

STATE OF ILLINOIS  
90TH GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

111th Legislative Day

May 22, 1998

PRESIDING OFFICER: (SENATOR KARPIEL)

The regular Session of the 90th General Assembly will come to order. Will the Members please be at their desks, and will our guests in the gallery please rise? Our prayer today will be given by Pastor Bill Davis, Lakeside Christian Church, Springfield, Illinois. Pastor Bill Davis.

PASTOR BILL DAVIS:

(Prayer by Pastor Bill Davis)

PRESIDING OFFICER: (SENATOR KARPIEL)

...Allegiance. Senator Sieben.

SENATOR SIEBEN:

(Pledge of Allegiance, led by Senator Sieben)

PRESIDING OFFICER: (SENATOR KARPIEL)

Reading of the Journal. Mr. Secretary.

SECRETARY HARRY:

Senate Journals of Thursday, May 14th; Friday, May 15th; Monday, May 18th; and Tuesday, May 19th, 1998.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Butler.

SENATOR BUTLER:

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

PRESIDING OFFICER: (SENATOR KARPIEL)

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

SENATOR BUTLER:

Madam President, I move that reading and approval of the Journals of Wednesday, May 20th, and Thursday, May 21st, in the year 1998, be postponed, pending arrival of the printed Journal.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Butler moves to postpone the reading and approval of

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the Journal, pending arrival of the printed transcripts. There being no objection, it is so ordered. Committee Reports.

SECRETARY HARRY:

Senator Fawell, Chair of the Committee on Transportation, reports Senate Bill 955, the First Conference Committee Report Be Approved for Consideration.

Senator Cronin, Chair of the Committee on Education, reports Senate Amendment 5 to House Bill 1640 Be Adopted, and Senate Amendment 9 to House Bill 2844 Be Adopted.

Senator Maitland, Vice-Chair of the Committee on Environment and Energy, reports Senate Bill 545, the First Conference Committee Report Be Approved for Consideration.

And Senator Syverson, Chair of the Committee on Public Health and Welfare, reports House Bill 1699, the Second Conference Committee Report Be Approved for Consideration.

PRESIDING OFFICER: (SENATOR KARPIEL)

Messages.

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 recede from their Amendments 1 and 2 to a bill of the following title, to wit:

Senate Bill 1203.

I am further directed to inform the Senate that the House of Representatives requests a First Committee of Conference. Action taken by the House, May 21st, 1998.

PRESIDING OFFICER: (SENATOR KARPIEL)

Without objection, the Senate accedes to the request by the House for conference committees on those bills just read by the Secretary. Leave is granted. Introduction of bills.

SECRETARY HARRY:

Senate Bill 1947, offered by Senator Karpziel.

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(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Resolutions.

SECRETARY HARRY:

Senate Resolutions 219, 220 and 221, all offered by Senator Kehoe and all Members.

They're all death resolutions, Madam President.

PRESIDING OFFICER: (SENATOR KARPIEL)

Consent Calendar. Page 7 of today's Calendar is Senate Bill 1315. On today's Calendar, Secretary's Desk, Concurrence on Senate Bills, Senate Bill 1315. Senator Parker. Mr. Secretary, read the motion.

SECRETARY HARRY:

I move to nonconcur with the House in the adoption of their Amendment No. 3 to Senate Bill 1315.

The motion of Senator Parker.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Parker.

SENATOR PARKER:

I move to nonconcur with Amendment No. 3 on Senate Bill 1315.

PRESIDING OFFICER: (SENATOR KARPIEL)

Is there any discussion? If not, Senator Parker moves to nonconcur on House Amendment No. 3 to Senate Bill 1315. All those in favor, say Aye. Opposed, Nay. The Ayes have it and the motions carries, and the Secretary shall so inform the House. On the same page, page 7 of the Calendar, Secretary's Desk, Concurrence, Senate Bills, and on the Order of Concurrence is Senate Bill 1599. Mr. Secretary, read the bill.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendments 1, 2, 3, and 4 to Senate Bill 1599.

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The motion of Senator Butler.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Butler.

SENATOR BUTLER:

Thank you very much. The underlying bill to Senate 1599 requires an audit of all the books on the accounts and funds of three ISCs {sic} (ESCs) located in suburban Cook County. There are four amendments. House Amendment No. 1 allows school districts and regional superintendents to claim general State aid for students in truancy alternative and optional education programs and in adult education programs. According to the State Board of Education, the fiscal impact of this change should be negligible. Another part of it puts the Statutes -- puts into the Statutes the current practice concerning the -- the disbursement of funds to alternative schools from the fifteen-million-dollar alternative school line in the budget. Under the terms of this amendment, the State Board keeps the first 1.1 percent of the appropriation for technical assistance, et cetera, and each -- this would allow each alternative school program to receive thirty thousand dollars each. Another section of Amendment No. 1 puts the School Aid Formula Section language that allows regional superintendents to contract for the operation of alternative schools or to operate cooperative alternative schools serving more than one region. House Amendment No. 2 adds language concerning financial assistance for the Crete-Monee School District. It allows any school district that has been previous -- previously certified as being in financial difficulty to request to be recertified. House Amendment No. 3 adds language to the Crete-Monee language in the -- in the House Amendment 2 to provide that the loan shall be repaid at an interest rate equal to one-half of the most recent one-year T-rate bill {sic} (T-bill rate), as opposed to four percent, as currently exists. And finally, House Amendment No. 4

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is a request by the IEA. They were concerned about the language in No. 1 concerning the authority for regional superintendents to run cooperative alternative schools. The IEA felt the original language could be construed to allow such schools to operate outside the School Code, and this clarifies that. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? If not, this is final action... Senator Fawell, your light is not on. Now it is. If not, this is final action, and the question is, shall the Senate concur in House Amendments 1, 2, 3 and 4 to Senate Bill 1599. 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, Mr. Secretary. On that question, the Ayes are 58, there are none voting Nay, none -- none voting Present. And the Senate does concur in House Amendments 1, 2, 3 and 4 to Senate Bill 1599, and the bill, having received the required constitutional majority, is declared passed. Is there leave for WCIA -- grant permission to videotape? Leave is granted. Senator Geo-Karis, for what purpose do you rise?

SENATOR GEO-KARIS:

I'm the immediate cosponsor of 1602 and Senator Molaro is not here, I believe, today. Is that correct? So I wonder if I could proceed for him.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Demuzio, for what purpose do you rise? Senator Geo-Karis, I'll get back -- we'll get back to that.

SENATOR DEMUZIO:

I was about to ask that the record reflect that Senator Molaro was not here yesterday or today due to that knee problem that he has, and I understand he's going back to the doctor again today. So I'd like the record to reflect that.

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PRESIDING OFFICER: (SENATOR KARPIEL)

Will reflect that. On page 3 on today's Calendar, House Bills 3rd Reading, is House Bill -- House Bill 1640. Senator Cronin, do you wish this bill returned to 2nd Reading for purposes of an amendment? Senator Cronin seeks leave of the Body to return House Bill 1640 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. And on the Order of 2nd Reading is House Bill 1640. Mr. Secretary, are there any... Okay. Senator Cronin.

SENATOR CRONIN:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I move to table Amendment No. 4.

PRESIDING OFFICER: (SENATOR KARPIEL)

Is there any discussion on that? If not -- Senator Klemm.

SENATOR KLEMM:

Would the sponsor explain what Amendment No. 4 is?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Cronin.

SENATOR CRONIN:

Table -- Amendment No. 4 is the language that and is the legislation that was just contained in Senate Bill 1599 that Senator Butler just discussed and we just voted on and just passed moments ago, dealing with the Crete-Monee School District. So, I'm very supportive of that, but for technical reasons and for reasons that -- we don't need to duplicate the work that Senator Butler's just done, I seek to table No. 4.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Klemm.

SENATOR KLEMM:

So that's the only thing that's been duplicated in Senator Butler's... Fine. Thank you.

PRESIDING OFFICER: (SENATOR KARPIEL)

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Senator Berman. Senator Cronin moves to table No. -- Amendment No. 4 on House Bill 1640. Is there -- hearing no -- hearing no objection, leave is granted. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 5, offered by Senator Watson.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Cronin.

