

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

59th Legislative Day

May 24, 1993

PRESIDENT PHILIP:

The hour of twelve having arrived, the Senate will please come to order. Will our Members please rise, and our friends in the galleries please rise for the prayer. The prayer today is by Father Kurt Spengler, East Orthodox Circle of Churches, Glen Ellyn, Illinois.

FATHER KURT SPENGLER:

(Prayer by Father Kurt Spengler)

PRESIDENT PHILIP:

Reading and approval of the Journal.

SECRETARY HARRY:

Senate Journals of Monday, May 17th, and Tuesday, May 18th, 1993.

PRESIDENT PHILIP:

Senator Butler.

SENATOR BUTLER:

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

PRESIDENT PHILIP:

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

SENATOR BUTLER:

Mr. President, I move that reading and approval of the Journals of Wednesday, May 19th; Thursday, May 20th; Friday, May 21st; and Sunday, May 23rd, 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 Journals, pending the arrival of the printed transcripts. There being no objection, so ordered. All right. At this point, I'd -- I'd like to bring you up to date, what we anticipate doing

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today. We're going to do Senate bill non-concurrences, then House bills recede motions, and then we will -- we will stand at recess at 1 o'clock until 3 for the purpose of committee hearings. So without further ado -- we have the -- Illinois Information Service requests to videotape the proceedings today. Is leave granted? Leave is granted. We also have -- WAND-TV requests permission to videotape today's Senate proceedings. Is there leave? Leave is granted. All right. The Secretary's Desk, Senate Bills, Concurrence, the top of page 10. Senate Bill 25. Senator Cullerton. Senator Cullerton. Take it out of the record. Senate Bill 207. Senator Cullerton. Senator Cullerton. Take it out of the record. Senate Bill 273. Senator Cullerton. Senator Cullerton. Take it out of the record. Senate Bill 289. Senator Welch. Senator Welch. Take it out of the record. Senate Bill 345. Senator McCracken. Mr. Secretary.

SECRETARY HARRY:

House Amendments 1, 3 and 5 to Senate Bill 345.

PRESIDENT PHILIP:

Senator McCracken.

SENATOR MCCRACKEN:

Thank you, Mr. President. I move to non-concur in House Amendments 1, 3 and 5.

PRESIDENT PHILIP:

Any discussion? If not, Senator McCracken moves to non-concur in House Amendments 1, 3 and 5 to Senate Bill 345. All those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. Senate Bill 442. Senator Cullerton. Senator Cullerton. Take -- take it out of the record. Senate Bill 533. Senator Madigan. Senator Madigan. 533. In the middle of page 13. Take it out of the record. Senate Bill 617. Senator Barkhausen. Senator Barkhausen. Mr. Secretary.

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SECRETARY HARRY:

House Amendments 1 and 4 to Senate Bill 617.

PRESIDENT PHILIP:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you -- thank you, Mr. President. I move to non-concur with House Amendments 1 and 4 to Senate Bill 617.

PRESIDENT PHILIP:

Any discussion? Any discussion? If not, Senator Barkhausen moves to non-concur in House Amendments 1 and 4 to Senate Bill 617. All those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The motion carries. The Secretary shall so inform the House. House Bill -- Senate Bill 650. Senator Cullerton. Senator Cullerton. Take it out of the record. Senate Bill 730. Senator Woodyard. Senator Woodyard. 730. Mr. Secretary.

SECRETARY HARRY:

House Amendment 2 to Senate Bill 730.

PRESIDENT PHILIP:

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President. I would move to non-concur with House Amendment No. 2 on Senate Bill 730.

PRESIDENT PHILIP:

Any discussion? Any discussion? If not, Senator Woodyard moves to non-concur in House Amendment No. 2 to Senate Bill 730. All those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The motion carries. The Secretary shall so inform the House. Senate Bill 899. Senator DeAngelis. Senator DeAngelis. Mr. Secretary.

SECRETARY HARRY:

House Amendment No. 1 to Senate Bill 899.

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PRESIDENT PHILIP:

Senator DeAngelis.

SENATOR DeANGELIS:

I move that we non-concur with House Amendment No. 1 on Senate Bill 899.

PRESIDENT PHILIP:

Any discussion? Senator Topinka. Senator -- Topinka.

SENATOR TOPINKA:

...(machine cutoff)...Mr. President and Ladies and Gentlemen of the Senate, if you would be so kind to give a warm Springfield welcome to the honor roll high school students from McCarrell Christian Academy in -- from Cicero, Illinois. They're on the Republican side in the back gallery, and they're here visiting and taking a tour and seeing what we do here all day long. So if we could all give them a round of applause.

PRESIDENT PHILIP:

Senator DeAngelis moves to non-concur in House Amendment No. 1 to Senate Bill 899. All those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The motion carried, and the Secretary shall so inform the House. Senate Bill 906. Senator -- excuse me. Senate Bill 935. Senator Barkhausen. Mr. Secretary.

SECRETARY HARRY:

House Amendments 5 and 7 to Senate Bill 935.

PRESIDENT PHILIP:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Mr. President. I again move to non-concur with House Amendments 5 and 7 to Senate Bill 935.

PRESIDENT PHILIP:

Any discussion? Any discussion? If not, Senator Barkhausen moves to non-concur in House Amendment 5 and 7 to Senate Bill 935.

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All those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. With leave, I will go in reverse and go back to Senate Bill 926. Senator Welch. Mr. Secretary.

SECRETARY HARRY:

House Amendments 1, 4, 5 and 6 to Senate Bill 926.

PRESIDENT PHILIP:

Senator Welch.

SENATOR WELCH:

Thank you. I would move to non-concur on Amendments 1, 4, 5 and 6.

PRESIDENT PHILIP:

Any discussion? Any discussion? If not, Senator Welch moves not to concur on House Amendment 1, 4, 5 and 6 to Senate Bill 926. All those in favor, signify by saying Aye. Those opposed, Nay. Ayes have it. Motion carries, and the Secretary shall so inform the House. Senate Bill 940. Senator McCracken. Mr. Secretary.

SECRETARY HARRY:

House Amendments 1 and 3 to Senate Bill 940.

PRESIDENT PHILIP:

Senator McCracken.

SENATOR MCCRACKEN:

Thank you, Mr. President. I move to non-concur in House Amendments 1 and 3.

PRESIDENT PHILIP:

Any discussion? Any discussion? If not, Senator McCracken moves to non-concur on House Amendment 1 and 3 to Senate Bill 940. All those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The motion carries, and the Secretary will so inform the House. Senate Bill 951. Senator Madigan. Mr. Secretary.

SECRETARY HARRY:

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House Amendment 1 to Senate Bill 951.

PRESIDENT PHILIP:

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. I move to non-concur with House Amendment No. 1 to Senate Bill 951.

PRESIDENT PHILIP:

Any discussion? Any discussion? If not, Senator Madigan moves to non-concur in House Amendment No. 1 to Senate Bill 951. All those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House.

PRESIDING OFFICER: (SENATOR WEAVER)

We'll now go to the Secretary's Desk, House Bills, Non-concurrence, for motions to refuse to recede. Senator Cullerton, on House Bill 765? Out of the record. Senator Woodyard, on House Bill 1613? Mr. Secretary?

SECRETARY HARRY:

Senate Amendment 1 to House Bill 1613.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President. I would move to refuse to recede from Senate Amendment No. 1 to House Bill 1613.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Woodyard moves that the Senate refuse to recede from the adoption of a -- Senate Amendment No. 1 to House Bill 1613, and that a conference committee be appointed. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. Senator Topinka, do you wish to act on 1852? Mr. Secretary?

SECRETARY HARRY:

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Senate Amendment No. 1 to House Bill 1852.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Topinka.

SENATOR TOPINKA:

Mr. President and Ladies and Gentlemen of the Senate, I would move that the Senate refuse to recede from Senate Amendment No. 1 to House Bill 1852.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Topinka moves that the Senate refuse to recede from the adoption of Amendment No. 1 to House Bill 1852, and that a conference committee be appointed. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. Senator Demuzio? Mr. Secretary, on 915 <sic> (1915).

SECRETARY HARRY:

Senate Amendment 1 to House Bill 1915.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I would move to refuse to recede from the adoption of Senate Amendment No. 1 to House Bill 1915.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Demuzio moves that the Senate refuse to recede from the adoption of Senate Amendment No. 1 to House Bill 1915, and that a conference committee be appointed. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the motion carries, and the Secretary shall so inform the House. For what purpose do you rise, Senator Maitland?

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. Standing at Senator Mahar's desk - and, yes, indeed, he is

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standing - is former State Senator Harlan Rigney, who's come back from the Great Northland to visit us. Senator Rigney thrilled us on this Floor many times with his great speeches. And, Senator Rigney, nice to have you back, sir.

PRESIDING OFFICER: (SENATOR WEAVER)

Good to see you, Harlan. On page 10 of the Calendar, on the Order of Concurrence, Senate Bills. Mr. -- this is final action. Mr. Secretary, Senate Bill 66.

SECRETARY HARRY:

House Amendments 1 and 2 to Senate Bill 66.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President, Ladies and Gentlemen of the Senate, Senate Bill 66 I think most people remember coming through here. It was the highly contentious bill. It ultimately got to the House and all parties sat down, negotiated out a settlement. Currently there is no one in opposition. It is quite lengthy in terms of what it does, in terms of postsurgical recovery care centers. I think everyone's concerned -- concerns have been assuaged. I don't think anybody is thoroughly happy with it, nor is thoroughly unhappy with it. I think it's a first start, a good start, and I would be happy to answer any questions regarding the amendment. As I said, it is rather lengthy. If anyone has any specific questions, I'd be happy to address them. If not, I would move that we concur with the Senate <sic> (House) Amendment No. 1 to Senate Bill 66 and send it off to the Governor.

PRESIDING OFFICER: (SENATOR WEAVER)

Any discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. Chairman -- Mr. President and Ladies and Gentlemen of the Senate. Would the -- would the sponsor yield for



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a question?

PRESIDING OFFICER: (SENATOR WEAVER)

She indicates she'll yield.

SENATOR JACOBS:

I had talked to you earlier, Senator, and I don't know if it was ever resolved, but there was an issue that was a concern to -- to me, and that is that the downstate care centers, or recovery care concept, would have to be part of an existing hospital. Was that taken care of?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Topinka.

SENATOR TOPINKA:

Your particular concern, Senator Jacobs, was not taken care of. I mean, again, it was an attempt to reach a -- a broad consensus in terms of trying to get an agreement in here. I don't think all parts of this are as agreed out as I personally would like them to be, but I think this is the best I can get.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

The problem I've got with it is it does nothing for downstate. I mean, all we're doing is saying that if you have a hospital, the hospital can -- can go ahead and take -- partake of the recovery care concept; whereas, if we would have been able to -- to have it at a separate site, which makes sense, then at that time we could have had true recovery care concept, meaningful negotiations. And I think that that's something that we need for downstate, because that's where the -- the health care is not available. And because we don't have the health care available, we are just compounding the problem on this particular amendment. I would like to see us not concur in that amendment and -- and move along our merry way and get that resolved so that downstate would be able to really

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get something out of this bill. Because as it now sits, we're only allowing an existing hospital to partake. All we've really done is taken away the -- the concept from a other source and giving it back to the hospitals. And all we're doing is giving them something more to play with, and I think it's too much to give the Hospital Association in this particular case.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. Chairman. Would the sponsor -- well, no, I don't even need to speak to the sponsor. I just wanted to say that some of my concerns, too, were not addressed and, one, I was talking about -- affordability for this project. Medicaid and Medicare still are not addressed; however, I do want to commend the sponsor, and also want to commend the Department and -- of Public Aid and Illinois Hospital Association for sitting down and trying to work out most of the problems. And as amended, I too concur with the amendment and agree with it.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Palmer.

