN:

Will the Lady yield?

PRESIDENT PHILIP:

She indicates she will.

SENATOR STERN:

I -- this is a new bill to me, and I'm a little confused. If my municipalities had told me not to vote for any bills that would increase the weight of trucks on the roads, should I vote No on your bill?

PRESIDENT PHILIP:

Senator Fawell.

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SENATOR FAWELL:

What we're talking about are garbage trucks, and we're talking about the weight on the axles, not the increase of the weight.

PRESIDENT PHILIP:

Senator Stern.

SENATOR STERN:

If we're increasing the weight on the axles, are we not increasing the weight of the overall vehicle?

PRESIDENT PHILIP:

Senator Fawell.

SENATOR FAWELL:

No. What we're talking about is obviously when they -- they first front load a garbage and -- and the compactor comes in and -- and, you know, pushes the garbage forward, obviously there is more weight -- normally they -- they try and distribute the weight evenly, and -- and they can't with the garbage trucks. Okay?

PRESIDENT PHILIP:

Senator Cullerton:

SENATOR CULLERTON:

Yes. Would the sponsor yield, please?

PRESIDENT PHILIP:

She indicates she'll yield.

SENATOR CULLERTON:

Senator Fawell, there was an amendment offered by Senator Hasara that was adopted in committee that restored stricken language that was found on the first page of the original bill, and it refers to a Section 15-316. Could you tell me what that -- the effect of Senator Hasara's amendment?

PRESIDENT PHILIP:

Senator Fawell.

SENATOR FAWELL:

It removes DOT's opposition to the bill.

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PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Well, I -- I -- I'm glad to hear that, but I'm just wondering if you could tell us, what was DOT's opposition and what -- what -- what are we -- we removing?

PRESIDENT PHILIP:

Senator Fawell.

SENATOR FAWELL:

Do you -- do you want the language, per se? We can read the language if you'd like.

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Well, no. I have the language in front of me, and I'll read it myself. It says, "except when a different limit is established and posted in accordance with Section 15-316." So, I don't know what this Section 15-316 is, and it was Senator Hasara's amendment that added that back in. I'm just wondering, what is the effect of that?

PRESIDENT PHILIP:

Senator Fawell.

SENATOR FAWELL:

The language that was stricken allowed the local authorities to restrict the right of -- of certain roads, and we put that back in. So they still have that right now.

PRESIDENT PHILIP:

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

SENATOR FAWELL:

Just ask for a favorable vote.

PRESIDENT PHILIP:

The question is, shall House Bill 482 pass. Those in favor,



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signify by voting Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 43 Ayes, 4 Nays, 7 voting Present. House Bill 482, having received the required constitutional majority, is declared passed. House Bill 494. Senator Raica. Senator Raica. Take it out of the record. House Bill 502. Senator Watson. Senator Watson. Out of the record. House Bill 505. Senator Karpiel. Senator Karpiel. Take it out of the record. House Bill 510. Senator Karpiel. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 510.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Karpiel.

SENATOR KARPIEL:

Well, -- thank you, Mr. President. Something seems to be wrong with my... Ah, here it is. Okay. Thank you. House Bill 510 is the same as a bill that went out of the Senate, changing the name of the Illinois Beautiful Act and changing its focus to recycling, rather than cleaning up litter and beautifying. And I ask for your Aye vote.

PRESIDENT PHILIP:

Senator Jones, for what purpose do you rise?

SENATOR JONES:

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

PRESIDENT PHILIP:

Indicates she will. Senator Jones.

SENATOR JONES:

Yeah. Senator Karpiel, why do we even need this bill, or

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what's the purpose? The -- the current Act is doing the job. So, what is the real purpose or thrust behind the bill?

PRESIDENT PHILIP:

Senator Karpziel.

SENATOR KARPIEL:

Senator, the reason that we need the bill is -- is basically to -- to change the focus of the whole thing. It's been operating as a Clean and Beautiful Program, cleaning up communities, picking up litter, beautifying, that type of thing. And they find that they want to go more into recycling and waste reduction education and promotion. This is also creating a fund which will be able to take private monies for this purpose.

PRESIDENT PHILIP:

Senator Jones.

SENATOR JONES:

Well, I understand what you said, but under the -- under the current Act, they can currently do all of this. I -- I thought perhaps you would tell me the real thrust behind the bill. They can do all of the things that you are talking about without this piece of legislation. That's the reason why -- why are we necessarily changing the name? Do we want to give the Lieutenant Governor a little more high profile, or what are we trying to do here? Because it's not necessary, really, to do this. They can do all the things you talked about without even going through this process.