SENATOR CRONIN:

Thank you. They misspelled Cronin up on the board, but Senate Amendment No. 5 makes a couple of changes kind of refining the bill that we passed last Session, House Bill 452, the school funding reform bill. This Senate Amendment No. 5 removes the reduction in the high school calculation rate in the new school aid formula from a dollar twenty to a dollar. Secondly, it amends the School Construction Law. Many of you have had questions about that, and it provides that any school district that's been issued a grant entitlement for a project, the school district has arranged local financing, is eligible to receive a grant but did not receive one because of insufficient appropriations - because we know the program is oversubscribed - these people, these school districts, shall be placed ahead of any new projects that are approved for grant awards during the following fiscal year within the same priority category. So in other words, if the project is ready to go in one fiscal year but they can't get funding, it will be placed ahead of new projects in the subsequent fiscal year. I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? Senator Klemm.

SENATOR KLEMM:

Thank you, Madam President. I was just concerned, Senator Cronin, about the possibility of going back to the .1 -- or, the

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1.2. Is there any hope of going, say, to 1.1 as a compromise? 'Cause it does affect a number of high school districts that we feel is important, and I understand there is some work on that. Do you -- could you enlighten me on that, and the Assembly on that one?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Cronin.

SENATOR CRONIN:

Thank you. Yes. As you may recall, when we struggled with school funding reform last Session and we came up with a bill that put -- infused a huge amount of dollars into the school systems across the State and brought the -- the bottom up and gives every child in the State of Illinois a adequate educational opportunity, we also made the decision that it was wise for us to invest dollars in the early years and not favor the high school years. And -- and we made a change that there would no longer be a weighting factor. Well, there's been a lot of complaints about that, and we are reevaluating that, and Senator Watson wants to be the -- lead the charge in Senate Bill 1246 and pursue the high school calculation rate change. So we will be working with Senator Watson on that.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Klemm.

SENATOR KLEMM:

Well, as I understand it, the -- if we change it from 1.2 to 1 -- to 1, it's only a fourteen-million-dollar hit. And if we go to a 1.1, it's only three million. Now, I mean, are we arguing at this stage for three million dollars, that we couldn't find that to help some schools, though they're high schools and maybe some of you don't support high schools? But I think that that is not too an exorbitant amount at this stage of the game that we can't help the high schools that are desperately needing that, of three

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million dollars. And it's spread all over our districts. Now, I want to know, before we vote on this to eliminate it again, I think that some of us like some assurance we're going to have some consideration -- successful consideration and restore some of those dollars to high schools that we had agreed on before.

PRESIDING OFFICER: (SENATOR KARPIEL)

Is that a question, Senator?

SENATOR KLEMM:

That's a question. I mean...

PRESIDING OFFICER: (SENATOR KARPIEL)

All right. Senator Cronin.

SENATOR CRONIN:

Well, I think that -- the caucus and the Membership here seems to be vacillating between the policy that says, on the one hand, high school districts ought not to be treated any differently than other school districts and we recognize the need to invest in early educational opportunities for children, and then, on the other hand, there are those that say the school districts and high school districts need to spend more money because of facilities and more sophisticated programs and so on and so forth. I suspect that debate will continue, and I think all of us want to be supportive of our high school districts, but we did make a decision last Session and we are reevaluating it. And I think we will be given an opportunity to -- to come down on one side or the other on that issue, when Senator Watson comes forward with his legislation.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Luechtefeld.

SENATOR LUECHTEFELD:

...you -- thank you, Madam Chairman and -- or, Madam President and Members of the Senate. You know, last year when we changed this, I'm not real sure that we all realized the -- the hit that

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the high schools would -- would take. A lot of that money is built into their system and all of a sudden they -- you know, at -- at worst, I think, we probably should have phased this in, but this -- this is -- this, again, is -- has put them and many of their programs in peril and I -- I really think that we've -- at -- at the worst, we should have done this on a phase-in basis; if not, certainly give them some help. And it has been a real struggle for those high school districts to continue to keep the programs that they've had. Been involved in the school business an awful long time and -- and do believe that it probably does cost a little bit more to -- to educate the high school students because there are more programs. And I understand the idea of -- of moving some of that to the -- to the younger years and -- and agree with that, but I think we simply went too far and hope that this 1. -- 1.20 calculating rate could be put in to give them some cushion - at least a 1.10, and hopefully we can work towards something like that. Thank you.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Madam President. Question of the sponsor.

PRESIDING OFFICER: (SENATOR KARPIEL)

Indicates he'll yield.

SENATOR BERMAN:

We had some interesting debate this morning on the second part of this amendment dealing with school districts that applied this year, didn't get their money - and that's the overwhelming majority of school districts that applied for construction money - and the second part of this amendment says that they will stay in the order in which this year's requests are put together so that anybody that has a problem next year has to stand behind them, even if their needs are greater than the ones that applied this

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year. And I thought Senator Sieben raised some excellent points this morning in our discussion, and I know time is short. Could you share with us your thoughts as to where we're going? Because, again, I think we're -- we've put ourselves, all of us, into a very difficult position. We all issued great press releases when we passed House Bill 452 about the school construction element, and now our press releases are being undercut because the amount of money available is very small. So you get a handful of schools that are going to get some money this year, and you've got a long list of applicants that is a mile long, and this amendment says if you're in line, you'll never get bumped out of the line, regardless of whether somebody else's needs exceed yours. I'm not sure that's fair. So Senator Cronin and I discussed that this morning, and I would just like, as a matter of record, so that we don't mislead schools or undercut all of our other school districts, have you given any thought, Senator Cronin, what we're going to do about these questions?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Cronin.

SENATOR CRONIN:

Thank you, Senator Berman. As we discussed this morning, and I think it probably is instructive for those that are interested in this issue in this -- among the Membership, the general Membership, I think you have to take a step back and look at the -- the perspective that we had at the time we considered 452. When we considered the School Funding Reform Law from last year, when we put a huge amount of money into the school system, when we committed to bring the bottom up and -- and index our -- our -- our appropriation or continuing appropriation to the foundational level, a lot of money went into areas of the State and little or no money went into other areas of the State. The school construction program was offered at that time as a way to build

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consensus for everyone to come together to say: "Here's a construction program, here's a -- here's a program that will -- that all school districts throughout the State can -- can avail themselves, that there will be dollars available whether you live in -- in Kathy Parker's district or you live in Dave Luechtefeld's district; that, yes, there will be a sliding scale and there will be different levels of need established, but this is something that all of you can participate in." And that way, we built a consensus and everyone came together and did the right thing and we fulfilled our obligation to help out our fellow man that needed some money, needed money to -- to raise their foundational level. Lo and behold, you're right, Senator Berman, there doesn't appear to be enough money in the program. The program is oversubscribed and now people are saying: "Well since there's limited dollars, you know, maybe we should change the rules about what constitutes need; let's redefine it; let's -- let's go back to regional politics." I don't want to do that. I would rather take a step back, figure out how we can make this school construction program work for all districts throughout the State. If we need to find, you know, additional sources, maybe that's the direction we should go, but I think that this is a very important program and I'd like to realize our goal that was stated from last Session. I don't think we should start talking about bumping people out of line. I think local school districts that have demonstrated the need, that have passed their referendums, that are ready to go, I don't think that you should create a scenario where some districts -- where it may be impossible for some districts to ever access money through this program. I don't want to do that to any school district. So this is definitely an issue that needs to be more carefully considered, and we're going to need to work on it, I think, in the future. And I'd be willing to join you and others to -- to revisit the School Construction Law. It's not going to go away.

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We started something here. I think there's something very good and it needs work.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Watson.

SENATOR WATSON:

Yes. Thank you, Madam President. Just to address the issue of the...

PRESIDING OFFICER: (SENATOR KARPIEL)

Oh, I'm sorry, Senator Watson. Senator Berman, I -- I thought you were finished. I beg your pardon. Senator Berman.

SENATOR BERMAN:

I guess my question is this... If -- if this amendment becomes law, we're locking and promising certain school districts that are on the list this year that they're going to be protected, and I'm not sure that's good policy. I've just got to tell you that. I'm not sure it's good policy. How do we not do this -- I guess my question is: Can we withdraw this amendment or can this bill go to conference committee and -- and this provision not be included so that we have a chance over the fall to look at this whole program and see how do we keep our promises that we made last December?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Cronin.