SENATOR PALMER:

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

PRESIDING OFFICER: (SENATOR WEAVER)

She indicates she will yield.

SENATOR PALMER:

I'm sorry. I can barely... Senator Topinka, I know one of the major issues the last time was the willingness or the ability of these centers to accept Medicare and Medicaid patients. Now, I understand you've worked on that. Could you tell me what the resolution of that issue was, please?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Topinka.

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SENATOR TOPINKA:

Yes. We have, I think, done the best we can do in light of federal regulations which have not yet come down. It's not as though we have not sought them, but they have not yet come down on that issue. So we do, indeed, trigger off of them. We continue to provide charity care. We also continue to put these in areas that would not -- they have to have sixty percent -- they cannot be more than sixty percent Medicaid. So as a result, if there were an overflow of Medicaid patients, this would not affect them. We also prohibit discrimination in -- you know, from Medicaid patients being taken in. I think that, again, is the best we can get, and this has been worked on, and worked on, and worked on. And although it is not a bill that either you, or Senator Jacobs, or even I, think is -- is what I would like, I think it's the best we can get, and it's pretty finely tuned.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator DeAngelis.

SENATOR DeANGELIS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR WEAVER)

She indicates she will yield.

SENATOR DeANGELIS:

Senator Topinka, why is DuPage County exempted from this bill?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Topinka.

SENATOR TOPINKA:

As I said, it is not the perfect bill. We could not get it out of the House with the Minority Leader's blessing if it were not in this form. I'm not happy with that particular aspect, and I'm hoping down the road a piece, we can ameliorate that problem. But for the moment, I'm kind of stuck with it.

PRESIDING OFFICER: (SENATOR WEAVER)

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Senator DeAngelis.

SENATOR DeANGELIS:

Well, in the event that we do not concur and this goes to conference, would you consider exempting suburban Cook out of it?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Topinka.

SENATOR TOPINKA:

No, I don't intend to exempt anything further from it. I'm not happy with the exemption as it sits.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. Apologize for speaking for a -- a second time, but I would like to have my name removed as a cosponsor of Senate Bill 66.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there leave? Leave is granted. Further discussion? Senator Topinka, to close.

SENATOR TOPINKA:

Again, I think the issue has been highly contentious. I don't particularly think it had to have been. I think it was given more attention than it deserved, as we looked in terms of trying to bring a variety to the delivery of health care, a variety that would keep down costs, a variety that, indeed, would be more consumer-friendly. But since it did get to this very, very high percolation level, I think, again, that this is probably the best this bill is ever going to be this Session, and I would certainly encourage a positive vote on this to get it to the Governor's Office. And then if there's further work to be done down the road, we'll take it up in other bills.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall the Senate concur in House Amendments

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No. 1 and 2 to Senate Bill 66. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 42, the Nays are 11, 2 voting Present. The Senate does concur in House Amendments 1 and 2 to Senate Bill 66. And the bill, having received the required constitutional majority, is declared passed. What purpose Senator Watson arise?

SENATOR WATSON:

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

PRESIDING OFFICER: (SENATOR WEAVER)

State your point, sir.

SENATOR WATSON:

Yes. Thank you. Yesterday, the 23rd of May, was my daughter's birthday. My daughter Kami became twenty years old. But it was also the -- the birthday of our Presiding Officer, Senator Weaver. Now, I don't know how many years old Senator Weaver is, and I think he's refused to divulge that information. On the 26th, the actual President of the Senate, Pate Philip, will be celebrating a birthday. So as a result of those two birthdays, there's cake available in the Office 313, which is right across from Senator Philip's Office. This will be the last year that we will be able to celebrate these two Gentlemen's birthday on the Floor of the Senate, because next year we adjourn April 30th. So we need them celebrated in good fashion, and congratulations to both Senator Philip and Senator Weaver. Happy...(microphone cutoff)...

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Point of personal privilege.

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PRESIDING OFFICER: (SENATOR WEAVER)

State your point, sir.

SENATOR PHILIP:

I -- I never thought that Weaver'd ever live to be seventy-eight years old. He's such a cantankerous old grouch, I'm surprised that somebody hasn't shot him yet. But -- but, Stanley, you're the greatest, and we wish you another seventy-eight wonderful, beautiful years.

PRESIDING OFFICER: (SENATOR WEAVER)

Thank you, sir. Channel 7, Chicago, requests permission to videotape the Session. Is there leave? Leave is granted. For what purpose does Senator Geo-Karis arise?

SENATOR GEO-KARIS:

Well, a point of personal privilege. Mr. President and Ladies and Gentlemen of the Senate, I think the President sitting back there raised your age by ten years. And I don't think that's fair. He should speak for himself.

PRESIDING OFFICER: (SENATOR WEAVER)

Thank you, Geo. For what purpose does Senator Hall arise?

SENATOR HALL:

I just wanted to welcome you, so you're joined with me now. I didn't think you were as old as I am, I'm telling you. Huh?

PRESIDING OFFICER: (SENATOR WEAVER)

I'm catching up, Kenny.

SENATOR HALL:

Well, you're -- you're moving fast.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Molaro.

SENATOR MOLARO:

Yes, Mr. President, point of personal privilege.

PRESIDING OFFICER: (SENATOR WEAVER)

State your point.

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SENATOR MOLARO:

Now that we're speaking of people who have been here a while, for those of you who have, I think you remember with reverence a man that was in the House of Representatives for about fifteen to eighteen years, Representative John Fary, from Chicago. John Fary went on to be a Congressman from the 5th District. And John was here many, many years, as you well know, a well-respected man. With us on the Senate Floor today is the alderman from Chicago's 12th Ward, John Fary's nephew. Alderman Mark Fary, from the City of Chicago, is with us today.

PRESIDING OFFICER: (SENATOR WEAVER)

Welcome, Mark. Senator Thomas Dunn. Excuse me. Senator Molaro.

SENATOR MOLARO:

Yes. We have also in the -- in the President's Gallery to our left is the Republican Committeeman from the 12th Ward of the City of Chicago, Mike McCabe, from the 12th Ward - Republican.

PRESIDING OFFICER: (SENATOR WEAVER)

Stand and be recognized by the Senate. Senator Thomas Dunn, on 478? Mr. Secretary, read the bill number and House amendments.

SECRETARY HARRY:

House Amendment No. 1 to Senate Bill 478.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dunn, to explain the amendment.

SENATOR T. DUNN:

Thank you, Mr. President. This amendment merely provides that when an individual is convicted of Public Aid fraud, he'll be ordered to perform community service, but only in those counties that provide for community service. I urge adoption and concurrence of House Amendment No. 1 to Senate Bill 478.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Dunn, to close.

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SENATOR T. DUNN:

Urge a favorable vote.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 478. Those in favor will vote Aye. Those -- opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 478. The bill, having received the required constitutional majority, is declared passed. Senator Mahar?

SENATOR MAHAR:

Thank you, Mr. President and Members. As long as we're on the order of points of personal privilege...

PRESIDING OFFICER: (SENATOR WEAVER)

State your point.

SENATOR MAHAR:

I'd like to take the opportunity to welcome to Springfield a former colleague, in fact, my predecessor in the State Senate, my father. He's in the back of the room swapping war stories. And he did serve -- he could well -- well able to do so. He did serve two terms with Abe Lincoln, and I would like the Membership to join me in welcoming my dad back to Springfield.

PRESIDING OFFICER: (SENATOR WEAVER)

Welcome to Springfield, Bill. Senator Cullerton, on 861? Mr. Secretary, read the bill and the House amendments.

SECRETARY HARRY:

House Amendment No. 1 to Senate Bill 861.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton, to explain the amendment.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. I move to



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concur with House Amendment No. 1 to Senate Bill 861. This amendment is -- comes at the recommendation of the Children's Memorial Hospital. It's supported by the Department of Public Health. The bill, as it passed the Senate, asked the Department to examine the special treatment needs of those ambulatory surgical treatment centers which provide care to children. There's only two of these in the nation. One of them is run by the Children's Memorial Hospital; it's located in Westchester, Illinois. What this bill does is to allow children who are admitted to ambulatory surgical treatment centers to stay up to twenty-three hours following admission. This legislative authority is needed because children require more postoperative monitoring than adults, and children cannot identify their needs or communicate as well as adults. And so this change in the Statute is necessary for this one particular facility located in Westchester. As I said, it's only one of only two in the nation, and I think that -- given the fact that the testimony has been that children's physicians feel more comfortable to act in the best interests of the child without what is now viewed as arbitrary overnight prohibition, in this particular case would be appropriate. So I'm happy to answer any questions, and I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 861. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 861, having received the required constitutional majority, is declared passed. On the Order of House Bills, Non-concurrence, House Bill 765. Senator Cullerton?

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Mr. Secretary, please read the bill and the Senate amendments.

SECRETARY HARRY:

Senate Amendment No. 1 to House Bill 765.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton, to explain the motion.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. I would move to refuse to recede on Senate Amendment No. 1 to House Bill 765, and ask that a conference committee be appointed.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton moves that the Senate refuse to recede from the adoption of Amendment No. 1 to House Bill 765, and that a conference committee be appointed. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary -- shall so inform the House. On the Order of Concurrence -- Senator Cullerton, on the Order of Non-concurrence, Senate Bill 442. Mr. Secretary.

SECRETARY HARRY:

House Amendments 1 and 2 to Senate Bill 442.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton moves...

SENATOR CULLERTON:

Yes. Thank -- thank you, Mr. President. I would move to non-concur with House Amendments No. 1 and 2 to Senate Bill 442.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cullerton moves to nonconcur in House Amendments No. 1 and 2 to Senate Bill 442. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. We're almost finished with the Calendar, but there'll be a Supplemental Calendar at 3 o'clock to act on those amendments that are acted on in committee this afternoon. Mr. Secretary, do you have any further resolutions?

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For what purpose does Senator Watson -- arise?

SENATOR WATSON:

Mr. President, I'm just looking through the Calendar, and I realize we've got House Bills 1st Reading; we've got Consideration Postponed; we've got a lot of order of business on here that we'll never go to. Could we have leave to eliminate this off the Calendar?

PRESIDING OFFICER: (SENATOR WEAVER)

Leave is not granted. Resolutions.

SECRETARY HARRY:

Senate...

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Fawell, for what purpose do you arise?

SENATOR FAWELL:

Just -- just for an announcement. We have six amendments in Transportation Committee, and we will meet at 1 o'clock in Room 400.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Lauzen, for what purpose do you arise?

SENATOR LAUZEN:

Personal privilege.

PRESIDING OFFICER: (SENATOR WEAVER)

State your point.