PRESIDENT PHILIP:

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

SENATOR KARPIEL:

Thank you. In response to that, the real purpose of this is to consolidate and to cut costs. The Clean and Beautiful Program has been under funded for many years, and this is going to allow, rather than require, the Lieutenant Governor to administer grants

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as funds are available. And as to your suggestion, Senator Jones, that this will give higher visibility and PR to the Lieutenant Governor, I think we all think that is a good idea. Having served in the Senate with him, we all know what a great guy he is. I ask for your Aye vote.

PRESIDENT PHILIP:

The question is, shall House Bill 510 pass. Those in favor, signify by voting Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 44 Ayes, 4 Nays, 6 voting Present. House Bill 510, having received the required constitutional majority, is declared passed. House Bill 546. Senator Cronin. Take it out of the record. House Bill 596. Senator Woodyard. Senator Woodyard. Take it out of the record. House Bill 609. Senator Madigan. Take it out of the record. House Bill 611. Senator Peterson. Take it out of the record. House Bill 655. Senator Madigan. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 655.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. House Bill 655 amends the Small Employer Group Health Insurance Article of the Insurance Code. What it basically does is repeals a Section of the law when that bill was passed that required an employer, if they wish to go to a no-frills plan, to drop their health insurance that they had in force at that time and go without health insurance for a twelve-month period. This is similar to -- or identical to a bill that is presently on hold over in the House that we passed in the

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Senate earlier, and I'll be glad to answer any questions in regards to House Bill 655.

PRESIDENT PHILIP:

Senator Jones. Senator -- Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President, Members of the Senate. I rise in opposition to this bill. Again, what we are attempting to do, as we did with some other legislation, is to reduce the health care coverage for those persons who need it the most. We passed legislation as relate to the mandated health care coverage. Now here we come along, when at the national level, we are trying to resolve a problem, wherein those persons who need health care can properly have health care coverage. And what this legislation does is change that wherein those persons who were protected and covered with small business as it relate to health care coverage. They want to eliminate that and allow these small companies to offer those persons what you call no-frill policies; policies wherein you must get hit by a tank at Second and Capitol; you've got to get ill from some strange disease. We should not be in the policy, at -- at this level, of taking away health care coverage to American citizens. This is a very bad piece of legislation and should be defeated by all Members of this Body, and I urge a No vote.

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDENT PHILIP:

Indicates he will.

SENATOR CULLERTON:

Senator Madigan, I -- I understand that this bill would basically say that a -- an employer could provide a health

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insurance package that would not have to include certain requirements that are now in the -- in the -- the State law. Certain provisions that are in the law right now require certain things be included in a policy. Could you tell me what some of those things are that you -- we're no longer going to have -- that an employer would no longer have to provide?

PRESIDENT PHILIP:

Senator Madigan.

SENATOR MADIGAN:

Well, yeah -- thank you, Mr. President. Well, what they have -- Senator, what they have to cover is those consumer-interest coverages - mammograms and what is mandated under COBRA. Other than that, you know, as I said, and as is stated, it's a -- it was a no-frills policy that was proposed to allow employers to be able to offer an affordable health plan, rather than, as the previous speaker had indicated, no insurance. This is a plan to give the employer some affordable health insurance.

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Well, I -- I -- if I understood your question, you're -- mammography is -- still have to be included in the policy. I take it that the -- the bill we passed last year dealing with people who are -- are infertile, that would not be included; so we'd be knocking out that coverage in these programs. I know that adopted children -- that's an issue as to whether or not adopted children are covered. In other words, what I want you to tell me is what mandated benefits are we eliminating by passing this bill. Give me a list of those that we're eliminating, if you know, besides the infertility treatment.

PRESIDENT PHILIP:

Senator Madigan.

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SENATOR MADIGAN:

In addition to what... Thank you, Mr. President. In addition to what I'd previously said, let me respond to you, I think, in sequence. No, yes, yes. But the infertilization coverage - that was passed after the inception of the no-frills plan - the effective date. The adoptive children are covered under COBRA. And I... And I -- I'm sorry, Senator. I don't recall what the -- your third question was, as far as the listing of these things.

PRESIDENT PHILIP:

Senator Cullerton.