SENATOR CRONIN:

Well, I'm no less committed in trying to improve this whole program. I'm not sure that this -- I think this amendment improves it. I think this amendment, at least for those who are in the pipeline now, gives them some certainty. I -- I don't think it's bad policy to say that school districts who have followed the rules that we laid out in the law we passed last year, who have passed their referendums back in their community -- thus, that would be evidence of some need; I mean, that sort of is

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the test. If they can -- if they can convince their local voters that what they are seeking to do is important and there's a need for it, then the State - your Big Brother down in Springfield - will pitch in and help out. That was what we represented last year. And for those who are in line, if we change the rules of the game and say, "You know, there's going to be a different definition of "need" now and you did everything you were told, but, you know, we've got eighteen school districts that are now going to cut in front of you and I can't tell you when you're ever going to be able to access money," I'm not sure that's wise.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Berman.

SENATOR BERMAN:

It disturbs me, and I'm really giving Senator Sieben's comments, if in this year's list there is a school district that applied and has an overpopulation of ten students, and next year a school district that has an overpopulation of five hundred students has to stand behind that ten-student district, I'm not sure that makes sense in determining who should get construction money. And that's what this amendment does. I -- I don't hear a -- a -- I think, a -- a fair solution to this, and I -- I'm going to ask for a roll call on this amendment. I think -- I think that we should not put ourselves in a position to lock in those school districts that have asked for money this year when there's eight hundred or seven hundred other school districts out there that may have greater need and should be on the list and be evaluated next year. If we've underfunded this year, we shouldn't penalize the children, and, therefore, I'm going to ask for a No vote and ask a roll call on this amendment.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Watson.

SENATOR WATSON:

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Yes, thank you, Madam President. Then I rise in support of the amendment, even though it does contain the language that reduces the calculating rate for high schools that flew out of here last -- well, a couple of months ago and the House passed over there. It came to us. Unfortunately it was not included in the budget, and that was about fourteen million dollars that would have taken the calculating rate from 1.2 to 1.0 for high school districts. That -- that is taken out of here. It is my intention to utilize Senate Bill 1246, which is currently on the Calendar in the House, and I was under the impression that they were going to refuse to recede and ask for a conference committee. And I'm told that as of this point, that has not been done. But if it gets to a conference committee, my intention is to use the compromise language of 1.1 as a calculating rate and bring that back for -- for consideration of this Body, and that would be a three-million-dollar cost factor. And I have talked -- I have talked to State Superintendent Joe Spagnolo concerning the funding of this. They do feel that there is some possible means by which that could be funded, but unless the bill goes to conference, we won't have a vehicle. But that's -- that's my dilemma now. But I wholeheartedly support the provision dealing with the construction and school construction program part of this legislation. Thank you.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Sieben.

SENATOR SIEBEN:

Thank you, Madam President. Senator Berman's correct; I did raise those concerns in the Education Committee, but I'd also say for the benefit of the Members, I did vote for the amendment and I intend to vote for it here on the Senate Floor. I also raised another concern, as we approach this school construction program. Before we get too far down the line in this program, it -- it

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appears to me that because of our -- our matching ratios of the thirty-five/seventy-five, we're leveraging a relatively small amount of dollars to a very few number of schools, and I think a bigger issue here is if we shouldn't possibly rethink the State's share in that matching -- that matching percentage; that we could gain a lot more benefit for the school districts of this State, if the share that the State contributed would be adjusted to a twenty percent/sixty percent range, rather than the thirty-five/seventy-five that we passed last year. Obviously we've seen a long list of school districts that need assistance from the help -- need assistance from the State to replace old buildings, dilapidated buildings, unsafe buildings and, in many cases, un-housed students. And it appears to me that we -- we ought to rethink that along with the issue that we -- we're talking about here on those school districts that were, I guess, quick enough or smart enough or in a position of -- of great need to get in on the first round of application. Now, all these school districts that are on the current list that are covered by Senator Cronin's amendment have demonstrated a need and have met the qualifications to be eligible for this program. So I don't quarrel with their current need and their eligibility. I just wish the State would -- or, program would -- would provide assistance to many, many more school districts and it's -- I think we've got to think carefully. And I've shared my concerns with the sponsor, and he's taking those under consideration. So I intend to vote for the amendment and for the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Burzynski. If there's no further discussion, Senator Cronin, do you wish to close?

SENATOR CRONIN:

Thank you. I don't disagree with my colleague, Senator Sieben, and I acknowledge that Senator Berman has raised some very

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challenging points...

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Cronin, excuse me. There seems to be quite a bit of -- there seems to be a little caucus going on in the...

SENATOR CRONIN:

If I may just point out one little interesting tidbit that may -- you may want to consider. If you look at the list of schools that are -- are applying for this, a lot of the schools that are at the bottom of the list come from downstate communities. So, if we were to do what Senator Berman's suggesting - and maybe that's the right thing to do; I don't know - but those from downstate communities that aren't experiencing the big explosive growth that the suburban communities are, they'd never get up to bat. They'd -- a lot of people would be cutting in line in front of them, and I not sure that's what a lot of you downstaters want to do. So, I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

If there's no further discussion -- well, Senator Cronin closed. A roll call vote has been requested. All those in favor of Floor Amendment 5 to House Bill 1640 will vote Aye, and opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On this question, there are 31 voting Aye, 24 voting Nay, 1 voting Present. And Floor Amendment No. 5 to House Bill 1640 is adopted. Any further Floor amendments?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR KARPIEL)

3rd Reading. Now, on the bill on 3rd Reading, Senator Cronin -- read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1640.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Cronin, on House Bill 1640.

SENATOR CRONIN:

Thank you, Madam President, Ladies and Gentlemen of the Senate. We just debated one significant part of 1640 and I will not focus my remarks on that section since it was fairly thoroughly debated. We do have a provision in this bill that modifies much of what we did to House Bill -- in House Bill 452 from last year. The changes are intended to clarify the intent of the legislation, make various technical changes. The most interesting component, I think, is that that deals with the administrative cap, and I will defer to my colleague, Senator Watson, who can explain that part of the bill in detail.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Watson.

SENATOR WATSON:

Yes, thank you. As you know, we -- we put the administrative cap language into the legislation in 452. The original intent of that legislation was obviously to limit the increase in -- in the salaries of -- at the administrative level. Unfortunately, when the rules were promulgated and when the intent of the legislation was ultimately decided, it went further than what we're -- what our intent was. It impacted people who retired, impacted districts in which they fired a superintendent, impact their IMRF, their many facets of the grant program, and so we just didn't want that, obviously, to take -- take place. It was the intention not to impact those types of programs. So this clears that up and we understand there's full support from the -- those who represent the administrative side of education, and I'd appreciate your support.

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PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Madam President. What we're faced with here is not unusual for the last day, I hope, of the legislative spring Session. We have a bill that has many items on it - some that we love, some that we can live with, some that we may not love. I think overall this bill does contain a number of important items, and I would -- I think that hopefully we can straighten out the points of contention regarding the construction program in another way so that we don't mislead school districts and we do respond to construction needs. The rest of the bill I like, and I think it's important. I'm going to vote Yes.

PRESIDING OFFICER: (SENATOR KARPIEL)

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

SENATOR CRONIN:

Thank you. We've had a pretty good debate. There's a lot of items in this bill. There's one other item that I didn't mention. There is a provision in here that clarifies the certification of teachers issue. When we passed 452 last year, that bill created three certificates: an early childhood, elementary and a secondary. That created havoc with a lot of different groups. We have created a fourth category, a special certificate with designation for reading and music and this is a provision in the bill that we've worked with - the IEA and others - and they wholeheartedly support it. I ask for your favorable consideration. Thank you.