SENATOR LAUZEN:

I was recorded on Senate Bill 66, Amendments 1 and 2, as an Aye vote, and I'd like the record to show a -- a Present vote on that. My intention is a Present vote.

PRESIDING OFFICER: (SENATOR WEAVER)

The record will so reflect. Senator Ralph Dunn, for what purpose do you arise?

SENATOR R. DUNN:

Thank you, Mr. President. To announce that the State

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Government Operations and Executive Appointments will not meet today. We'll meet Thursday morning at 8 o'clock. If you come a little early, I might buy breakfast, just for the committee - just for the committee. Until...(microphone cutoff)...

PRESIDING OFFICER: (SENATOR WEAVER)

What purpose does Senator -- excuse me. Senator Barkhausen, for what purpose do you arise?

SENATOR BARKHAUSEN:

Thank you, Mr. President. The Senate Financial Institutions Committee will meet at 2 o'clock for a brief meeting in Room A-1.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Mahar.

SENATOR MAHAR:

Mr. President, for a purpose of an announcement. The Senate Environment and Energy Committee will be meeting at 2 o'clock in -- in Room 400 to consider seven amendments.

PRESIDING OFFICER: (SENATOR WEAVER)

Resolutions.

SECRETARY HARRY:

Senate Resolution 518, offered by Senator del Valle.

And Senate Resolution 519, offered by Senator Watson. They're both congratulatory, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Consent Calendar. The Senate will stand in recess until 3 o'clock.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

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PRESIDING OFFICER: (SENATOR WEAVER)

The Senate will come to order. Committee Reports.

SECRETARY HARRY:

Senator Madigan, Chair of the Committee on Insurance, Pensions and Licensed Activities, reports motions to concur with House Amendments 2, 3 and 4 to Senate Bill 252 Be Approved for Consideration; motion to concur with House Amendments 1, 2 and 4 to Senate Bill 262 Be Approved for Consideration; motion to concur with House Amendment 1 to Senate Bill 436 Be Approved for Consideration; motion to concur with House Amendment 1 to Senate Bill 496 Be Approved for Consideration; motion to concur with House Amendment 1 to Senate Bill 641 Be Approved for Consideration; motion to concur with House Amendments 1 and 2 to Senate Bill 828 Be Approved for Consideration; motion to concur with House Amendments 2, 4 and 7 to Senate Bill 830 Be Approved for Consideration; and motion to concur with House Amendment 1 to Senate Bill 966 Be Approved for Consideration.

Senator Topinka, Chair of the Committee on Public Health and Welfare, reports the motion to concur with House Amendment 1 to Senate Bill 99 Be Approved for Consideration; motion to concur with House Amendment 4 to Senate Bill 712 Be Approved for Consideration; and motion to concur with House Amendments 1, 2, 3 and 4 to Senate Bill 964 Be Approved for Consideration.

Senator Karpfel, Chair of the Committee on Executive, reports Senate Resolutions numbered 144, 297, 318, 391, 407, 408 and 448 Be Adopted; Senate Resolutions 139, 332 and 376 Be Adopted, as Amended; House Joint Resolutions 22, 24 and 36 Be Adopted; and House Joint Resolution Constitutional Amendment 14 Be Adopted; Senate Joint Resolutions 35, 53, 55, 57, 62 and 64 Be Adopted; motion to concur with House Amendments 1 and 2 to Senate Bill 142 Approved for Consideration; motion to concur with House Amendment 2 to Senate Bill 503 Approved for Consideration; motion to concur

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with House Amendment 1 to Senate Bill 550 Approved for Consideration; motion to concur with House Amendment 1 to Senate Bill 614 Approved for Consideration; and motion to concur with House Amendment 1, 2, 3, 4, 5 and 8 to Senate Bill 625 Approved for Consideration.

Senator Watson, Chair of the Committee on Education, reports the motion to concur with House Amendment 1 to Senate Bill 7 Be Approved for Consideration; motion to concur with House Amendment 2 to Senate Bill 411 Be Approved for Consideration; and motion to concur with House Amendment 1 to Senate Bill 1096 Be Approved for Consideration.

Senator Hawkinson, Chair of the Committee on Judiciary, reports the motion to concur with House Amendments 1, 2, 4 and 5 to Senate Bill 325 Be Approved for Consideration; motion to concur with House Amendment 1 to Senate Bill 418 Be Approved for Consideration; motion to concur with House Amendment 1 to Senate Bill 425 Be Approved for Consideration; motion to concur with House Amendment 1 to Senate Bill 460 Be Approved for Consideration; motion to concur with House Amendment 1 to Senate Bill 483 Be Approved for Consideration; motion to concur with House Amendment 1 -- Amendments 1 and 2 to Senate Bill 486 Be Approved for Consideration; motion to concur with House Amendment 1 to Senate Bill 576 Be Approved for Consideration; motion to concur with House Amendments 1 and 2 to Senate Bill 651 Be Approved for Consideration; motion to concur with House Amendment 1 to Senate Bill 759 Be Approved for Consideration; motion to concur with House Amendment 1 to Senate Bill 1076 Be Approved for Consideration; and motion to concur with House Amendment 3 to Senate Bill 1078 Be Approved for Consideration.

And Senator Butler, Chair of the Committee on Commerce and Industry, reports the motion to concur with House Amendment 1 to Senate Bill 139 Be Approved for Consideration; motion to concur

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with House Amendment 1 to Senate Bill 347 Be Approved for Consideration; and motion to concur with House Amendments 1 and 4 to Senate Bill 571 Be Approved for Consideration.

PRESIDING OFFICER: (SENATOR WEAVER)

Resolutions, Mr. Secretary.

SECRETARY HARRY:

...(microphone cutoff)...Resolution 520, offered by Senators Philip and Maitland <sic>.

Senate Resolution 521, by Senator Rea.

And Senate Joint Resolution 71, by Senator Maitland.

They're all congratulatory, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Consent Calendar. House Bills 1st Reading.

SECRETARY HARRY:

House Bill 276, offered by Senator Farley; House Bill 356, by Senator Farley; House Bill 577, by Senator Farley; and House Bill 2363, by Senator Farley.

House Bill 276.

(Secretary reads title of bill)

House Bill 356.

(Secretary reads title of bill)

House Bill 577.

(Secretary reads title of bill)

And House Bill 2363.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR WEAVER)

If the Senate will direct your attention to Supplemental Calendar No. 1. We have concurrences. Senator del Valle, Trotter, Friedland <sic>, Madigan, Madigan, Madigan. So just as soon as we can get the Senators on the Floor, why we'll be ready to roll. This will be final action. Motions in Writing.

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SECRETARY HARRY:

Whereas, House Amendment 1 to Senate Bill 651 has been received by the Senate via Message from the Clerk of the House; and whereas, the Amendment is eight hundred seventy-seven pages long, contains only nonsubstantive changes to various Illinois Statutes and constitutes the annual revisory bill of the Legislative Reference Bureau; now therefore, the undersigned Senators respectfully move that the applicable -- printing and distribution requirements contained in the Senate Rules be -- suspended so that House Amendment 1 to Senate Bill 651 may be considered without first having to be distributed on all Members' desks.

Signed by Senator Philip, President of the Senate, and Senator Jones, Minority Leader.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there leave to have Senator Watson handle this motion? Hearing no objection, leave is granted. Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. As the Secretary stated, Senator Philip or Senator Jones, neither one being present, I'd like to move this as the "Save the Trees Motion" for this particular Session.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator -- Senator Watson's moved the adoption of the motion. Is there discussion? If not, all in -- favor, signify by saying Aye. Opposed, Nay. Motion's adopted. Senator Watson.

SENATOR WATSON:

Motion being adopted, I appreciate your support. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

The motion has been adopted. Senator del Valle, are you ready on Senate Bill 7? Mr. <sic> Secretary, read the bill number and the House amendment.



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ACTING SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 7.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator del Valle, to explain the amendment.

SENATOR DEL VALLE:

Thank you, Mr. President. This concurrence motion was approved unanimously by the Senate Education Committee. It was a House amendment that was requested by the State Board of Education, and it clarifies the intent of the bill. It specifies that the provisions regarding the expiration of the transitional certificate apply only to teachers whose certificates are granted after the effective date of the Act.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, Senator del Valle has moved the -- the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 7. Those in favor, vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, 1 voting Present. The Senate does concur in House Amendment -- No. 1 to Senate Bill 7. And the bill, having received the required constitutional majority, is declared passed. Senator Trotter, on 99? Mr. <sic> Secretary.

ACTING SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 99.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Trotter, to explain the amendment.

SENATOR TROTTER:

Yes. Thank you very much, Mr. Chairman, Members of the -- the Senate. Senate Bill 99 was approved by unanimous vote in committee. The amendment came out of a process between the Public Welfare Coalition, Department of Public Aid, Department of Public Health, and the Illinois Maternal and Child Health Coalition,

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which gave some clarifying language to the bill - the original bill - which just stated, and gave us one date in which they will be giving us a report, which will be on July of 1994 and from then thereafter every year. And there are many other provisions as well, if anybody wants me to explain them.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 99. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 99, having received the required constitutional majority, is declared passed. Senator Hawkinson, are you ready on 325? Madam Secretary, read the number and the House amendments.

ACTING SECRETARY HAWKER:

House Amendments 1, 2, 4 and 5 to Senate Bill 325.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Senate Bill 325 was the Judiciary Committee probation officers' bill that Senator Dunn and I collapsed four or five Senate bills into. Those provisions remain in the bill, as it comes back to us from the House. The Judiciary Committee this morning approved for considerations Amendment 1, 2, 4 and 5. Amendment No. 1 imposes a twenty-five-dollar fee on orders of supervision and probation under the Juvenile Court Act, and a similar fee is placed on adult offenders placed on -- on supervision. The court has discretion to impose a lesser amount, based upon ability to pay. Amendment No. 2 allows a court at the time of sentencing to impose a restitution payment order longer

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than five years, if it's necessary for payment and in the best interests of the victim. Amendment No. 3 <sic> requires State's attorneys to report convictions of school employees on sex and drug offenses. The report is to be made to the State Board of Education, the members of the local school board, and the chief administrative officer of the employee's school district. I'm sorry; that was Amendment No. 4. Amendment No. 5 represents -- was offered by Representative Dart in the House. It is similar to House Bill 677, which was sponsored by Senator Welch and myself, which establishes a Child Safe House Program to be run by local law enforcement agencies. We felt it was important, Senator Welch and I did - and Representative Mautino originally authored this concept - but we felt it was important to have one symbol statewide, and it's based on the "McGruff" symbol. There will be background checks over every adult in a household which applies to be one of these safe houses, to avoid any situation where a prior offender might seek to establish himself or herself in a safe house. But this is an important concept to protect kids, to give them a safe place to go when they're in danger. That's an explanation of 1, 2, 4 and 5. Again, the underlying bill, I believe, passed out of here unanimously and was the omnibus probation bill this year. I would ask for the concurrence of the Senate in House Amendments 1, 2, 4 and 5, and be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall the Senate concur in House Amendments 1, 2, 4 and 5 to Senate Bill 325. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. The Senate does concur in the House Amendments 1, 2, 4 and 5 to Senate Bill 325. The bill, having

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received the required constitutional majority, is declared passed. Senator Madigan, are you ready on -- 252? Madam Secretary.