SENATOR CULLERTON:

Well, then, I guess, to the bill, as I understand it: We are -- the purpose of the bill is to say that an -- an employer, right now, can drop a coverage that has elements in that coverage that are required by State law, and they can eliminate those provisions. But I don't know what those provisions are, because I've asked the sponsor if he could tell us just what it is that we're -- we're dropping, and I -- I don't know what it is. I -- I thought that the infertility treatment was one that -- that was a hotly debated bill down here. The bill passed; the Governor signed it. And I -- and I think what this bill does is to say that it doesn't apply in these policies, but I'm not sure. I -- I -- I thought I heard the sponsor say that mammography would still be covered. But quite frankly, I'm -- I'm a little uncertain, because all we have with the bill itself is to say that a certain Section of the Insurance Code is repealed. And I think that there's -- there's a number of issues that we have debated in the General Assembly, where we said we think that an insurance policy ought to have a certain provision in it and we're going to require that, that we are eliminating, but I don't know and I don't think anybody else knows just what it is that we're eliminating by this bill. So, for those reasons and the reasons stated by Senator

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Jones, I would -- I would suggest a No vote.

PRESIDENT PHILIP:

Senator Madigan, to close.

SENATOR MADIGAN:

Thank you, Mr. President. First of all, all those coverages and what's covered is covered under -- under the law, and what the bill does I've already stated. What the bill does, it repeals that Article which forces an employer to go essentially naked, without health insurance for himself or his employees for a twelve-month period, rather than facing reduced wages or forcing layoffs in order to provide a plan that he simply can't afford at that time. And enable -- and in order to be able to retain the employer's employees, in order to, perhaps, offer them a higher wage rate, he -- this bill will allow him to convert from his basic health plan, or his plan that he was carrying, to the no-frills basic plan and perhaps be able to offer broader benefits, in terms of wages or employment, to his employees. It's a very simple -- very simple thing, and I would ask for its passage, Mr. President.

PRESIDENT PHILIP:

The question is, shall House Bill 655 pass. Those in favor will signify by voting Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Have you all voted who wish? Take the record. 34 Ayes, 21 Nays, 1 voting Present. House Bill 655, having received the required constitutional majority, is declared passed. House Bill 659. Senator McCracken. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 659.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

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Senator McCracken.

SENATOR MCCRACKEN:

Thank you, Mr. President, Ladies and Gentlemen of the Body. House Bill 659 would create the Oil Spill Responders Liability Act, would exempt from liability for costs or damages resulting from actions taken in the course of rendering care, assistance or advice in an oil spill response. That activity must be consistent with the oil response plan. It does not apply to parties that are liable for the spill, does not apply to actions for personal injury or death, does not apply to actions for willful and wanton conduct or gross negligence. Essentially it's a Good Samaritan Statute, and I move its passage.

PRESIDENT PHILIP:

Any discussion? Any discussion? The question is, shall House Bill 659 pass. Those in favor, signify by voting Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. 52 Ayes, no Nays, no voting Present. House Bill 659, having received the required constitutional majority, is declared passed. The Chair has made a little boo-boo. Unfortunately, I was -- I thought I was informed that Senator Woodyard wanted to hold House Bill 589. So I went right over it. With leave of the Body, we will return to House Bill 589. Seeing no objections, leave is granted. 581. Excuse me. 581. Read the bill.

ACTING SECRETARY HAWKER:

House Bill 581.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President. House Bill 581 deals with -- and is



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very similar to a bill that we passed out of here, Senate Bill 586, but it contains the provisions, part of which were suggested by the Auditor General, dealing with the promotion of the State Fair, which allows them to accept donations and contributions. It deals also with leasing of facilities to -- to promotional people, to the private sector. It also deals with creating a State Fair Revolving Fund which can accept revenues and -- and pass out expenditures from that -- or pay expenditures out of that. It also deals with leasing of the grandstand facilities at the Illinois State Fair. And I guess that's about all that this House Bill 581 does.

PRESIDENT PHILIP:

Senator Demuzio.

SENATOR DEMUZIO:

If I might, Mr. President, I'd like to ask the sponsor a question. Just recently, the Auditor General was critical of the Department of Agriculture, particularly the State Fair, with respect to leasing and -- and depositing of different funds and JAM Entertainment and et cetera and so forth. Can you tell me if this is an effort to respond to that?

PRESIDENT PHILIP:

Senator Woodyard.