PRESIDING OFFICER: (SENATOR KARPIEL)

All right. The question is, shall House Bill 1640 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On this issue, there

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are 57 voting Aye, none voting Nay, none voting Present. And House Bill 1640, having received the required constitutional majority, is declared passed. Senator Parker. Senator Parker, do you wish House Bill 2844 returned to 2nd Reading for purposes of amendment? Read the bill, Mr. Secretary. Senator Parker seeks leave of the Body to return House Bill 2844 to the Order of 2nd Reading for the purpose of an amendment. Leave is granted. On the Order of 2nd Reading is House Bill 2844. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 8, offered by Senator Petka.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Petka.

SENATOR PETKA:

Thank you very much, Madam President and Members of the Senate. Amendment No. 8 contained language that was incorporated in House Bill 3330, which I believe was kept in Rules, and also another House bill which I believe is -- was House Bill 1689. What this amendment does is provide that those school districts that pass construction bond referendums between January 1st, 1996, and January 1st, 1998, that have not yet issued bonds authorized by a referendum for a particular project be eligible for school construction grants. Madam President and Members of the Senate, when we passed House Bill 452 last fall, one of the selling points on this legislation was the ability of school districts in the so-called high growth areas to access funds for school construction. As I indicated in -- in committee yesterday when I presented this amendment, two school districts that are in my district are experiencing growth of eighteen hundred students a year in Indian Prairie, and eleven hundred students every year, brand-new students, in Plainfield. We believe that the interpretation that was placed upon House Bill 452 by the State

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Board of Education was, to say the least, a strained construction. We hope that this clarifies the intent of that legislation, and I would, at the proper time, urge its adoption.

PRESIDING OFFICER: (SENATOR KARPIEL)

Is there any further discussion? Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR KARPIEL)

Indicates he will.

SENATOR BURZYNSKI:

Senator Petka, can you tell me -- our analysis indicates that this could divert funds from downstate schools and other projects. Can you give me some indication as to how much money we're talking about in these two or three school districts?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Petka.

SENATOR PETKA:

Senator, it -- it is simply a matter of deduction. If you -- there is a pool of money that's available, if you add other -- more schools to it, then there's a chance of -- of basically shrinking the pool, but for that -- that's the reason.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Burzynski.

SENATOR BURZYNSKI:

And how -- thank you. And how much money is that, Senator? How -- how much do you think these school districts would qualify for if they're included in that process?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Petka.

SENATOR PETKA:

Senator, I believe that the -- the funds which are on the analysis that have been supplied to you indicate that this would

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twelve million spread over a period of -- excuse me. Would be thirty-five percent of seventy-two million dollars and thirty-five percent of a hundred -- or, eighty million dollars, and that would be spread out over a period of -- anywhere from four to six years. This would not be a up-front appropriation; it would be basically spread out over the life of the projects.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. Senator, many of us have school districts that fall in the same situation, and we tried to work through the rules process with JCAR to get something done to include those school districts that had passed referendums and were unable to do that. I think it's unfair to those of us who've had school districts -- personally, I've got three that passed referendums from 1996 to 1998 that will not be included in this -- this process. And I would suggest that this amendment would detract from schools in southern Illinois, downstate Illinois, and I would ask for a No vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further -- Senator Petka. Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Madam President, Ladies and Gentlemen of the Senate. We touched on this same issue a few minutes ago under the bill that was sponsored by Senator Cronin, but let me point out to you - and I would ask for your attention for a moment or two - of what Senator Petka's amendment does for nine school districts and its impact on the other eight hundred and ninety school districts in this State. This amendment says that if a school district passed a bond referendum for construction before December of last year and they didn't issue their bonds, even though they went to

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referendum and they were authorized to do so, they will be included in the pool of money or pool of applicants seeking funds under House Bill 452's construction program. Now, there were some numbers mentioned and let me tell you what my numbers show. This year, fiscal year -- this coming year, fiscal year 1999, about two hundred million dollars in construction grants were authorized. These nine school districts that passed referendum and didn't issue bonds that would be included in the pool under this proposed language represents eighty million dollars in bond money in the State's share of their bonding, which means that forty percent of the money that we're proposing to go to school districts will be given to school districts that have another avenue of funding their construction; namely, locally authorized school construction bonds that were already approved by referendum, and we addressed these school districts in House Bill 452 by the creation of the debt service grants, which is another new program to address school districts that had passed referendum before the passage of House Bill 452. For every Senator on this Floor that has a school district other than the nine in this list, this amendment hurts your school districts. Those school districts that are in this nine list is River Grove, McLean, Steward, Winnebago, Harrison, Wauconda, Plainfield, Cicero and Indian Prairie. If you didn't hear any of your school districts on that list, I strongly urge you to vote No on this amendment because it does the wrong thing on an already underfunded school construction program. Thank you.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you, Madam President. First of all, I would say that the -- the arguments that are being made by opponents to this bill are arguing a zero sum and perhaps returning us to the regional debates that were talked about last year. We all, as a Body,

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agreed on certain rules: that those bonds were to go for growing school districts, the -- for deteriorating school districts all over the State. We have a situation here where these school districts that are being put forward in this amendment represent the fastest-growing school districts in the State. I think that it's an issue of basic fairness among this Body, in keeping our commitment to what the concept of -- of House Bill 452 was originally. It's an issue of basic fairness and justice. You know, we all can recall the Pledge of Allegiance that we made earlier today: One nation, under God, indivisible, with liberty and justice for all. I don't think that we should be penalizing any of the school districts, especially if we've already passed these referendum and the -- the bonds haven't been issued yet. We should have the same consideration under this bill as every other school district. It's a basic issue of fairness.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Well, first of all, I don't think a vote against this amendment is truly a vote against the Pledge of Allegiance or -- or what it stands for. But I can understand if I had a school district that was getting twenty-three million dollars or potentially getting twenty-three million dollars out of their construction fund, maybe I'd be saying the same thing. But early on, there was a number of us that put in bills that would have basically done the same thing as Senator Petka is asking for, with one exception; and that is, if they had passed the bond issue, that they would be eligible in order to be considered under the construction bond issue, because it's not their fault that they missed it. And I understand that. But now all of sudden we're differentiating even between the referendums held in November and

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referendums held in November but were smart enough or told or had an inside track, or whatever the case may be, to hold off, don't pass your bonds, and we'll maybe be able to help you. And I think that separates the issue, and for that reason, I think we should all vote No.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Burzynski, for a second time.

SENATOR BURZYNSKI:

Thank you, Madam President. Just as a point of clarification. I don't often get to correct Senator Berman, but I think the list you were working off, Senator, were school districts who had not sold bonds effective earlier this spring. Many of those schools, based on the actions of JCAR, based on the actions of the State Board of Elections, have gone ahead and continued and have sold their bonds since the time of -- of your list. So I believe we're only talking about two or three school districts here, not nine, at this point. And it is an element of fairness. I agree wholeheartedly with my colleague on this -- side of the aisle. It is fairness, and it's unfair to those who have gone ahead and sold their bonds based on the fact, based on the action of JCAR and based on the actions of the State Board of Education.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Sponsor give leave for a question?

PRESIDING OFFICER: (SENATOR KARPIEL)

He indicates he'll yield.

SENATOR GEO-KARIS:

Well, I have the Antioch School District in my district -- Antioch schools, rather, in my district, and they have had a problem getting construction monies. How would your amendment affect them?

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PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Petka.

SENATOR PETKA:

Senator Geo-Karis, -- I believe the school district that you're referring to is Antioch, and they're asking for a construction grant.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Geo-Karis.

SENATOR GEO-KARIS:

How would your amendment affect them?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Petka.

SENATOR PETKA:

Senator, they would have been required to pass a referendum. They haven't passed that referendum, as I understand.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Geo-Karis.

SENATOR GEO-KARIS:

It hasn't been that easy for them to pass a referendum.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Petka.

SENATOR PETKA:

...close -- excuse me.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Petka. I don't know. Was that a -- that wasn't a question. Senator Berman, for a third time, second time -- second time.

SENATOR BERMAN:

Second, Madam President. Thank you. I just wanted the record to reflect Senator Burzynski is correct. The nine school districts may not be nine, but the amount of money is very close to that eighty million dollars that I referred to because the ones

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-- the school districts that sold amount to - let me take a quick - to probably about four or five million dollars out of the eighty. The big ones - Plainfield, which is seeking twenty-one million, represented by Senator Petka; Cicero, represented by Senator Tom Walsh, eighteen million; Indian Prairie, represented by Senator Lauzen, twenty-three million - those are still sixty-plus million of the eighty that I referred to before. It's going to impact on every other school district, except the ones that are on this list. And they have an alternative. They can get debt service grant money if they would have sold or do sell the bonds that have been approved. Why should we hurt somebody that can't go to referendum when these have already passed the referendum? Thank you, Madam President.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Petka, to close.