ACTING SECRETARY HAWKER:

House Amendments 2, 3 and 4 to Senate Bill 252.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President, Members of the Senate. Senate Bill 252 with Amendments 2, 3 and 4. Let me explain 2, 3 and 4. Amendment No. 2, added by the House, amended the Illinois Landscape Architecture Act to provide for grounds for discipline, including revocation, suspension, probation, reprimand or other disciplinary action. It also amended the Collection Agency Act to exempt out-of-state collection agencies from licensure requirement when they limit their collection of debts to telephone, mail or facsimile transmissions, as long as they are permitted the same privilege in their licensure Act. It's an act of just establishing reciprocity and was from the Department of Professional Regulation. It amended the Vehicle Code to provide that persons licensed under the Private Detective, Private Alarm, and Private Security Act of 1983 be exempted from the ten-day waiting period prior to the sale or distribution of information from the Secretary of State. That was Amendment No. 2. Amendment No. 3 exempted persons licensed under the Public Accounting Act from licensure under this Act if their person is performing accounting duties. And Amendment No. 4 was a technical change. I would -- the underlying bill, of course, was the rewrite of the Private Detective, Private Alarm, and Private Security Act, and I would be glad to answer any questions, and would ask for its passage.

PRESIDING OFFICER: (SENATOR WEAVER)

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

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Senate concur in House Amendments No. 2, 3 and 4 on Senate Bill 252. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. The Senate does concur in House Amendments 2, 3 and 4 to Senate Bill 252. The bill, having received the required constitutional majority, is declared passed. 262, Senator Madigan? Madam Secretary.

ACTING SECRETARY HAWKER:

House Amendments 1, 2 and 4 to Senate Bill 262.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President, Members of the Senate. Senate Bill 262, as it left -- as it left the Senate, was a financial regulatory bill from the Department of Insurance to the continuing adoption of the NAIC standards. There were three amendments added on in the House. House Amendment No. 1 removed the repeal of the Product Liability Insurance Act. House Amendment No. 2 amended the CHIP - the Comprehensive Health Insurance Plan - to change the definition of residency to thirty days from a hundred and eighty days <sic>. And Amendment No. 4 amended the Insurance Code to add -- add a definition of "governmental reciprocal" and makes provisions concerning subscribers' accounts applicable only to governmental reciprocals. I'd be glad to answer any questions on Senate Bill 262, as amended.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President. Let me start with a question of the sponsor. I'm concerned with what I believe was Amendment No. 2, which changed the eligibility for signing up, I would assume, for

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the Comprehensive Health Insurance Plan from thirty days to a hundred and eighty days. First of all -- let me maybe -- Senator Madigan, if you don't mind, let me ask a series of questions at once. It may save some time. One is: Where did the idea of going from thirty days to a hundred and eighty days come from? Secondly: Is that from signing up for the CHIP plan? Right now there's about a six-month wait once you're on the plan, so that if everybody who signed up -- they would be at a hundred and eighty days, at least, prior to getting any benefits. Third is: The case law, at least that we are aware of, has not allowed that long of a residency requirement, and has been knocked out by the courts as being too long for a sign-up. The same thing has happened in public aid. I do know that the CHIP Board, of which I'm in an advisory capacity, has looked at this on several occasions and has always said it made no sense to put in a six-month because of the waiting list itself; why take the chance on a expensive court challenge when, as a practical matter, everybody would have waited six months before they got any benefits anyhow? So maybe if you can enlighten us a little bit. Then -- then, Mr. President, I may -- may want to speak on it anyway.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. Senator, this came from the House Insurance Committee, and it was felt by the House Insurance Committee, as I understand, that this tightened up the regulations. The House had put this language on twice. CHIP has reviewed this language - has no problem with it. It is -- as far as the sign-up, there is less than -- I think you're about right on the waiting list. It's a little less than six months - five and a half months right now, or something - from the time of being -- becoming eligible to actually becoming enrolled.

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Carroll.

SENATOR CARROLL:

I guess -- the CHIP Board, by the way, has not considered this. The Comprehensive Health Insurance Plan Board has not considered this language. They've talked about it several times and said it was unnecessary, mainly because they're concerned with a lawsuit. But does this mean that when a person files for application to CHIP, they had to already have been a six-month domicile before filing?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan.

SENATOR MADIGAN:

It's a change in the definition of eligibility. So in order to meet the definition of eligibility, you have to be a resident for thirty days. The Director has signed off on this language, Senator. And I'm a member of the CHIP Board, and -- I think as you are, and I don't have a problem with this language.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Carroll.

SENATOR CARROLL:

Maybe there's some confusion here. A Member - since he's not on mike yet, I won't mention the name - indicated to me that they thought that the eligibility was going from six months to thirty days, which is what apparently, at least, the Republican analysis shows. That's exactly the opposite of what the language is. It's taking it from thirty days to six months. It's not in the "Eligibility" Section; it's in the definitional Section. And my concern is that we would then be holding that a person couldn't even file for six months and then have to wait six months, and that would clearly violate what federal courts have said. Could you take it out of the record? Maybe we can straighten this out,

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or maybe you've got an answer.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan.

SENATOR MADIGAN:

No. And I want to -- no, Senator, and Mr. President. I -- I don't think this has to be taken out of the record, because I've been standing here with the numbers juxtaposed. It's going from a -- thirty days to a hundred and eighty days, rather than a hundred and eighty days to thirty days.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Carroll.

SENATOR CARROLL:

That's what I've been saying, and that's -- that's the problem, I think. And I think the problem is: Is that now going to be a hundred and eighty days before they can file to get on the waiting list?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan.

SENATOR MADIGAN:

All I can -- thank you, Mr. President. All I can say is that the -- the Director has signed off on this, and this language was shepherded by the Director, over in the House.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Carroll.

SENATOR CARROLL:

Then, Mr. President, in that case, can I ask for a division of the question, so that that amendment is voted on separately than the other amendments?

PRESIDING OFFICER: (SENATOR WEAVER)

That's always in order.

SENATOR CARROLL:

Thank you. And I -- I would -- if it's not appropriate now, I



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would -- I would urge opposition at this point to concurrence in that amendment. I think you would very possibly be creating a six-month waiting list to sign up for eligibility and then possibly another six-month waiting list to get served. I'll shut up. Okay. You want to tell me something?

PRESIDING OFFICER: (SENATOR WEAVER)

I was going to ask: Which amendment do you want to divide?

SENATOR CARROLL:

No. 2.

PRESIDING OFFICER: (SENATOR WEAVER)

All right.

SENATOR CARROLL:

Amendment No. 2, and then would suggest that this would fly in the face of all the court cases that have been around the country on eligibility. I don't see why would we -- be doing this. I think it's confusing in its best case, and then just patently flies in the face of court doctrine if it's in the right case. I would urge that we -- we deal with Amendment 2 separately, and then I would seek opposition to that.

PRESIDING OFFICER: (SENATOR WEAVER)

All right. The question is, shall the Senate concur in House Amendments No. 1 and 4 to Senate Bill 262. Those in favor, vote Aye. Opposed, Nay. Voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Amendments No. 1 and 4 are adopted. On the question of Amendment No. 2, is there further discussion? Senator Carroll.

SENATOR CARROLL:

If I might, just to reiterate to those Members who may have been paying attention, that I am truly concerned that we're creating now -- ambiguity at its best. It's -- it's not clear what this amendment does. I think even the sponsor would indicate

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it's not crystal clear what the amendment does. It seems to set up a six-month eligibility that may even be for filing to become eligible for application to CHIP, which now, as Senator Madigan indicated, is about a five- or a five-and-a-half-month wait beyond that. It's my understanding the Board has not reviewed this. We have talked to members there as well. It's just absolutely the wrong way to go, is to set up that kind of a pre-eligibility requirement, and I would suggest opposition to the amendment, at least until we're clear as to what it does.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Madigan.

SENATOR MADIGAN:

To close?

PRESIDING OFFICER: (SENATOR WEAVER)

To close.

SENATOR MADIGAN:

Thank you, Mr. President. I -- I would just reiterate that the Director of the CHIP program is aware of this, is in support of this. The matter has been before the House twice. This amendment went on in the House by a vote of 116 to nothing. And I see no problem with it. It's just -- it's changing the residency requirements, and I would ask for concurrence on Amendment No. 2 to Senate Bill 262.

PRESIDING OFFICER: (SENATOR WEAVER)

The question is, shall the Senate concur in House Amendment No. 2 to Senate Bill 262. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 32, the Nays are 25, none voting Present. Amendment No. 2 is adopted. The Senate does concur in House Amendment No. 2 to Senate Bill 262. The bill, having received the required constitutional majority, is declared passed. Senator Maitland, on

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142 - concurrence? Madam Secretary.

ACTING SECRETARY HAWKER:

House Amendments 1 and 2 to Senate Bill 142.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President. I appreciate your courtesy. I'd move that the Senate concur in House Amendments No. 1 and 2 to -- to Senate Bill 142.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall the Senate concur in House Amendments No. 1 and 2 to Senate Bill 142. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. The Senate does concur in House Amendments No. 1 and 2 to Senate Bill 142. And the bill, having received the required constitutional majority, is declared passed. Senator Trotter? Madam Secretary.

ACTING SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 347.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President and Members of the -- the Senate. The House Amendment No. 1 was a noncontroversial amendment which provided for nine additional occupations that no minor under sixteen years of age shall be employed, permitted or allowed to work. The addition of these occupations was simply mirror language already provided for in the federal law, and the language is a product of the agreement between the Illinois Retail Merchants Association, the Citizens Assembly, AFL-CIO and the

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Illinois Department of Labor. And I ask for its acceptance.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 347. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. The bill, having received -- the amendments, having -- 1 to House Bill 347, having received the required constitutional majority, is declared passed. Senator Garcia? Madam Secretary...

ACTING SECRETARY HAWKER:

House Amendment...

PRESIDING OFFICER: (SENATOR WEAVER)

411.

ACTING SECRETARY HAWKER:

House Amendment No. 2 to Senate Bill 411.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Garcia.

SENATOR GARCIA:

Thank you, Mr. President. House Amendment No. 2 to Senate Bill 411 is considered a friendly amendment. It passed out of the Committee on Education this morning. It requires homeless family referring agencies to consider various academic and employment factors before making a shelter referral. If there are any questions, I'd be glad to answer them at this time.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any discussion? If not, the question is, shall the Senate concur in House Amendments No. -- 2 to Senate Bill 411. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. The Senate does concur in House Amendment

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No. 2 to Senate Bill 411. And the bill, having received the required constitutional majority, is declared passed. Madam Secretary, 418.

ACTING SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 418.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Dunn.

SENATOR T. DUNN:

Thank you very much, Mr. President. This House amendment passed unanimously in Judiciary this morning, and adds Class X felonies to the list of Criminal Victims' Asset Discovery Act.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 418. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 418. And the bill, having received the required constitutional majority, is declared passed. Senator Hasara, on 425? Out of the record. You wish the bill read? Madam Secretary, 425.

ACTING SECRETARY HAWKER:

House Amendments 1 and 2 to Senate Bill 425.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hasara.