SENATOR WOODYARD:

To slaughter that, did you say? To do what?

PRESIDENT PHILIP:

Senator Demuzio.

SENATOR DEMUZIO:

To -- to -- is this an effort to respond to the findings of the Auditor General?

PRESIDENT PHILIP:

Senator Woodyard.

SENATOR WOODYARD:

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Yes.

PRESIDENT PHILIP:

Senator Demuzio.

SENATOR DEMUZIO:

Then what provisions in this bill then would prohibit or -- I'm sorry. In the -- in the -- in the JAM Entertainment - whatever it's called - I'm not really sure what it's called, Senator - but that's no longer going to be a practice and does that -- did this, in fact, bill prohibit that then from that which has been a practice of the State Fair for the last two years?

PRESIDENT PHILIP:

Senator -- Senator Woodyard.

SENATOR WOODYARD:

Well, I -- I can't answer that it -- it would prohibit that, but it clarifies the authorization on -- on leasing of -- of facilities through promotions.

PRESIDENT PHILIP:

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

SENATOR WOODYARD:

No. I call for a favorable roll call, please.

PRESIDENT PHILIP:

Okay. The question is, shall House Bill 581 pass. Those in favor, signify by voting Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. 49 Ayes, no -- excuse me. 50 <sic> (51) Ayes, no Nays, 2 voting Present. House Bill 581, having received the required constitutional majority, is declared passed. House Bill 671. Senator Collins. Senator Collins. Take it out of the record. House Bill 689. Senator Demuzio. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 689.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. House Bill 689 would amend the Deposit of State Moneys Act and would afford the opportunity of the Treasurer to implement a securities lending program, all with the approval of the Governor. It is my understanding that this program has currently been operated in the same manner with the Teachers' Retirement System, the Municipal Retirement Fund, the Illinois State Board of Investment. And again, this would have the approval of the Governor, if certain requirements are met. And I would ask for your approval.

PRESIDENT PHILIP:

Further discussion? Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Question of the sponsor.

PRESIDENT PHILIP:

Indicates he'll yield.

SENATOR DeANGELIS:

Senator Demuzio, what is the risk factor involved here?

PRESIDENT PHILIP:

Senator Demuzio.

SENATOR DEMUZIO:

As I understand it, Mr. -- Senator, that the -- the risk factor is minimal because all of the transaction are collateralized either by cash or by other collateral permitted by -- to be used by the Treasurer for State deposits.

PRESIDENT PHILIP:

Senator DeAngelis.

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SENATOR DeANGELIS:

What is the return potential?

PRESIDENT PHILIP:

Senator Demuzio.

SENATOR DEMUZIO:

...(microphone cutoff)...I understand it, it -- in terms of numerical dollars, that the lending program would perhaps provide for an additional five hundred thousand dollars for the lending period.

PRESIDENT PHILIP:

Senator DeAngelis.

SENATOR DeANGELIS:

Five hundred thousand dollars for a five-hundred-million-dollar investment?

PRESIDENT PHILIP:

Senator Demuzio.

SENATOR DEMUZIO:

My experts tell me, on an average lending program of six months, yes.

PRESIDENT PHILIP:

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I hope we're all listening to this. It's a five-hundred-million-dollar investment to earn five hundred thousand dollars in six months, with a minimal risk factor. That kind of return should be no-risk factor. I would urge we vote No on this.

PRESIDENT PHILIP:

Senator Klemm, for what purpose do you rise?

SENATOR KLEMM:

Well, thank you, Mr. President. To speak on the bill. One of the most riskiest things in investment is security lending.

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Actually, very few banks really even have the personnel and really get involved in this activity. And I know when we talked about the bill and debated it in a committee -- and I understand that we want to, and the Treasurer certainly wants to, collect all the interest possible on our State investments. It would seem to me that public policy would be that the investments have to be sound, have to be not risky, in order to chase after a few extra dollars, and I really genuinely have concern that we may be entering an area that if we suffer one or two losses, it would wipe off any interest that we could possibly look for. And I think, really, public policy would be that security lending is an area that the State should not get involved in. And I would think this would deserve either a No or a Present vote.

PRESIDENT PHILIP:

Senator Demuzio, to close.