SENATOR PETKA:

In light of two closing arguments made, would it be permissible -- me to give two closing arguments also?

PRESIDING OFFICER: (SENATOR KARPIEL)

Go right ahead, Senator.

SENATOR PETKA:

Thank you. Back when we passed 452, it came out of this Chamber in November of 1997, and after it passed the House, I believe in the first week of December, it set into motion a process which involved interpretation of -- of our legislation. We had a series of hearings dealing with the, quote, "interpretation" of -- of the rules and to be kind to the people who did that interpretation, the construction that they placed on the legislation was, at best, strained, and perhaps considered bizarre. They disregarded ordinary and plain meaning of -- of what we had sent out, and as a result, we felt that this was -- it was necessary to basically go forward and place in -- on the

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record what we believe was the intent -- many of us believe was the intent of 452, and that is to provide a healthy balance between downstate school districts that were basically in need of renovation and rehabilitation and supercharged, high-powered growth districts, like I represent. And I'm just indicating that Indian Prairie every single year brings in eighteen hundred new students into their schools. That's the equivalent of four new schools that have to be built, and for the foreseeable future, that will be the case. Additionally, in Plainfield, which I have a little knowledge about, they're bringing in eleven hundred new students each and every year with that number expected to accelerate based upon the number of -- development projects within the school district. I do believe that based upon what I conceive to -- consider to be the intent of 452 and what we tried to do, that, as Senator Lauzen most artfully point out, this really is a matter of simply implementing the intent of 452 and as a matter of elementary justice and fundamental fairness. With that, I urge the adoption of Amendment No. 8. Thank you.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Burzynski.

SENATOR BURZYNSKI:

Request a roll call vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

A roll call vote has been requested on Floor Amendment 8 to House Bill 2844. So all 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, Mr. Secretary. On this question, there are 11 voting Aye, 44 voting Nay, 2 voting Present. And Floor Amendment No. 8, having -- no. Floor Amendment No. 8 fails. Are there any further Floor amendments?

SECRETARY HARRY:

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Amendment No. 9, offered by Senators Luechtefeld and Mahar.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Madam President and Members of the Senate. Senate Floor Amendment 9 to House Bill 2844 adds debt limit changes for three schools. These were in -- these were in -- sent out of the Senate, in a bill in the House, and is kind of held up over there. Basically they include DeSoto School in Jackson County, which would be in my district; Simpson -- New Simpson Hill School in Johnson County, in Senator Rea's district; and Summit Hill School in Will County, in Senator Mahar's district. Would ask for that approval, please.

PRESIDING OFFICER: (SENATOR KARPIEL)

Is there any discussion? If not, those in favor of House -- of Floor Amendment No. 9 to House Bill 2844, say Aye. Opposed, Nay. The voting is open -- or, Ayes have it. I'm sorry. The Ayes have it and the amendment is adopted. Are there any further Floor amendments?

SECRETARY HARRY:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR KARPIEL)

3rd Reading. Senator Parker. On the Order of 3rd Reading, Senator Parker, on House Bill 2844. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 2844.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Parker.

SENATOR PARKER:

Thank you, Madam President, Ladies and Gentlemen of the

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Senate. I will briefly go through this. There are eight amendments on this bill, and I will redefine what they are. The first is it clarifies the State Board of Education makeup to start the loan -- it makes the start-up loan to charter schools that the school board shall now be responsible for the repayment of the loan. We hope that this will help charter schools go forward because there was -- needed to be some clarity on that issue. The second amendment increases the debt limit for Mahomet-Seymour in this school district in Champaign County. The next deals with definition of weapons in the Section that requires expulsion of students who have weapons on school property. The other creates the Right to Read Fund within the State Treasury in order to receive gifts, donations and charitable contributions from private sources to improve the reading skills of children in public schools. The next amendment increases the maximum rate to which the special education property tax of school districts can be raised by referendum. This is important because we do need extra money for special education, and it can then be done at the local level if there is support. This next amendment deals with small school districts that have less than a thousand inhabitants and those that have just three school board members can increase their membership by referendum to seven members. And the next one -- amendment is from the Chicago School Board. It pushes back the date for the reinstatement of the powers of the Chicago School Finance Authority from July 1st, 1999, to July 1st, the year 2004. And the next amendment after that was just described by Senator Luechtefeld. I would -- I would answer any questions and I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Madam President. I guess I have a -- more of a

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comment, rather than a question. There was a bill that came over, I believe it was House Bill 1735, which would have increased the -- the debt limit for schools in my senatorial district. I had -- I had talked to Members on the other side, hoping that if something did come about, that I would have been allowed to participate. Unfortunately, I guess I was not a part of it. Can you answer the question on how these schools were -- these areas were chosen and others were left out?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Parker.

SENATOR PARKER:

I -- I was not aware that you had a request like that, really.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Clayborne.

SENATOR CLAYBORNE:

Well, I guess I -- not being a part of it, I guess I didn't know, but I assume these other people came to you or -- or how -- how did this work?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Parker.

SENATOR PARKER:

The one amendment here that does increase the debt limits, the sponsor came to me and requested that they put this on the bill and I agreed to it.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you. I'll make it short. I stand in support of the bill, as -- as amended. Thank you.

PRESIDING OFFICER: (SENATOR KARPIEL)

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

SENATOR PARKER:

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I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR KARPIEL)

The question is, shall House Bill 2844 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On this question, there are 53 voting Aye, 4 voting Nay, none voting Present. And House Bill 2844, having received the required constitutional majority, is declared passed. Committee Reports.

ACTING SECRETARY HAWKER:

Senator Weaver, Chairman of the Committee on Rules, reports that the following Legislative Measures have been assigned: Referred to Executive Committee - Senate Amendment No. 1 to House Bill 672, and Senate Amendment No. 1 to House Bill 974; referred to Insurance and Pensions Committee - Senate Amendment No. 1 to House Bill 3427.

Filed by Senator Stanley Weaver, Chairman, May 22nd, 1998.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Ladies and Gentlemen, Supplemental Calendar No. 1 has been distributed. It is on your desks. ...me mention to you in this order the sponsors whose bill will be called. Senator Parker, Senator Karpriel and Senator Fawell. Senator Parker on the Floor? All right. All right. On Supplemental Calendar No. 1 is the Order of Conference Committee Reports. Madam Secretary, do you have on file a conference committee report with respect to Senate Bill 545?

ACTING SECRETARY HAWKER:

Yes. First Conference Committee Report on Senate Bill 545.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Karpriel.

SENATOR KARPIEL:

Thank you, Mr. President. Conference Committee Report on

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Senate Bill No. 545 makes various changes in the Environmental Protection Act and the Chemical Safety Act. It amends the -- the statutory definition of "source" under the Clean Air Act Permit Program so that it is consistent with the USEPA's interpretation of its rules. It amends the Environmental Protection Act provisions relating to potentially infectious medical waste. It includes the provisions of House Bill 3287, which addresses provisions of safe -- Safe Drinking Water Act of 1996, which are required to be adopted by the IEPA so that we don't lose federal capitalization grants. It clarifies -- makes clarifications regarding the assessment of penalties for failure to timely file toxic chemical release forms. It removes businesses that comply with the OSHA Process Safety Standard or the USEPA Risk Management Program from the Illinois Chemical Safety Act, and it adds clarifying language regarding deposits of fees collected pursuant to the Uniform State Hazardous Materials Transportation Registration and Permit Program. And I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Welch.

SENATOR WELCH:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates she will yield, Senator Welch.

SENATOR WELCH:

Senator Karpel, your -- your bill says that potentially infectious medical waste is not a hazardous waste. Is this going to allow for medical waste to be burned at hospitals?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Karpel.

SENATOR KARPIEL:

Could you please repeat the question?