SENATOR HASARA:

Thank you, Mr. President. House Amendment 1 includes the duties and immunities Section of the powers of attorney for health care law. The underlying bill provides a sixty-day power of attorney to be used in limited circumstances. I would move to concur.

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PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Molaro.

SENATOR MOLARO:

Yes. Can I have a question of the sponsor of the amendment?

PRESIDING OFFICER: (SENATOR WEAVER)

She indicates she would yield.

SENATOR MOLARO:

You know, I asked this -- Senator, I asked this in committee, and I -- I really wasn't clear on the answer. As I look at the power of attorney Statute and what you're doing with the immunity, I could certainly understand that if -- if I'm out of town and I give to, say, Senator Shaw, power of attorney to deal with the problems, if I'm gone for thirty days, with my children, and he goes there and my -- one of my kids gets hurt, and he goes to the provider, who would be the reliant in this case, and they rely on his and they go give medical attention to my children. They would be immune from me coming back later and saying, "Hey, why did you rely on what Shaw gave you?" That I understand. But are they immune if they commit malpractice? And -- and I want to make that clear, because as I read the Statute - and then I'll let you answer it - says -- and this is Section 48 of -- of ILCS, Chapter -- or 755/Section 45-48(a) said, "No reliance shall be subject to any type of civil or criminal liability or discipline for unprofessional conduct for complying with any direction or decision by the agent, even if death or injury to the patient ensues." Now, it's kind of ambiguous, and I'd just like you to state what your intent is on medical malpractice.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hasara.

SENATOR HASARA:

Thank you, Mr. President. Senator - and I'm glad you raised the question - obviously the intent is not to provide immunity for

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any negligence. The intent is, if -- if you are the person who's gone on vacation and you come back to the doctor and say, "This power of attorney agreement doesn't mean anything; you had no business treating my child," that's when it should apply.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? If not, Senator Hasara moves to concur in House Amendment No. 1 to Senate Bill 425. Is -- those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 38, the Nays are 13, 4 voting Present. Senate -- House Amendment No. 1 is adopted. On your motion on House Amendment No. 2 to non-concur, Senator Hasara.

SENATOR HASARA:

Thank you, Mr. President. I would move to non-concur in Senate <sic> Amendment No. 2. That amendment eliminated Amendment No. 1 that we've just discussed.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? All in favor, signify by saying Aye. Opposed, Nay. The motion carries. And the Secretary -- shall so inform the House. 436. Senator Hasara? Madam Secretary.

ACTING SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 436.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hasara.

SENATOR HASARA:

Thank you, Mr. President. I move to concur in Amendment No. 1 to Senate Bill 436 - House Amendment No. 1. Just so you know I'm not always opposed to not granting immunity, this amendment takes out the immunity for the Mine Subsidence Board. I would ask for a favorable roll call.

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PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 436. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 436. Having received the required constitutional majority, it is declared passed. 460. Senator Topinka? Madam Secretary.

ACTING SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 460.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President, Ladies and Gentlemen of the Senate, Senate Amendment No. 1 comes to us from the Coalition for <sic> Domestic Violence, and it tightens up the little -- the bill a little bit and makes it a little more narrow in scope. It would allow the petition filed by the law enforcement officer to only seek an emergency order of protection. Also, it would have the alleged victim notified of any summons issued to the alleged abuser, and it would also ensure the victim's right to seek domestic violence remedies. That's what it does. I don't think there's anybody in contention.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there any discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 460. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate <sic> Amendment No. 1 to House <sic> Bill 460 is



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declared passed, and having received the required constitutional majority, is declared passed. Senator Hawkinson, on 483? Madam Secretary.

ACTING SECRETARY HAWKER:

House Amendments 1, 2 and 3 to Senate Bill 483.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. It's my intention to move to concur in House Amendment No. 1 and then move to non-concur in House Amendments 2 and 3. Amendment 2 did not receive sufficient votes for consideration in committee this morning. House Amendment No. 1 seeks to standardize the definition of gang throughout the Criminal Code. Currently we find there are three different definitions in the Code, and this would coordinate them and make the gang definition that found in the Streetgang Terrorism Omnibus Prevention Act. The underlying bill is a bill dealing with the protection of employees of the -- of Department of Corrections, which increased the penalty for assaulting a correctional employee from a Class A misdemeanor to a Class 4 felony. That is still in the bill. And I would move that the Senate concur in House Amendment No. 1 to Senate Bill 483.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Shaw.

SENATOR SHAW:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates that he will.

SENATOR SHAW:

I don't have the bill here, but what is the definition of gang? You and I, standing on the corner, along with Senator

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Cullerton - could we be considered a gang? What is the definition?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR HAWKINSON:

I think you'd have to add somebody besides myself to you and Senator Cullerton to make that happen, but the definition -- there -- it's a definition in the existing law. Right now there are three definitions, and this seeks to conform them all to the one. And I'll read you the definition. The uniform definition will be: "Any combination, confederation, alliance, network, conspiracy, understanding, or other similar conjoining, in law or...fact, of three or more persons with an established hierarchy that, through its membership or through the agency of any member engages in a course or pattern of criminal activity."

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Shaw.

SENATOR SHAW:

I like -- I like some of that. I like some of that, particularly that criminal activity. But many of the youngsters -- what will this do with the youngsters that are standing on the street in the summertime? Would this authorize the police to lock those people up as possible gang members?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hawkinson.

SENATOR HAWKINSON:

The short answer is no, but the longer answer is, we're not changing the definition of gang. We passed this bill in prior years, but the problem is we have also passed a couple other definitions of gangs elsewhere in the Code, and this will make it the same definition. I think actually if you had three -- different definitions, it would be more subject to an expansive

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view than having a uniform definition throughout the Code.

PRESIDING OFFICER: (SENATOR WEAVER)

Any further discussion? If not, Senator Hawkinson moves to concur in House Amendment No. 1 to Senate Bill 483. Those in favor will vote Aye. Those opposed, vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Take the record. On this question, the Ayes are 54, the Nays are 1, 2 voting Present. And the Senate does concur in House Amendment No. 1 to Senate Bill 483. Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Now I would like to move to non-concur in House Amendments 2 and 3 to Senate Bill 483.

END OF TAPE

TAPE 2

PRESIDING OFFICER: (SENATOR WEAVER)

...(machine cutoff)...discussion? All in favor, signify by saying Aye. Opposed, Nay. The motion carries. The Senate non-concurs with House Amendment No. 2 and 3 to Senate Bill 483, and the Secretary shall so inform the House. Senator McCracken, on 486? Madam Secretary.

ACTING SECRETARY HAWKER:

House Amendments 1 and 2 to Senate Bill 486.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator McCracken.

SENATOR MCCRACKEN:

Thank you, Mr. President. Ladies and Gentlemen, I move to concur in House Amendments No. 1 and 2 to Senate Bill 486.

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Amendment No. 1 deletes language that had been regarded by some as too broad a shield against liability for trustees acting in good faith; that's been deleted. Amendment No. 2 prohibits any change in the trust, even with the agreement of all direct beneficiaries, that would shorten or hasten the termination of a trust. Those two amendments should be considered as limitations on the bill we originally passed. I move their concurrence.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? If not, the question is, shall the Senate concur in House Amendments No. 1 and 2 to Senate Bill 486. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Amendments -- House Amendments No. 1 and 2 to Senate Bill 486 are adopted -- are concurred in. The Senate, having received -- the bill, having received the required constitutional majority, is declared passed.

PRESIDING OFFICER: (SENATOR DUDYCZ)

On the top of page 4 of Supplemental Calendar No. 1 is the Order of Concurrence. Senate Bill 496. Madam Secretary.

ACTING SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 496.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. House Amendment No. 1 to Senate Bill 496 removed the immunity clause for employees of the Motor Vehicle Theft Prevention Council from the language in Senate Bill 496, and I would ask for concurrence to House Amendment No. 1 to Senate Bill 496.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

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concur in House Amendment No. 1 to Senate Bill 496. Those in favor will vote Aye. Opposed, vote Nay. The -- voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, -- those voting Present are none. The Senate does concur in House Amendment No. 1 to Senate Bill 496, and the bill, having received the required constitutional majority, is declared passed. Senator DeAngelis. Senate Bill 503. Madam Secretary.

ACTING SECRETARY HAWKER:

House Amendment No. 2 to Senate Bill 503.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 503 is still intact. House Amendment No. 1 <sic> added on a bill that was on the Calendar in the House on Short Debate, House Bill 1393, which permits DCCA to provide financial assistance for technology challenge grants. It also permits DCCA to make technology challenge grants to industry technology associations and helps secure federal research development projects, and to identify and develop technology programs capable of commercialization. It does a few other things in the technology challenge area. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall the Senate concur in House Amendment No. 2 to Senate Bill 503. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, Nays are none, those voting Present are none. And the bill, having received the required constitutional majority, is declared

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passed. Senate Bill 550. Senator DeAngelis. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 550.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 550 is still intact; however, the House added a House Amendment No. 1, which has three parts. The first part is amending the Employee Ownership Assistance Act. This was at the request of the Lieutenant Governor. It amends the Illinois Finance Development Act to give a technical clarification to its ability to help any unit of local government experiencing a financial emergency. And item number three: it amends the Illinois Environmental Facilities Financing Act, whereby it clarifies the language on the expenses and fees that IDFA can charge when they issue bonds for pollution control. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 550. Those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, those voting Present are none. The Senate does concur in House Amendment No. 1 to Senate Bill 550, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 571. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Amendments 1 and 4 to Senate Bill 571.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Butler.

SENATOR BUTLER:

Thank you very much, Mr. President. There are two amendments to Senate Bill 571. House Amendment No. 1 creates a State Export Promotion Coordinating Council; its purpose is to promote the State's export products. Amendment No. 4 amends the -- the Civil Administrative Code and makes some changes in the Industrial Training Program. This amendment has been agreed to by business and labor, and it is also supported by DCCA. It removes the current limitation of assisting only manufacturers, and adds labor organization -- organizations as -- eligible grantees, and also adds a grant monitoring -- requirement. I would ask for a favorable approval.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Cullerton.

SENATOR CULLERTON:

Senator, last week when you were speaking against a bill that was creating a new task force, I -- I got the impression that you were against creating a new -- new task forces that -- you know, that just wasted time and didn't accomplish much and cost money. Is that what we have with Amendment No. 1?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Butler.