SENATOR DEMUZIO:

Well, thank you, Mr. President. I -- I hope that we are not interpreting this bill in a political vein. I hope we are looking at it with respect to the merits. The Teachers' Retirement System here in Illinois has earned over twenty-one million dollars in the last nine years through the -- a program of the securities lending in nature. It is really being conducted by a number of states around the country, and very successfully. Any program that is adopted must have the -- the approval of the Governor. I would like to point out that this is not an investment program. It is a program where, in fact, we are a -- it's a lending program where we are lending those items that are in our portfolio that would bring us additional revenue. It is currently being done; it's current practice. And I would think that if there's anything that we can do to bring additional revenue into the State of Illinois, this is one of them. And again, it does have the approval of the -- of the -- it must have the approval of the

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Governor, and I would ask for your support.

PRESIDENT PHILIP:

The question is, shall House Bill 689 pass. Those in favor, signify by voting Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there's 21 Ayes, 18 Nays, 13 voting Present. House Bill 689, having not received the required constitutional majority, is declared failed. House Bill 728. Senator Tom Dunn. Read the bill.

ACTING SECRETARY HAWKER:

House Bill 728.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Tom Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. This authorizes the creation of the Eastern Will County Sanitary District, almost solely within my district in Will County. This would allow the district to construct and acquire and operate a plant for purification of water, treatment of sewage and provide for waterworks. This issue addresses a serious problem in the area dealing with the quality of the water. This bill would not allow this to come into being unless there is a front-door referendum by the taxpayers in the district. I'm happy to answer any questions.

PRESIDENT PHILIP:

Further discussion? Further discussion? If not, Senator Tom Dunn, to close.

SENATOR T. DUNN:

Urge an Aye vote.

PRESIDENT PHILIP:

The question is, shall House Bill 728 pass. Those in favor,

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signify by saying Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. 50 Ayes, no Nays, 3 voting Present. House Bill 728, having received the required constitutional majority, is declared passed. House Bill 749. Senator Watson. Senator Watson. Take it out of the record. House Bill 765. Senator Cullerton. Senator Cullerton. Take it out of the record. House Bill 775. Senator Ralph Dunn. Take it out of the record. House... House Bill 788. Senator Barkhausen. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 788.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, House Bill 788 is a very simple bill that was on the Agreed Bill List in our Financial Institutions Committee. It amends the definition of "Credit Services Organization" to exclude Illinois licensed mortgage brokers and bankers. It's requested by the Mortgage Brokers' Association, and is supported by the Commissioners of Savings and Residential Finance. I urge your support.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? On the question. On the question. On House Bill 788, those in favor, signify by voting Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there's 55 Ayes, no Nays, no voting Present. House Bill 788, having received the required constitutional majority, is declared passed. Senator Petka, for what purpose do you rise?

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SENATOR PETKA:

A point of personal privilege, Mr. President.

PRESIDENT PHILIP:

State your point.

SENATOR PETKA:

It is -- Mr. President, Members of the Senate, I'd like to welcome to the Senate former U.S. Attorney and a longtime friend of mine, former State's Attorney of Lake County, Fred Foreman.

PRESIDENT PHILIP:

Fred, very nice to see you here in the Senate. House Bill 800. Senator Dudycz. Read the bill.

ACTING SECRETARY HAWKER:

House Bill 800.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Dudycz.

SENATOR DUDYCYZ:

Thank you, Mr. President. House Bill 800 creates the Veterans Advisory Council Act, which provides that a veterans advisory council may be established in municipalities with a population over fifty thousand persons. Current law provides that veterans assistance commissions may be created at the county level. At present there are only thirty-five counties in Illinois with such organizations. The -- the bill creates the Councils Act which provides that a veterans advisory council may be established in municipalities with populations over fifty thousand persons to advise the mayor on issues pertaining to veterans. It passed out of the House on a vote of 113 to nothing. I know of no opposition, and I seek your affirmative support.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? If not, the



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question is, shall House Bill 800 pass. Those in favor, signify by voting Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there's 56 Ayes, no Nays, no voting Present. House Bill 800, having received the required constitutional majority, is declared passed. House Bill 814. Senator Klemm. Senator Klemm. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 814.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President. House Bill -- 814, excuse me, amends the Minimum Wage Law to allow employers to not have to pay overtime up to ten hours in excess of their forty hours a week, provided that's for remedial training. In other words, employers want to help employees try to get their high school diploma, learn English, do some of those things, but they're prevented because under our existing law, they would have to pay time and a half. And if we can allow them up to ten hours to do this type of training, without being job specific training - in other words, they're not learning how to do their job at the company - that this would give them this advantage to help employees become better citizens. And I do ask for your support.