PRESIDING OFFICER: (SENATOR MAITLAND)

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Senator Welch.

SENATOR WELCH:

Your bill, on page 104, says potentially infectious medical waste is not a hazardous waste. Does this mean that our local hospitals will be able to burn in their incinerators medical -- potentially infectious medical waste?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Karpiel.

SENATOR KARPIEL:

I don't -- I don't believe so. The intention of this provision is to track the manifest all the way to the disposal site from the time it goes from the generator, transporter, transfer station or storage facility, and it tracks it on the same manifest from the point of generation to final disposal. That's the intention of this particular provision.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Welch.

SENATOR WELCH:

So the -- the purpose is to allow the potentially infectious medical waste not to have to be buried in a hazardous waste landfill and reduce costs, is that the idea?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Karpiel.

SENATOR KARPIEL:

I think the -- the real reason that they want to do this is so that the manifest of this waste will not terminate when it's transferred between the generator and a storage facility, but -- or -- or -- that it will end only when it gets to its disposal site.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

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Senate Bill 545. 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 58 Ayes, no Nays, no Members voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 545, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 955. Senator Fawell. Madam Secretary, do you have on file a conference committee report with respect to Senate Bill 955?

ACTING SECRETARY HAWKER:

Yes. First Conference Committee Report on Senate Bill 955.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. Most of the items in this report were requested by the Secretary of State. First one addresses an audit finding regarding when the Secretary is to forward the funds collected in regard to collegiate license plates to the colleges and universities. Second part clarifies the current law with regard to reclassification of truck license plates. Third part addresses another audit finding regarding issuance of permits for off-site sale of motor vehicles. Fourth, incorporate remedial education in retesting components of the graduated driver's license law into the zero tolerance law for minors. Fifth, makes changes to the safety and financial responsibility law to allow for the second installment agreement. Six, closes a loophole in the financial responsibility law. And last, at the request of IDOT, it clarifies that counties are eligible for federal transit grants for the elderly and disabled, which are distributed by IDOT. Be glad to answer any questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Hawkinson.

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SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

She indicates she will yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator Fawell, on -- beginning on page 1 of the Conference Committee Report and continuing onto the second page, we are allowing units of local government, including counties, to receive mass transit grants, whereas current law limits this to municipalities. As I understand it, this change is intended to allow counties to provide transportation for senior citizens or disabled persons, and I support that provision. Is it the intention of -- of this bill, however, to allow competing mass transit districts or bus systems in counties in addition to those municipalities which currently operate transit systems?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fawell.

SENATOR FAWELL:

Absolutely not. What we are talking about is if a non-for-profit agency does not provide transportation for the elderly and disabled in a particular county, then the county is eligible to apply for and receive one of the grants, and these are federal grants.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 955. 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 57 Ayes, no Nays, no Members voting Present. The Senate does adopt the Conference Committee Report on Senate

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Bill 955, and the bill, having received the required constitutional majority, is declared passed.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Myers, for what purpose do you seek recognition?

SENATOR MYERS:

Madam President, a point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your point.

SENATOR MYERS:

I'd like to introduce a school from my district, in the gallery behind me, Carl Sandburg School, and accompanying them is former Representative Mike Weaver.

PRESIDING OFFICER: (SENATOR DONAHUE)

Oh! Will you wave and be recognized by the Illinois Senate? Welcome to Springfield. Hi, Representative Weaver. Senator Maitland, for what purpose do you seek recognition?

SENATOR MAITLAND:

Thank you -- thank you very much, Madam President, Members of the Senate. I -- I would like absolute, complete silence in the -- I have a very special announcement to make. Every -- every year, the twenty years I've been in this Body, in the month of May there are two very, very important birthdays, and I'd like to first recognize the Republican Senate Majority Leader, Senator Stan Weaver, whose birthday, I'm reliably informed, will be tomorrow. And Senator Weaver will ... years of age. And happy birthday, Senator Weaver. Would you recognize Senator Weaver, please?

PRESIDING OFFICER: (SENATOR DONAHUE)

Happy birthday, Stan.

SENATOR MAITLAND:

I affectionately call Senator Weaver "The Godfather." Also -- happy birthday, Senator Weaver. Also, the Senate President, Pate

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Philip - Senator Philip - will be I don't know how old on Tuesday.  
Happy birthday, Pate Philip.

PRESIDING OFFICER: (SENATOR DONAHUE)

Happy birthday, Pate. Senator Madigan, for what purpose do you rise?

SENATOR MADIGAN:

Madam President, I -- I was off the Floor when the House Bill 1640, on 3rd Reading, was voted upon. Had I been on the Floor, I would have voted for House Bill 1640.

PRESIDING OFFICER: (SENATOR DONAHUE)

The record will so reflect. Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

Thank you, Mr. -- Madam President. I had a -- on the Concurrence Calendar, I wanted to nonconcur on -- on a bill so it could go back to the House. I was wondering if...

PRESIDING OFFICER: (SENATOR DONAHUE)

We'll certainly try.

SENATOR DEMUZIO:

Page 8.

PRESIDING OFFICER: (SENATOR DONAHUE)

If I could have the attention of the Body. Senator Demuzio has requested we -- moves on a nonconcurrence. It'll be on page 8 of the regular Calendar. Top of the page, on Senate Bill 1884. Madam Secretary. Okay. I -- Senator Demuzio.

SENATOR DEMUZIO:

...very -- thank you very much. I would like to move to nonconcur with House Amendments 2 and 3 to Senate Bill 1884, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Demuzio has moved to nonconcur in House Amendments 2 and 3 to Senate Bill 1884. Is there any discussion? Any

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discussion? Seeing none, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the motion carries, and the Secretary shall so inform the House. Messages from the House.

ACTING SECRETARY HAWKER:

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

Mr. President - I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Joint Resolution 49.

Adopted by the House, May 21, 1998.

PRESIDING OFFICER: (SENATOR DONAHUE)

Resolutions.

ACTING SECRETARY HAWKER:

Senate Resolution 222, offered by Senator Berman.

It is a death resolution.

PRESIDING OFFICER: (SENATOR DONAHUE)

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

SENATOR KARPIEL:

Thank you, Madam President. For the purpose of announcing a Republican Caucus immediately in Senator Philip's Office.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senate Republican Caucus immediately in Senator Philip's Office. Senator Cullerton, for what purpose do you rise?

SENATOR CULLERTON:

Yes. We would like to ask for a Democratic Caucus, also in Senator Philip's Office.

PRESIDING OFFICER: (SENATOR DONAHUE)

The Senate will stand at ease at the call of the Chair for caucuses by both parties.

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(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDENT PHILIP:

The Senate will please come to order. Committee Reports.

ACTING SECRETARY HAWKER:

Senator Madigan, Chairperson of the Committee on Insurance and Pensions, reports Senate Amendment No. 1 to House Bill 3427 Be Adopted.

Senator Klemm, Chairperson of the Committee on Executive, reports Senate Amendment No. 1 to House Bill 672 Be Adopted, and Senate Amendment No. 1 to House Bill 974 Be Adopted.

PRESIDENT PHILIP:

Messages from the House.

ACTING SECRETARY HAWKER:

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

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

Senate Bill 1267, together with House Amendments 1 and 2.

Passed the House, as amended, May 22nd, 1998.

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 3374, with Senate Amendment No. 1.  
Nonconcurrent by the House, May 22nd, 1998.

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

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Mr. President - I am directed to inform the Senate that the House of Representatives has refused to recede from their Amendments Numbered 3, 7 and 8 to a bill of the following title, to wit:

Senate Bill 560.

Action taken by the House, May 22nd, 1998.

I have like Messages on Senate Bill 600, Senate Bill 1246, Senate Bill 1260, Senate Bill 1674, Senate Bill 1701 and Senate Bill 1878.

Action taken by the House, May 22nd, 1998.

PRESIDENT PHILIP:

Without objection, the Senate accedes to the request of the House for a conference committee on those bills just read by the Secretary. Leave granted? Leave is granted. Introduction of Bills.