SENATOR BUTLER:

One would hope not. This is -- we've been assured by the Department of Agriculture that this will not cost them anything; they could do it within their available resources.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Any further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President and Ladies and Gentlemen of the Senate. Just a while ago we had Senate Bill 550, and now we have 571. Again, we are commanding the Department of Commerce and Community Affairs to do all kinds of different functions and duties, and many of us probably were under the impression that DCCA had this responsibility. And just apparently -- now that we have all these bills here making these various commandments and making these various mandates on the Department of Commerce and Community Affairs, I hesitate to think of what the appropriation bill for the Department of Commerce and Community Affairs is going to be at the end -- either the end of this Session or end of next year. They're going to be back here saying, "Gee, we need forty million dollars to do all the things that we were commanded to do by the General Assembly this year". So, obviously it's something everybody's going to vote for, but next year, why, it will just be millions to -- to honor all of the commitments that we are asking them to make.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President, Ladies and Gentlemen of the Senate. I'd speak in support of this particular amendment. It did come out of the Citizens' Assembly for the Council on Economic Development, and it strongly moves in the direction of trying to create private sector involvement. The Department was not only supportive; they provided, you know, most of the language and background for it. It isn't going to cost them anything. They feel they can absorb it in their budget. If we can do anything to -- to move out some of the things we're doing from the State into the private sector where they are willing to do it and it costs us nothing, gee, I



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think we've got a winner here. I'd urge support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

SENATOR BUTLER:

Well, just merely to assure Senator Demuzio that if DCCA's spending goes up dramatically, it won't be because of this bill. All we're doing is adding labor organizations as -- eligible grantees to the funding of industrial training programs, so the cost is zilch.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall the Senate concur in House Amendments No. 1 and 4 to Senate Bill 571. Those in favor will vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, 1 voting Present. The Senate does concur in House Amendments No. 1 and 4 to Senate Bill 571, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 576. Madam President -- Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 576.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill -- or Senate Bill 576 passed out of the Senate with unanimous support, went to the House, was amended by Representative Frias. The request -- the amendment constitutes a request from the Gaming Board. It amends the Riverboat Gambling Act to flush out the criminal history background checks. It applies to FBI records. It requires the State Police to supply disposition information on applicants for current records and

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charges filed after a request is made. It also does certain provisions with respect to fingerprints that currently are required to be taken every year. This provision would allow them to be taken once, and the information is updated every year. So it would save money, and it's still just as efficient. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 576. Those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, Nays are none, none having voted Present. The Senate does concur in House Amendment No. 1 to Senate Bill 576, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 614. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 614.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President, Members of the Senate. What you have before you now is House Amendment No. 1 to Senate Bill 614. It's offered by Representative Santiago. It does two things. First of all, it amends the Juvenile Court Act of 1987 to allow a court to order a minor found to be -- delinquent for criminal damage to property to serve at least one hundred hours of community service or clean up and repair of the damage. This is intended to be -- a permissive sentence. Secondly, it amends the Uniform Code -- I'm sorry, the Unified Code of Corrections, to require a court - and I point out that it's "require"; it's a mandatory provision - requires the court to sentence an adult

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defendant who has been found guilty of this crime to clean up and repair the damage or pay restitution. This -- this amendment was reported out of the Executive Committee earlier today on a Be Adopted recommendation on attendance roll call. I would invite the co-sponsor of Senate Bill 614, Bruce Farley, to answer any questions or make any comments that there might be raised. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, our analysis indicates that this was a bill that was held in the Judiciary Committee this year, and -- and my recollection would be that it was probably held because it had mandatory community service, as opposed to the concept in Senator LaPaille's bill of a similar nature, which says that a county, if they don't have a community service program, is not required to establish one simply because of this bill. Does this require counties and municipalities to establish community service programs if they don't have them now?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

Senator, I -- I believe the way to answer the question is that the provision regarding adult defendants is mandatory, and it deals with the requirement to repair the damage or pay restitution. The community service portion of it is not mandatory. It's permissive, and the court may entertain this. And perhaps Senator Farley would like to add to that.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Farley.

SENATOR FARLEY:

That's my understanding, Mr. President, Ladies and Gentlemen, that -- as the bill is drafted, on page 3, line 31, it says "may be required to complete at least 100 hours..." If that answers your question, Senator.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hawkinson.

SENATOR HAWKINSON:

Well, I wonder if the sponsor would agree to take it out of the record, because while -- for now, while we have our Senate Judiciary staff look at it. There's a difference between giving the court the discretion to order it, but -- if a Judge orders it when there's no community service program available in the county, you've really put the county in a bind. And I -- I think we ought to take a look at this, ask him just for -- for the moment if he'd take it out of the record.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

That -- that'd be fine, Senator. We'll take it -- we'll take it out of the record.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Out of the record. Out of the record, Madam Secretary. The bottom of page 4 of Supplemental Senate Calendar No. 1, we have Senate Bill 625. Senator Karpziel. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Amendments 1, 2, 3, 4, 5 and 8 to Senate Bill 625.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpziel.

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concur.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 641. Those in favor will vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 641, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 651. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Amendments 1 and 2 to Senate Bill 651.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Mr. President and Members. This is the general Revisory Act. House Amendment 1 is a mere eight hundred and seventy-seven pages long. I -- I know you're all anxious for me to explain it in gruesome detail, but I'm of a mind just to ask for concurrence, both in House Amendment 1 and House Amendment 2.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall the Senate concur in House Amendments No. 1 and 2 to Senate Bill 651. Those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, 1 voting Present. The Senate does concur in House Amendments No. 1 and 2 to Senate Bill -- 651, and the bill, having received the required constitutional majority, is declared passed. Is there leave to have Senator del Valle handle Senate Bill 712 for Senator Palmer?

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SENATOR KARPIEL:

Thank you, Mr. President. Senate Bill 625 is the annual DOT conveyance bill. The Amendments 1, 2, 3, 4, and 5 that were added in the House are simply more conveyances; and, unless you want me to read through every one of them, that's what it does.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall the Senate concur in House Amendments No. 1, 2, 3, 4, 5 and 8 to Senate Bill 625. Those in favor will vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. The Senate does concur in House Amendments No. 1, 2, 3, 4, 5 and 8 to Senate Bill 625, and the bill, having received the required constitutional majority, is declared passed. On the top of page 5 of Supplemental Calendar No. 1, Senator Cullerton. Madam Secretary, Senate Bill 641. Read the bill.

ACTING SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 641.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. I would move to concur with House Amendment No. 1. It was added at the request of the Department of Professional Regulation, and it is supported by the Illinois Psychological Association, which was in support of the bill initially. The -- the amendment simply says that "This Act shall not apply to persons lawfully carrying on their particular profession or business under any valid existing regulatory Act of the State." This is found in the other licensure Acts, such as the Medical Practice Act. So, for that reason, it's an agreed upon amendment, and I would move that we

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Leave is granted. Senate Bill 712, on the Order of Motions to Concur. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Amendments 1, 2 and 4 to Senate Bill 712.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. I move to non-concur with House Amendments 1 and 2, and I will be concurring with House Amendment 4 - concur. Well, the first would be the concurrence, and that would be House Amendment No. 4. This amendment was approved unanimously by the Public Health and Welfare Committee. It authorizes the Department of Public Health to establish sites for immunization of children, or referring parents to other programs that provide immunizations.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, Senator del Valle moves to concur in House Amendment No. 4 to Senate Bill 712. Those in favor will vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. The Senate does concur in House Amendment No. 4 to Senate Bill 712. Senator del Valle.

SENATOR DEL VALLE:

Thank -- thank you, Mr. President. I move to non-concur with House Amendments 1 and 2.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, Senator del Valle now -- moves to non-concur in House Amendments No. 1 and 2 to Senate Bill 712. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall inform the House. Senate Bill 759. Senator Petka. Madam Secretary, read the bill.

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ACTING SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 759.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Petka.

SENATOR PETKA:

Thank you very much, Mr. President and Members of the Senate. House Amendment No. 1 to Senate Bill 759 would impose a surcharge of twenty-five percent of any fine which might be levied for unlawful use of weapons violation. The monies collected would then be sent to the State Treasurer for deposit in the Trauma Center Fund. This surcharge cannot be reduced for time served prior to any sentencing. The matter was adopted -- the amendment was adopted unanimously in the Judiciary Committee, and I would move for its concurrence.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 759. Those in favor will vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 759, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 828. Senator Philip. Senator Philip, do you wish to move 828? Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Amendments 1 and 2 to Senate Bill 828.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. There are two -- two amendments on House -- on Senate Bill 828.



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The first amendment, House Amendment No. 1, changes the provision exempting transfers to mortgages <sic>. The second amendment, No. 2, requires sellers to explain the items on the disclosure from what are marked "not applicable". They're both technical in nature. The -- the Board of Realtors and the Department of Professional Regulations have both signed off. So I'd ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? If not, the question is, shall the Senate concur in House Amendments No. 1 and 2 to Senate Bill 828. Those in favor will vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. The Senate does concur in House Amendments No. 1 and 2 to Senate Bill 828, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 830. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Amendments 2, 4 and 7 to Senate Bill 830.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President and Members of the Senate. House Amendments 2 and 4 to Senate Bill 830 require that the uniform claim form be developed for all types of insurance and not just for health insurance policies. House Amendment No. 7 that was added to Senate Bill 830 moves the preexisting condition time period from six months to twelve months, and provides that health plans with respect to small employers may not be modified, except that specific coverages may be limited for up to twelve months. And I would move for concurrence on House Amendments 2, 4 and 7 to Senate Bill 830.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senator Madigan, if I could, I am a little confused by House Amendment No. 7. It sounds to me that we are creating a -- a greater disadvantage to someone who has a preexisting condition. If -- if I'm reading it correctly, just from our Digest, today if a person had a preexisting condition within six months of getting into this group, they could be excluded or charged an extra premium. This would now say if it was six months and a day up to twelve months they could also exclude it. So we're making it tougher for people who had a preexisting condition to get coverage. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Madigan.

SENATOR MADIGAN:

I think that's -- yes, Senator, I believe that's correct.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Carroll.

SENATOR CARROLL:

Thank you. I recognize, Senator Madigan, that it was a House amendment, but why -- what would be the public policy purpose for the Senate to say that a person who had -- a condition more than six months ago we would now want to exclude from insurance coverage?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. Well, Senator Carroll, about all I can respond to is that this Senate Bill 830 has several other benefits to it: the affordability of it, the portability of it.

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And yes, this was a House amendment. I -- it's my opinion that we should have stuck with the six months. The twelve months was put on. I believe that we should concur in this House amendment and send this bill to the Governor, because of the other benefits to this -- to Senate Bill 830.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President. Senator Madigan, I agree with the other benefits and strongly support it, and I -- I guess I agree now with what I thought when I read this that you seem to agree with. I would then ask if we could again divide the question and have Amendment No. 7 dealt with separately, and I would suggest we non-concur in that.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Madigan.

SENATOR MADIGAN:

Yeah. Well, I'll go along with -- we'll divide the question on this.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall the Senate concur in House Amendments No. 2 and 4 to Senate Bill 830. Those in favor will -- will vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. The Senate does concur in House Amendments No. 2 and 4 to Senate Bill 830. Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. On House Amendment No. 7, I would still stand in support. This was negotiated over in the House, and I must stand in support of House Amendment No. 7, and ask for concurrence on that amendment as well.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I then am forced to rise in opposition to the motion to concur. I believe we should non-concur and ask the House to recede. I think, as Senator Madigan indicated, his interest is in getting the bill to the Governor; mine is likewise. However, it seems to me that we are denying coverage now for no legitimate reason. Maybe it's because we're not aware of something the House knew, but that we should not be taking coverage away from people who happen to have had a preexisting condition more than six months ago. The current law says you can exclude them, or actually charge them more, six months ago. Why would we want to now make it a year ago? I think we should non-concur and ask the House to recede.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. I would also rise in opposition to the motion, because this is a very -- the underlying bill is an excellent bill, and apparently even the sponsor finds that this amendment, put on in the House by this Representative Hicks, is not an ideal amendment. So, what we can do is non-concur, and then we can just tell this Representative Hicks that he ought to recede from that amendment. And -- that way, this excellent bill will go right to the Governor. And, you know, every once in a while, we in the Senate have to stand up to the House, and this would be a good opportunity to tell them, "Lookit, we don't like your amendment." It's a great bill; let's just do it without the amendment.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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

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SENATOR MADIGAN:

Thank you, Mr. President. Thank you, Senator Cullerton. Your remarks will be passed on to the Speaker. The -- the plan is still a much more generous plan than what has ever been in place before. It offers renewability. The employee can take this insurance from job to job, and I would ask for concurrence on Amendment No. 7 to Senate...