PRESIDENT PHILIP:

Further discussion? Senator Welch.

SENATOR WELCH:

I had a question of the sponsor.

PRESIDENT PHILIP:

He indicates he'll yield. Senator Welch.

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SENATOR WELCH:

Senator Klemm, the analysis that I have says that you're encouraging employees to go to high school to get at least an eighth-grade education. Are they being paid an hourly wage while they do that?

PRESIDENT PHILIP:

Senator Klemm.

SENATOR KLEMM:

Is your question, are they being paid a wage while they're going to school? Not that -- my knowledge. They may be working for that company. They have less than an eighth-grade education; the employer wants to support and help them getting additional education. They may even have some of the educational opportunities brought to their cafeteria section, let's say, and have employees learn those skills, if you will, without having the overtime pay penalty that they'd be charged.

PRESIDENT PHILIP:

Senator Welch.

SENATOR WELCH:

Well, I'm not sure I understand. The employer encourages an employee to go to school; he doesn't pay the employee to go. But then, because he encourages the employee to go to school, he can have another ten hours of work without paying above the minimum wage. He doesn't have to pay the overtime.

PRESIDENT PHILIP:

Senator Klemm.

SENATOR KLEMM:

No. The -- the employees are usually full or -- usually full-time employees now receiving whatever the wage that they have agreed to work under. The -- the employer wishes to give them supplemental opportunities. Let's say, after working hours, that we'd have from 5 to 6 p.m. an opportunity for you to learn

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English, let's say. Because that would, in a week's time, be over the forty hours they're working, they would end up having to pay that. So it's not a matter that they're paying them to go to school; it's a matter of extra opportunities that they're offering at their place of employment.

PRESIDENT PHILIP:

Senator Welch.

SENATOR WELCH:

So then, you're having teachers come in to the business to teach the employees. Are these certified teachers, and is there some report made to the Department of Labor to verify that it's -- it's -- it's not just somebody on the employer's staff teaching these people who doesn't have any training in teaching?

PRESIDENT PHILIP:

Senator Klemm.

SENATOR KLEMM:

No. The bill doesn't address that it has to be certified teachers. It does say that obviously you would have to be learning these various skills. You see, even the federal government had exempted, under federal law, that provision in order to provide that opportunity, but it is not specific that it has to be a member of the IEA or a teacher certificate, because they can do that many times with bilingual employees that are already there to help employees get that extra head start, helping them do it. It's really helping an employee. Nobody really -- both management and labor supports the idea of trying to help employees better themselves.

PRESIDENT PHILIP:

Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. I wanted to ask my cosponsor a question, please.

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PRESIDENT PHILIP:

He indicates he'll yield.

SENATOR PALMER:

Senator Klemm, I just want to make sure on this bill that we are talking about in the workplace; that education is taking place in the workplace.

PRESIDENT PHILIP:

Senator Klemm.

SENATOR KLEMM:

Yes. And it's for non-job type of training, remedial training type of thing. It's not to learn how to run a lathe or how to operate a forklift truck. That's -- that would be covered under overtime, and we know that. This is very specific to help an employee do that.

PRESIDENT PHILIP:

Senator Palmer.

SENATOR PALMER:

One more question, please. Question.

PRESIDENT PHILIP:

Yes. He indicates he'll yield.

SENATOR PALMER:

Senator Klemm, so that I can assure my colleagues on this side of the aisle, would you point to where that language is in the bill?

PRESIDENT PHILIP:

Senator Klemm.

SENATOR KLEMM:

All right. Let me look that up. On page 2, Section -- paragraph (3), and subparagraph (a), provides that -- who lacks a high school diploma or an educational attainment at eighth grade is the only ones who can do it, and also it goes on paragraph (c), "does not include job specific training." And that's the language

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that would prevent it for being related to the workplace type of employment.

PRESIDENT PHILIP:

Senator Palmer.

SENATOR PALMER:

Thank you. I'm sorry, Mr. President. I'm having a hard time hearing.

PRESIDENT PHILIP:

May we -- will we please come to order so Senator Palmer can understand the answers to her questions.

SENATOR PALMER:

I -- My -- my question -- right. My question was, specifically, does it say that the education will take place in the workplace?

PRESIDENT PHILIP:

Senator Klemm.

SENATOR KLEMM:

No, it does not specifically say that, but that's normally where the overtime pay would be. If an employee goes to a school or to a park district for remedial training, the employer doesn't have to pay overtime pay in those cases, usually.