ACTING SECRETARY HAWKER:

Senate Bill 1948, offered by Senator O'Malley.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDENT PHILIP:

We've had a request from the Illinois Information Service to videotape the proceedings today. Is leave granted? Leave is granted. Senate will please come to order. On Supplemental Calendar No. 1, Conference Committee Report, House Bill 1699. Senator Parker. Read the bill, Mr. -- excuse me, Mr. Secretary. Do you have on file a conference committee report on House Bill 1699?

SECRETARY HARRY:

Yes, Mr. President. The Second Conference Committee Report on House Bill 1699.

PRESIDENT PHILIP:

Senator Parker.

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SENATOR PARKER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill -- House Bill - pardon me - 1699 does two things. First of all, it has in it the language from 1315, which passed out of here before, and that has the Immunization Advisory Committee and it also has two additional members on the State Health Board and public hearings before there are changes for immunization rules. And then this also now has on it a -- a bill for Public Health which makes a couple of changes to the Cancer Registry maintained by the Department of Public Health for children. The bill assists the Illinois Department of Public Health in fulfilling its mission of studying the incidence of cancer while reassuring patients with rare cancers or cancers that only strike certain groups of individuals that their information is confidential. The bill prohibits the release of information that would identify an individual while leaving intact the ability of the Department to release information for research purposes on public disclosure. This legislation in no way is intended to address the May decision from the 5th Appellate District. I would answer any questions and ask for a favorable vote.

PRESIDENT PHILIP:

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

SENATOR PARKER:

...would ask for a favorable roll call. Thank you.

PRESIDENT PHILIP:

The question is, shall the Senate adopt Conference Committee Report on House Bill 1699. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. There are 56 Ayes, no Nays, no voting Present. The Senate does adopt Conference Committee Report on House Bill 1699. Having received the required

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constitutional majority, is declared passed. On the bottom of page 6, Secretary's Desk, Resolutions. Senate Resolution 155. Senator Myers. Senator Myers. Take it out of the record, Mr. Secretary. Senate Resolution 206. Senator Parker. Read the resolution, Mr. Secretary.

SECRETARY HARRY:

Senate Resolution 206, offered by Senator Parker.

There are no amendments, Mr. President.

PRESIDENT PHILIP:

Senator Parker.

SENATOR PARKER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This resolution actually has the same wording in it that we had on the Bill 1450, I -- 1430 that we passed out of here, but we couldn't get the legislation out of the House, so we are doing this by resolution. And what it does is create a task force on EMT background checks. The task force is under the Illinois Department of Public Health, and it does include the firefighters and all of those who are interested in this issue. I would answer any questions and ask for a favorable vote.

PRESIDENT PHILIP:

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

SENATOR PARKER:

Ask for a favorable roll call.

PRESIDENT PHILIP:

Okay. The -- Senator Parker moves the adoption of Senate Resolution 206. All those in favor, signify by saying -- all those in favor, vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. 57 Yeses, no Nays, no Present. The resolution has been adopted. House Joint Resolution 58. Senator Mahar. Senator

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Mahar. Take it out of the record. House Joint Resolution 66. Senator Luechtefeld. Senator Luechtefeld. Take it out of the record. Senate Joint Resolution 68. Senator Cronin. Senator Cronin. Take it out of the record. Senate Joint Resolution 69. Senator Parker. Read the resolution, Mr. Secretary.

SECRETARY HARRY:

Senate Joint Resolution 69 is offered by Senator Parker. No committee or Floor amendments, Mr. President.

PRESIDENT PHILIP:

Senator Parker.

SENATOR PARKER:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Joint Resolution 69 creates a task force on insurance demutualization. The task force is to study proposed mutual holding company legislation and report its recommendations by July 1st. It has -- certain mutual insurance companies believe they will need greater access to equity capital markets in the future; however, there is concern that this does, for other Illinois insurance agencies, have -- give them a possible competitive -- others a possible competitive advantage over the holding companies, and there are some consumer concerns. So we would like to address this issue and study it, and I would ask for a favorable vote.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? If not, Senator Parker moves the adoption of Senate Joint Resolution 69. All those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. 55 -- 56 Yeas, no Nays, no voting Present. On the question, the resolution is adopted. Senate Joint Resolution 73. Senator Karpziel. Senator Karpziel. Read -- read the resolution, Mr. Secretary.

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SECRETARY HARRY:

Senate Joint Resolution 73 is offered by Senator Karpiel.  
No committee or Floor amendments, Mr. President.

PRESIDENT PHILIP:

Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. Senate Joint Resolution 73 actually sets up a host committee for the American Legislative Exchange Council's annual meeting, which will be held in Chicago this year on August 18th to the 23rd. And the host committee will consist of six members -- four members, one appointed by each legislative leader, and it will assist in formulating a plan for the procedures and activities of the annual meeting. And the resolution further congratulates the American Legislative Council on its twenty-five years that it's been in existence, and it was begun twenty-five years ago here in Chicago. And we are just congratulating them; forming a host committee. And I ask for your Aye vote.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? If not, Senator Karpiel moves the adoption of Senate Joint Resolution 73. All those in favor, vote Aye. All those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? 56 {sic} (57) Yeas, no Nays, no voting Present. The resolution is adopted. With leave, we will go back to House Joint Resolution 58. Is leave granted? Leave is granted. Senator Mahar. Read the resolution, Mr. Secretary.

SECRETARY HARRY:

House Joint Resolution 58, offered by Senator Mahar.  
There are no committee or Floor amendments, Mr. President.

PRESIDENT PHILIP:

Senator Mahar.

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SENATOR MAHAR:

Thank you, Mr. President. This is -- comes to us from AARP. They ask us and -- through the Department of Natural Resources, to look at -- to study the impact of residential rates -- residential ratepayers being able to access prior to 2002 and the impact on utilities. There has been -- it passed unanimously out of the House and in committee. As far as I know, there is no opposition, and I would move its adoption.

PRESIDENT PHILIP:

Further discussion? Further discussion? If not, Senator Mahar moves the adoption of House Joint Resolution 58. All those in favor, signify by saying Aye. Those opposed, Nay. Voting Aye, and those opposed, voting Nay. Take the record. Oop! Voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. 57 Yeas, no Nays, no voting Present. The resolution is adopted. With leave, like to go back to House Joint Resolution 66. Is leave granted? Hearing no objections, leave is granted. House Joint Resolution 66. Read the resolution, Mr. Secretary.

SECRETARY HARRY:

House Joint Resolution 66, offered by Senator Luechtefeld and others.

There are no committee or Floor amendments, Mr. President.

PRESIDENT PHILIP:

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Mr. President and Members of the Senate. House Joint Resolution No. 66 rejects in whole the 1998 Compensation Review Board Report. This year's report filed on the 30th of April, 1998, recommends different percentages for the different branches of government and includes a couple of specific adjustments. The Judicial Branch is given a three-percent

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increase plus a 2.9-percent COLA for -- for FY'99 and a three-percent increase plus the COLA for FY2000. The recommendations of the Executive Branch, Constitutional Office and General Assembly is two percent plus the 2.9-percent COLA for FY'99 and two percent plus the COLA for FY2000. A specific adjustment is made for the Office of the Lieutenant Governor increasing the salary to eighty-nine thousand three hundred and fifty-seven -- from eighty-nine thousand three hundred fifty-seven to ninety-six thousand eight hundred and four, then applying the two-percent increase plus COLA amount. Also -- also this particular...

PRESIDENT PHILIP:

Could we have a little peace and quiet, please? Pay attention to this very important resolution. Senator Luechtefeld.