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall the Senate concur in House Amendment No. 7 to Senate Bill 830. Those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 30, the Nays are 27, and none voting Present. The Senate does concur in House Amendment No. 7 to Senate Bill 830, and the bill, having received the required constitutional majority, is declared passed. Senator Carroll, for what purpose do you arise?

SENATOR CARROLL:

Thank you, Mr. President. Because of the closeness, I would ask for a verification of the affirmative vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

That request is in order. Senator Carroll has requested a verification. Will all Senators please be in their seat? Secretary will read the affirmative votes.

ACTING SECRETARY HAWKER:

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

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Carroll, do you wish to question the presence of any Member?

SENATOR CARROLL:

Yes, Mr. President. Senator Raica?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Raica? Senator Raica just emerged from the phone booth.

SENATOR CARROLL:

Thank you. Senator ...(microphone cutoff)...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Barkhausen's in his seat.

SENATOR CARROLL:

Senator -- Senator Watson?

PRESIDENT OFFICER: (SENATOR DUDYCZ)

Senator Watson's...

SENATOR CARROLL:

He just walked in, okay. Senator Ralph Dunn has come back. Senator McCracken, we said, came back. Senator DeAngelis?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator DeAngelis? Senator DeAngelis just emerged from the phone booth.

SENATOR CARROLL:

Senator Burzynski?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Burzynski's in his seat.

SENATOR CARROLL:

In his seat, I'm sorry. Okay, thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

On a verified roll call, the Ayes are 30, the Nays are 27, and none voting Present. Senate Bill 830, having received the required constitutional majority, -- is declared passed. Senate Bill 964. Senator Hasara? Madam Secretary, read the bill.

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ACTING SECRETARY HAWKER:

House Amendments 1, 2, 3, 4 and 5 to Senate Bill 964.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hasara.

SENATOR HASARA:

Thank you, Mr. President. I move to concur in Senate Amendments -- in House Amendments No. 1, 2, 3 and 4 to Senate Bill 964. What this -- what these do is to create a program under the Illinois Development Finance Authority for funding community health centers in rural communities. This has been an agreement; it's been worked out, and long hours have been spent getting the language together. Some of the amendments were technically incorrect, and the amendments following those corrected those. So, I'd be glad to answer any questions, and would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, Senator Hasara has moved to concur in House Amendments No. 1, 2, 3 and 4 to Senate Bill 964. Those in favor will vote Aye. Opposed, Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. The Senate does concur in House Amendments No. 1, 2, 3, 4 to Senate Bill 964. Senator Hasara.

SENATOR HASARA:

Thank you, Mr. President. I move to non-concur in House Amendment No. 5 to Senate Bill 964. There is a technical error, and it will be corrected in conference.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? If not, Senator Hasara has moved to non-concur in House Amendment No. 5 to Senate Bill 964. Those in favor, say Aye. Opposed, Nay. And the Ayes have it. The motion

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carries, and the Secretary shall so inform the House. Senate Bill 966. Senator O'Malley's. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 966.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President and Members of the Senate. I move that the Senate concur with House Amendment 1 to Senate Bill 966. The House amendment restored language that lists examples of engineering practices. This amendment was arised <sic> at -- arrived at after consultation with geologists and industrial hygienists. In -- in setting forth recognition -- recognition, measurement and evaluation control of environmental system emissions in Senate Bill 966 is an example of professional engineering practice. The intent is not to make this practice exclusive to professional engineers, but to assure that professional engineers could continue to perform these functions in the event of the enactment of the Industrial Hygiene Licensing Act. The same holds true for the examples of geology and geohydrology, incidental to the practice of professional engineering, that are also included in the House amendment. Unchanged in the bill is language that permits professional engineers to seal work developed in conjunction with accepted engineering standards. I move for concurrence in House Amendment No. 1.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall the Senate concur in House Amendment -- No. 1 to Senate Bill 966. Those in favor will vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes



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are 57, the Nays are none, none voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 966, and the bill, having received the required constitutional majority, is declared passed.

PRESIDING OFFICER: (SENATOR MAITLAND)

...(machine cutoff)...Bill 1076. Mr. <sic> Secretary.

ACTING SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 1076.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sieben.

SENATOR SIEBEN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I move to concur in House Amendment No. 1, which was approved by the Judiciary Committee today. The Amendment No. 1 simply adds some clarifying language to the bill by adding the words "for that offense". It makes no substantive change in the bill, and I would move for concurrence with that amendment.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? The question is, shall the Senate concur in House Amendments 1 to Senate Bill 1076. Those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 56 <sic> (57) Ayes, no Nays, no Members voting Present. The Senate does concur in House Amendment 1 to Senate Bill 1076. Senate Bill 1078. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Amendment No. 3 to Senate Bill 1078.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator LaPaille.

SENATOR LaPAILLE:

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

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Senate Bill 1078 was amended in the House with House Amendment No. 3. What it did -- it -- the amendment basically took care of a concern that Senator del Valle raised, where community service would now be required of both minors and adults. We're finding that many of the graffiti artists are people that are in their twenties or thirties, because they're part of a gang, and they may be the leader of the gang; we want to require adults as well with community service. But we do put a loophole in there for counties that do not have community service programs, so we will not be burdening counties that don't have a community service program with initiating one for graffiti. Number two, we also changed the -- the Cook County Sheriff will now administer the funds - the reward funds as well as the clean-up funds - for mass transit. If the crime is committed within the City of Chicago, the funds will be used on the Chicago Transit Authority; if they're committed in the suburban area of Cook County, they would be used on the Metra-Pace buses, Metra trains, etc. It passed the Senate Judiciary Committee, this amendment, this morning with approval, and I would seek for its adoption and passage of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? The question is, shall the Senate concur in House Amendment No. 3 to Senate Bill 1078. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 56 <sic> (57) Ayes, no Nays, no Members voting Present. The Senate does concur in House Amendments No. 1 -- No. 3 to House <sic> Bill 1078, and Senate Bill 1078, having received the required constitutional majority, is declared passed. Senate Bill 1096. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Amendment No. 1 to Senate Bill 1096.

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PRESIDING OFFICER: (SENATOR MAITLAND)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. House Amendment No. 1 strengthens some of the provisions of the bill as it passed the Senate is -- and is in line with the original intent of the bill. It's an amendment that was recommended by the Illinois Student Assistance Commission and it moves the new congressional statutory language regarding oversight of all higher education institutions which participate in the federal student loan programs from the Private Business and Vocational Schools Act to the recently enacted Higher Education Student Assistance Act, and it retains new statutory language regarding oversight of private business and vocational schools. Also requires that the private business and vocational schools include in the enrollment agreement, as well as the cosmetology schools, the students -- the school's federal student loan cohort default rate reported for the last three years.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Dudycz.

SENATOR DUDYCZ:

Yes, thank you, Mr. President. A question of the sponsor, please.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Dudycz.

SENATOR DUDYCZ:

Senator, did you have any discussions whatsoever with the Illinois Association of Cosmetology Schools regarding the provisions in House Amendment No. 1?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator del Valle.

SENATOR DEL VALLE:

They're aware of the provisions in it, and certainly the

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committee had hearings, and there was ample opportunity for them to testify. They did appear before the committee at some point on another bill, but not on this one.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCYZ:

Well, you are correct. I was informed by the representative from the schools that they were -- had a conflict; they were not able to get to the committee yesterday, but I just want to make it clear to the Membership that the part dealing with the cosmetology schools -- they're up in arms and I believe, rightfully so, because there has been no indication -- other than prior to the amendment being adopted by the House -- or being put on the -- on the bill by the House sponsor, there was no communications attempted between the House sponsor or the cosmetologists. As a matter of fact, Senator, when Senate Bill 1096 passed out of here originally, I asked you, was it your intent to have that language regarding the cosmetologists and the barbers come back here, and you indicated to me, quite clearly, that it was not your intention to -- to have any such language added. Here you come, May 25th <sic>, with the same language that you said you were not going to have on here. And I would think that we should all vote No on it, and maybe you should see -- seek a conference committee.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator del Valle.

SENATOR DEL VALLE:

Well, Senator Dudycz, you're totally mistaken - totally. And if you will pull the transcripts, you'll recall that in response to your question, I clearly stated that I wasn't sure whether an amendment was needed, but that if an amendment was needed, we would do it in the House. And the amendment was at the request of the Illinois Student Assistance Commission, and the purpose of the

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amendment is to make sure that we have uniformity in the Statutes, regarding the oversight of the Illinois Student Assistance Commission, of all proprietary schools. This is for the purpose of uniformity, and we included the requirement, because the original bill, even though it dealt with the private trade and business schools, did not include the cosmetology schools because they were under a different Section of the Statutes regarding the Department of Professional Regulation. I say to the Members here, even though there was ample opportunity for the schools to come forth and testify in committee, as recently as this morning, when this bill passed out of the Education Committee unanimously, because our Members recognize that there are many abuses that are taking place and there are taxpayers' dollars that are being wasted. This is a consumer student protection measure that is long overdue and certainly - certainly - the students that appeared before our committee on another bill made it clear that they need protection. Not only do the students need protection, but the taxpayers need protection. Illinois has led the way in the nation in getting the Federal Government to get its act together in regulation of proprietary schools. Here's another opportunity to expand on that, and I would ask the Members to seriously look at this, because certainly, it is a step in the right direction.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCZ:

Well -- well, thank you, Senator del Valle. I'm glad you brought up transcripts, because I'm holding them right here in my hands, and I'm going to read -- read the words that were -- were said on April 16th. When I asked you, "Do you know of any language that will include barber and cosmetology schools in this bill?" your answer was, and I quote: "Well, I -- I think

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that...the current language that designates the departments that the Student Assistance Commission will work with covers that, because it -- it includes the Department of Professional Regulation, which is the Department that oversees barber and cosmetology schools. But if there is a need for clarification, we will do that." Then I asked you: "So, in other words, just clarifying language, not new language dealing with cosmetology and barbers. Is that correct?" At that point you were nodding your head, yes, that's correct, and you closed.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator del Valle.

SENATOR DEL VALLE:

I -- I thank you very much, Senator Dudycz, for having those transcripts available, because you just made my point. You just certainly verified my statement: If the language was needed, I would amend it, and that's exactly what we did, at the request of the Illinois Student Assistance Commission that wants to make sure that it's perfectly clear that they have oversight authority over barber and cosmetology schools, as they have over the private and business schools. That's all this does - that's all this does. It's clarifying language, which I said we would do if the Illinois Student Assistance Commission felt that it was necessary. This is their amendment; they support it, and I would have -- or ask this Body to also support it.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator Watson.

SENATOR WATSON:

Yes, thank you, Mr. President. I guess a question of the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Watson.