PRESIDENT PHILIP:

Senator Palmer.

SENATOR PALMER:

Thank you. Senator Klemm, you know, you and I have talked about this and I certainly support this in principle, but I'd like to ask that we could put in an amendment that would specifically say that this education takes place in the workplace. I think there could be much better support for it then. I support this, even though there will be those who do not, because I believe very strongly in bringing education to the workplace. And I could be a lot happier with this if we could put that in and get stronger

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support for it.

PRESIDENT PHILIP:

Senator Klemm.

SENATOR KLEMM:

Well, it would seem to me, Senator, that even if an employer were to start a program - let's say it's a relatively large program - and he says that we'll have offered this type of remedial educational opportunities for our employees, and if you go to a certain park district auditorium - or what it is - and we'll have people there, that it could be construed that it's an -- an employer type of sponsored program, and those employers would then have to pay overtime. So I would think that you'd be very careful in saying that to get that opportunity, we should allow that exemption, which is allowed by federal law, without being that specific that it has to be on the actual factory ground. I'll give you an example. My factory is small enough where I wouldn't have that opportunity to put it into my factory itself, but I could join with several and go with my community college, let's say, and get an instructor who does bilingual education, because I have a lot of bilingual people. I could offer that. And if I do that, maybe I don't want to be -- construed that it is a function of the business and I have to, under the Wage Law, pay the overtime, so I don't do those -- type of programs. So this is really -- whether it's on the job or even if it's sponsored by 'em collectively, we're trying to do it for those that are limited in education. It's very narrow in scope. It cannot be a job related. The only one who wins is an employer, an employee and the community of trying to upgrade people in their education. I don't know how anybody would oppose that type of a proposition.

PRESIDENT PHILIP:

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

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SENATOR KLEMM:

I think it deserves all our support.

PRESIDENT PHILIP:

All right. The question is, shall House Bill 814 pass. Those in favor, signify by saying Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, 39 Ayes, 10 Nays, 5 voting Present. House Bill 814, having received the required constitutional majority, is declared passed. House Bill 819. Senator Mahar. Senator Mahar. Take it out of the record. House Bill 837. Senator Hasara. Take it out of the record. House Bill 840. Senator Donahue. Senator -- take it out of the record. House Bill 844. Senator Hawkinson. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 844.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. This bill was the same as the Senate bill we passed earlier, which clarifies that the use of drugs or misuse of alcohol in the -- in the workplace is not a violation -- it's not a handicap, under the Illinois Human Rights Act. This conforms to the Federal Americans With Disabilities Act in regards to the habitual use of illegal drugs or alcohol by an employee of a prospective employee. It does not affect confidentiality or -- or add to or detract from the terms of current law in the regard to confidentiality or employees' records, and I would ask for your favorable vote.

PRESIDENT PHILIP:

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Any further discussion? Any further... If not, the question is... Excuse me. Senator Collins.

SENATOR COLLINS:

Question of the sponsor, please.

PRESIDENT PHILIP:

Indicates he'll yield.

SENATOR COLLINS:

Senator, is this to -- bill -- somehow codify the notion that habitual drug addiction is not a medical illness?

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

This mirrors the Americans With Disability Act; that it is not a handicap, under the Human Rights Act.

PRESIDENT PHILIP:

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

SENATOR HAWKINSON:

Well, in further response, and I think she had a follow-up question, which I'd be happy to yield to, but this is current illegal drug use. It does not refer to past drug use.

PRESIDENT PHILIP:

Senator Collins.

SENATOR COLLINS:

But is this person declared -- has this person been declared being an addict? You know -- is this a chronic addict -- because that is a disability. You -- you know, if you are -- and I think the medical professions have determined it to be a illness and a physical illness. So therefore it ought to be a disability. And I know we have been fighting for years to -- in order to have it included - the treatment - into the insurance policies; that it be treated as a illness, and that's what it is. So, I -- I don't know what we -- what we're doing here. I'm not saying that the



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Americans Disability Act is inaccurate, but I don't think we ought to be mirroring something that we've been fighting on one hand to try to make that determination and the states to make a policy determining that -- that it is, in fact -- a habitual alcoholic or a substance abuser is a illness.

PRESIDENT PHILIP:

Senator Hawkinson.

SENATOR HAWKINSON:

Well, I don't think that was the question. I'd be happy to close, if that's...