SENATOR WATSON:

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Senator del Valle, do the cosmetology and barber schools now receive any kind of reimbursement from the Illinois Student Assistance Commission?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator del Valle.

SENATOR DEL VALLE:

These are -- they receive, through the students, federal loans. This bill is regarding the federal loan programs and the Illinois Student Assistance Commission does oversee that.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

Okay. But the fact is then that they do not actually receive any direct compensation from the -- so that -- okay, that -- let -- let me just clear one thing up, and it's unfortunate what's happened here, and -- and Senator del Valle is correct when he said this passed unanimously out of the Education Committee, as it did. But there was a great deal of discussion on this issue and a lot of questions from all the Members, because, quite frankly, we didn't really know where the cosmetology and the barber schools and where they might be coming from. A very unfortunate situation, Senator, because I think you offer this in good faith. But I think now the -- their position is perfectly clear; they have some concerns with this, and I think that this is the time now, unfortunately, to -- that we need to defeat this motion to concur and ask for a non-concurrence, even though the Education Committee unanimously supported this. Due to an unfortunate circumstance, the position of this particular group was not known at -- this morning at that particular time. Very unfortunate, but I would encourage a No vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Fawell.

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SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Fawell.

SENATOR FAWELL:

Senator del Valle, is it true that what has happened with some of these barber schools and beauty shop schools, cosmetology, that -- that the students are borrowing -- federal monies, giving the federal monies to some of these schools, the schools are then closing, leaving, and then the students are stuck having to pay back the loans and not receive the training? Is that what is happening? Is that what is the concern of the Student -- the Illinois Student Commission?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator del Valle.

SENATOR DEL VALLE:

Senator Fawell, that is correct, but I remind you that it's not just the students that are getting stuck, and many times going into default; it's the taxpayers that are getting stuck also.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fawell.

SENATOR FAWELL:

Could we -- could we have a little order, please?

PRESIDING OFFICER: (SENATOR MAITLAND)

Please give the Lady your attention.

SENATOR FAWELL:

So -- so what we're saying is that the -- when the -- when the students all of a sudden find that the -- the school has closed their doors and they don't have the training, they, in effect, do not get the training that will enable them to pay back the loans, so that, in effect, the -- the taxpayer picks up the cost and the only one that makes out like a bandit are some of these schools



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that are closing and -- and not training the people that they said they would train.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator del Valle.

SENATOR DEL VALLE:

That -- that's correct. And, Senator Fawell, one of -- one of the most important provisions in this bill is the listing of the three-year default rates on the student agreement, so that people will know whether or not a school is in danger of being suspended and taken out of the Federal Student Loan Program. Therefore, you're not going to have students enrolling in a school that's in danger of shutting down, leaving the students without any training and leaving the taxpayers footing the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fawell.

SENATOR FAWELL:

Well, to the bill, then: It seems to me that -- that all we're asking these schools is to come up and -- and tell how many students have enrolled, how many did graduate, how many did not graduate, so that these fly-by-night schools will not continue this fraud upon the students. And -- and the good schools will benefit, because they will be the ones that will actually get the students. I see nothing wrong with this bill. In fact, it seems to me that if you are a good school, you would be encouraged -- you would be encouraging this kind of legislation, because your school would actually get the students.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator del Valle, you wish to close?

SENATOR DEL VALLE:

Thank you, Mr. President. And I -- I do want the Members to -- to listen carefully. The part that the cosmetology schools

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seem to be in opposition to is the part that requires information on the student agreement form, besides -- the default rates. Now, I say to the Members that the information that will be required on the form for the cosmetology schools is the same information that is already required by law for all private business and trade schools. It's already in place. What we've done with this bill is we've said that in order to have uniformity, and in order for the Illinois Student Assistance Commission to do its job, and in order to make sure that students are fully informed before they sign that agreement, that we have to make sure that the cosmetology school's agreement mirrors - is identical - to that already required of the private trade and business schools. That's all. There's nothing new here. What we're looking for is making sure that the Illinois Student Assistance Commission can do its job as required by the Federal Government, and that we provide the potential student with information that is very, very valuable in the decision-making process - a decision that is not only important to them, but also important to the taxpayers that end up footing the bill when students default on their loans because they cannot find a job, or because the school closed, or because their training was inadequate. This is a consumer protection bill. It's a taxpayer protection bill, and I say to you, again, that the cosmetology schools had plenty of opportunity to deal with. Now, we've got good cosmetology schools out there, but I can tell you that in the City of Chicago, there continues to be a serious problem with people being ripped off. Now, this bill does not hurt, in any way, the good schools. They should have nothing to hide. They should have no problems with providing this information up-front, as the private trade and business schools already have to. And so I ask you to please support this bill that is going to make it possible for us to tighten things up even more. And the Federal Government has used our legislation as a

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model - as a model - for developing their rules in the federal rewrite of the Higher Education Act. So I'm very proud of the fact that Illinois has led the way. Let's continue that kind of leadership. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

This is final action. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1096. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 26 Ayes, 18 Nays, 10 Members voting Present. The motion fails. The Chair would now entertain a motion to non-concur. Senator, do you wish to make that motion? Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. I move to non-concur on House Amendment No. 1.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator del Valle has moved to non-concur in -- in House Amendment No. 1 to Senate Bill 1096. All in favor, Aye. Those opposed, Nay. The Ayes have it. And the motion carries, and the Secretary shall so inform the House. Senator Hawkinson, for what purpose do you rise, sir?

SENATOR HAWKINSON:

Thank you, Mr. President. For purposes of an announcement.

PRESIDING OFFICER: (SENATOR MAITLAND)

State your point.

SENATOR HAWKINSON:

Senate Judiciary Committee will meet tomorrow at 11 o'clock in Room 400. We have, I think, five more concurrence amendments.

PRESIDING OFFICER: (SENATOR MAITLAND)

Let me indicate what -- what we're going to do for the

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remainder of the afternoon. There will be some -- the Secretary will read in some Committee Reports, but we will -- we will soon be recessing for some time, and the only purpose for coming back will be to -- Messages from the House, nonsubstantive work and -- and the like. So -- and then we will at that point be adjourning until noon, Tuesday, May 25th, but please stand by just for a moment. Mr. Secretary, Committee Reports.

SECRETARY HARRY:

Committee Reports...

PRESIDING OFFICER: (SENATOR MAITLAND)

I -- I'm sorry. Senator Demuzio, for what purpose do you rise, sir?

SENATOR DEMUZIO:

On a point of personal privilege. Let -- I had my light on at that last roll call and, you know, a lot of times, you know, we try, as -- as Members, to get into the rhythm of the -- of the Presiding Officer of the Senate, and sometimes that rhythm seems to escalate a little bit more than others. And we are trying to get into the rhythm of -- of you as the Presiding Officer, so if you would just perhaps concentrate on being a little slower on that "take the record", we'll try to get into the rhythm with you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Well, -- Senator Demuzio, I don't know -- what's -- what's the purpose? I -- I took the record...All right. All right. Committee Reports, Mr. Secretary.

SECRETARY HARRY:

Senator Raica, Chair of the Committee on Local Government and Elections, reports that motions to concur with House Amendments 1 and 2 to Senate Bill 45 Be Approved for Consideration; motion to concur with House Amendments 1 and 2 to Senate Bill 60 Be Approved for Consideration; motion to concur with House Amendment 1 to Senate Bill 90 Be Approved for Consideration; motion to concur

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with House Amendments 1 and 3 to Senate Bill 91 Be Approved for consideration; motion to concur with House Amendments 1 and 2 to Senate Bill 192 Be Approved for Consideration; motion to concur with House Amendment 1 to Senate Bill 538 Be Approved for Consideration; motion to concur with House Amendment 1 to Senate Bill 714 Be Approved for Consideration.

Senator Fawell, Chair of the Committee on Transportation, reports that motion to concur with House Amendments 2 and 3 to Senate Bill 157 Be Approved for Consideration; motion to concur with House Amendments 1 and 2 to Senate Bill 439 Be Approved for Consideration; motion to concur with House Amendment 1 to Senate Bill 479 Be Approved for Consideration; and motion to concur with House Amendment 1 to Senate Bill 906 Be Approved for Consideration.

Senator Mahar, Chair of the Committee on Environment and Energy, reports that the motion to concur with House Amendment 1 to Senate Bill 41 Be Approved for Consideration; motion to concur with House Amendment 5 to Senate Bill 188 Be Approved for Consideration; motion to concur with House Amendments 1 and 2 to Senate Bill 227 Be Approved for Consideration; motion to concur with House Amendment 1 to Senate Bill 543 Be Approved for Consideration; motion to concur with House Amendment 1 to Senate Bill 616 Be Approved for Consideration; motion to concur with House Amendment 3 to Senate Bill 764 Be Approved for Consideration; and motion to concur with House Amendment 1 to Senate Bill 952 Be Approved for Consideration.

Senator DeAngelis, Chair of the Committee on Revenue, reports that the motion to concur with House Amendment 1 to Senate Bill 473 Be Approved for Consideration; motion to concur with House Amendments 1 and 2 to Senate Bill 558 Be Approved for Consideration; motion to concur with House Amendments 1, 2 and 3 to Senate Bill 664 Be Approved for Consideration.

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And Senator Barkhausen, Chair of the Committee on Financial Institutions, reports that the motion to concur with House Amendments 1 and 3 to Senate Bill 383 Be Approved for Consideration; and the motion to concur with House Amendments 1 and 2 to Senate Bill 490 Be Approved for Consideration.

Senator Weaver, Chair of the Committee on Rules, reports that the following Legislative Measures have been assigned to committees: to the Judiciary Committee - motions to concur with House Amendments with respect to Senate Bills 25, 273, 289, 650 and 678; and Be Approved for Consideration, Senate Amendment 1 to Senate Joint Resolution 45.

PRESIDING OFFICER: (SENATOR MAITLAND)

Message from the House.

SECRETARY HARRY:

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

Mr. President - I am directed to inform the Senate that the House of Representatives has refused to concur with the Senate in the adoption of their amendment to a bill of the following title, to wit:

House Bill 1331, which amendment is as follows:

Senate Amendment No. 1.

Non-concurred in by the House, May 24th, 1993.

I am further directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendments to a bill of the following title, to wit:

House Bill 554, with Amendments 1 and 2.

And I am further directed to inform the Senate that the House of Representatives has refused to concur with the Senate in the adoption of Senate Amendment No. 3 to House Bill 554.

Action taken by the House, May 24th, 1993.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any further business? The Senate will stand in recess till

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the call of the Chair.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR RAICA)

The Senate will come to order. Messages from the House, Mr. Secretary.

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 refused to concur with the Senate in the adoption of their amendment to a bill of the following title, to wit:

House Bill 991, which amendment is as follows:

Senate Amendment No. 1.

Non-concurred in by the House, May 24th, 1993.

We have like messages on House Bill 1212, with Senate Amendments 1 and 2; and House Bill 1302, with Senate Amendment No. 1.

All non-concurred in by the House, May 24th, 1993.

PRESIDING OFFICER: (SENATOR RAICA)

Is there any further business to come before the Senate? If not, Senator Donahue moves the Senate stand adjourned until Tuesday, May 25th, the hour of noon.

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