PRESIDENT PHILIP:

Go right ahead, Senator Hawkinson. Close.

SENATOR HAWKINSON:

I think you all ought to look at the language that we're -- we're dealing with here. We're not talking about someone who's an addict or -- or denying medical treatment. But on page 7 of the bill, we're -- we're talking about -- the term "handicap" shall not include an employee or applicant who is currently engaging in the illegal use of drugs. And it further provides that this shall not apply where an employee or an applicant has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs. So this does not penalize someone who has -- who has undergone successful drug treatment. It does not, in any way, discriminate against them in that fashion. This only deals with the fact that we will not consider it a handicap if someone is currently engaging in the illegal use of drugs. And it mirrors the federal language of the Americans With Disability Act, and I would ask for your Aye vote.

PRESIDENT PHILIP:

All right. The question is, shall House Bill 844 pass. Those in favor, signify by voting Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who

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wish? Take the record. The Ayes are 47, the Nays are 6, 2 voting Present. House Bill 844, having received the required constitutional majority, is declared passed. Well, we're down to the last bill. House Bill 909. Senator Karpiel. Senator Karpiel. Read the bill.

ACTING SECRETARY HAWKER:

Senate <sic> (House) Bill 909.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. This bill is the bill that was requested by the municipalities of St. Charles, Geneva and Batavia to raise the population figures in the existing Statute so that they can continue providing for fire protection and ambulance service. And this is, you know -- we -- we passed one like this out of the House. This is similar. This one really is a better bill. So I'd like to pass this, because this includes -- the townships; it's just written a little bit better.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? On the question, shall House Bill 909 pass, those in favor, signify by saying Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. There are 55 Ayes, no Nays, no voting Present. House Bill 909, having received the required constitutional majority, is declared passed. Senator Ralph Dunn, for what purpose do you rise?

SENATOR R. DUNN:

Mr. President, I'd like to table a bill if it's in order.

PRESIDENT PHILIP:

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That is always in order. What's the bill?

SENATOR R. DUNN:

I -- I have House Bill 1290 on 2nd Reading, and I'd like to move to table it.

PRESIDENT PHILIP:

Senator Dunn moves that House Bill 1290 at 2nd -- on 2nd Reading be tabled. Any objections? If not, so ordered. Further discussion? Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports that the following Legislative Measures have been assigned to committees: Referred to the Senate without reference to committee - House Bills 1861, 1869 and 1877; to the Committee on Agriculture and Conservation - Senate Amendment 1 to House Bill 1039; to the Education Committee - Senate Amendment 1 to House Bill 701; to Environment and Energy - Senate Amendment 2 to House Bill 1464; to Executive - Senate Amendment 1 to House Bill 1963; to Financial Institutions - Senate Amendment 1 to House Bill 1718; to the Insurance, Pensions and Licensed Activities Committee - Senate Amendment 2 to House Bill 1642; to Judiciary - Senate Amendment 1 to House Bill 840, Senate Amendment 1 to House Bill 1476, Senate Amendment 2 to House Bill 1886, and Senate Amendment 1 to House Bill 2408; to Local Government and Elections - Senate Amendment 5 to House Bill 979; to Public Health and Welfare - Senate Amendment 1 to House Bill 258, Senate Amendments 2 and 3 to House Bill 1037, Senate Amendment 1 to House Bill 1852, Senate Amendments 1 and 2 to House Bill 2242, and Senate Amendment 1 to House Bill 2397.

PRESIDENT PHILIP:

Mr. Secretary, have any motions been filed?

SECRETARY HARRY:

Yes, Mr. President. Senator Woodyard has filed a motion with respect to House Bill --- or Senate Bill 686.

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PRESIDENT PHILIP:

Mr. Secretary, the Chair requests that the motions be printed on the Calendar. Resolutions.

SECRETARY HARRY:

Senate Resolution 418, offered by Senator Jones and all Members.

Senate Resolution 419, by Senator Petka.

And Senate Resolution 420, by Senator Severns.

They're all congratulatory, Mr. President.

PRESIDENT PHILIP:

Consent Calendar. I'd like -- like to make one announcement. The Governor's Prayer Breakfast is 7:30 a.m. sharp at the Holiday Inn East. If there's no further business to come before the Senate, Senator Geo-Karis moves the Senate stand adjourned till tomorrow morning, May 13th, at 9:30 a.m. Stand adjourned.

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