SENATOR LUECHTEFELD:

Also, this resolution -- or, the Compensation Review Board, for the first time, also included the State's Attorneys. They are now part of that Review Board and also made recommendations for the State's Attorneys. This issue, obviously, is very sensitive. I'm sure that there are arguments that could be made on both sides for the justification of a pay raise and, in particular, for different parts of -- of the recommendations. You cannot divide this issue. We have to accept the -- the whole issue or none at all. And as I -- and as I said, I'm sure there are good arguments for certain parts of the recommendations, but each of these groups receive a COLA without any kind of increase each year. And it simply is my feeling that this is simply not the time to increase these salaries. I know the State is doing particularly well right now, but there are a lot of things that we really have not -- we've not solved for the people, especially in my district. Southern Illinois is a district that unemployment has gone down, but the kind of jobs that they have certainly is not the kind of

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jobs that we'd like to have. So with that in mind, I would like to recommend that we pass Joint House {sic} (House Joint) Resolution No. 66 and I would be willing to answer any questions.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, the sponsors comments are -- were reasonable, except I would suggest to you that I think that the problem that we face - we face - in debating this resolution is really the epitome of the challenge that is presented to us as elected officials. We have to run for election. We devote thousands of hours a year to service our constituents. We spend many days down here in passing and defeating laws. And it's really not up to anybody else but us to tell us whether we deserve a pay raise. That's tough. In fact, I'm not aware of any other business, profession, industry, that imposes that same kind of challenge to anyone. But, I think, in looking around at this room and having served here as long as anyone else with the exception of only one person, a gentleman by the name of Senator Pate Philip, I know what each of us puts forward to represent the two hundred thousand people in each of our districts. And contrary to what Senator Luechtefeld said, this is a good economic year for Illinois, and there have been years that the economy has been so bad that we would be -- it would be outrageous for us to have voted ourselves pay raises in bad economic times, even though we may have justified it. But these are good economic times. We will have a surplus - you pick the number - seven hundred, seven fifty, eight hundred. I'm not sure, but it's -- let us say around seven hundred and fifty million dollars plus -- seven hundred million dollars plus, and we're providing, for example, three percent to the providers of human services. Now, I'll just say that I have no problem in

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voting No on this resolution when it comes to the question that might be put to me by my voters: Do I think that the Members of the Illinois Senate deserve a two-percent pay raise? The answer is a definite "Yes". There isn't a person here that, in my opinion, doesn't deserve that raise. Let me look at one other category. I want to address the area of the Judiciary. I know many sitting judges from all over the State. And I find it -- inasmuch as I live in Chicago, I find it very interesting -- the Judiciary is supposed to be the epitome of the legal profession, so that after X number of years of practice, we elevate a great lawyer to become, hopefully, a great judge. And our whole system of justice requires dedicated, committed, intelligent judges. And yet today, even with the COLA and with a pay increase four years ago, I find that the top graduates of our top law schools in Chicago - let us say Northwestern University School of Law, the University of Chicago - the top graduates today are offered salaries by the top law firms in Chicago that are only about twenty percent below what judges are earning, judges who have been practicing law or sitting on the bench for twenty, thirty, forty years. That reflects that we really have not - really have not - moved judges up to the level of respect by compensation that they really deserve in performing their judicial duties. I think they deserve the raise that is proposed in here, three percent in the forthcoming year and three percent the year after. They will get an additional COLA, but, again, if they do their job, they're probably worth double what they'll be getting paid. I want to encourage them to stay on the bench. I want to attract excellent lawyers to go on the bench. And this is just a very small token, by voting No on this resolution, to say to those persons that we want to serve as judges, "Yes, Judge, we appreciate your commitment and your dedication to a good judicial system." And I would point out, again, as it relates to us or any other person

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that's covered by this resolution or who's in the proposed raises of the Compensation Review Board, if that public official does not think that he or she deserves the raise that the Compensation Review Board recommended, they can take that check and send it back to the State Comptroller and say, "I don't want it." And that speaks very loudly. Others who feel that they've earned it, deserve it, I urge a No vote on HJR 66.

PRESIDING OFFICER: (SENATOR WEAVER)

Further discussion? Senator Kehoe. Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I, too, stand in strong opposition to the resolution. And, Senator, I -- I think you -- you hit it right on the head when you indicated you can't divide the issue. There's not a doubt in my mind that this whole Body would not even be going into any debate, or this resolution would not even have been filed, if we, ourselves, were not included. It's political cover. That political cover is, in the Senate, for less than a hundred and eighty thousand dollars a year. It appears to me that those of you who want to vote Yes on this amendment and you truly feel - on this resolution - and if you truly feel, truly feel, that you think that it's out of line, that's it's inappropriate for us, then I would suggest you just don't take the pay raise or you give it to charity and -- and go the merry way and let everyone else that is included in this get, what I consider to be, a very modest wage. I'm from an area that's an industrial community. Deere and Company, Case - both of them just recently ended contract negotiations. I'll guarantee you that they're raise is better than ours. I'll guarantee you it's a lot better than ours. Any why are we any different? I'm not even arguing the point, because I don't think that anyone in this Body truly is opposed to everyone else getting a raise, except the political heat that we

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get for taking one for ourselves. So I'm not going to talk about anybody else; just talk about us a little bit. That, as Art Berman said - Senator Berman said - we're entitled to this. It's not outlandish. It's nothing that's exorbitant. You also indicated that you would like to take this money back home in your district or many other legislators would like to take this money back home in their districts. The problem is, as far as our share, it is so minute you'd really have to have some small projects to fully fund 'em, let alone even to partially fund 'em. And I think, for once, we in the Senate must again stand up for our Members across the Rotunda, who are up every two years, don't like to take the political heat because their all up for election, who always say Yes to the resolution, deny the pay raise. And I think that we should do what we're elected to do, to stand up to -- for ourselves and do our thing. And we all have to be reelected. We all have to be reelected again. But I -- if I can't go home and explain to my citizens what this raise means in the scheme of things, then I think I'm doing a hell of a poor job, and I don't think that's the case. And I think that the people of my district will understand, and I think, really, if we all showed the political courage, I think all the peoples in our district would understand. I urge a No vote.

PRESIDING OFFICER: (SENATOR WEAVER)

Further discussion? Senator Hendon.

SENATOR HENDON:

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

PRESIDING OFFICER: (SENATOR WEAVER)

He indicates he will.

SENATOR HENDON:

Senator Luechtefeld, if this resolution passes, we will not receive the pay raise, is that correct?

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PRESIDING OFFICER: (SENATOR WEAVER)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Yes, that's what I understand.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hendon.

SENATOR HENDON:

And you want the resolution to fail, is that correct? I mean, you want the resolution to pass, is that correct?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Yes, Senator, I'd like the resolution to pass.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hendon.

SENATOR HENDON:

If -- if the resolution passes -- if the resolution fails and -- and we receive the pay raise, will you accept the pay raise?

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Senator, that is certainly an idea to think about. I -- I think I would -- I would talk to my wife about that and see what she says.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Hendon.

SENATOR HENDON:

Well, I -- I spoke with my wife already, that's why I asked you that question. And a lot of our wives, and probably a few husbands in this Chamber, have already decided how they're going to spend that 2.2 percent, which is absolutely very low and we all know that. So since you're going to accept the money anyway, I

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think you ought to take this out of the record, or just change your position and vote No, so that we can accept the pay raise that you're going to accept anyway.

PRESIDING OFFICER: (SENATOR WEAVER)

Is there further discussion? Any further discussion? If not, Senator Luechtefeld, to close.

SENATOR LUECHTEFELD:

As I said earlier, I'm sure -- I'm sure there are arguments on both sides of this issue, especially with regard to certain -- certain groups who may deserve a raise more than others. And it was pointed out that we work extremely hard and I really think that if you do your job in this position, you -- you really do earn it and you do work hard. But, in -- in my district, for instance, unemployment has dropped, as it has throughout the State. It -- it should because of the good economic conditions throughout the country and -- and certainly our State. And most the people in my district who have new jobs, basically they used to work for thirty to forty thousand dollars a year and now they're -- they have new jobs for twenty thousand dollars a year. So it's -- it's not a -- it's -- and my district maybe is a little bit different than many of the -- rest of the -- of the people in this, even though there are some, I think, that are very similar to mine. We -- we receive a COLA and -- and -- and, from what I understand, all of these officials receive a COLA automatically. And it's just my opinion that I find it very difficult to -- to vote for this issue or certainly to increase everyone's salary above and beyond the cost of living, and would appreciate an Aye vote on this. Thank you.

PRESIDING OFFICER: (SENATOR WEAVER)

Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes

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are 25, the Nays are 31, 2 voting Present, 1 not voting. The resolution fails. ...Resolution 68. Senator Cronin. Read the resolution, Mr. Secretary.

SECRETARY HARRY:

Senate Joint Resolution 68, offered by Senator Cronin. There are no committee or Floor amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cronin, to explain the resolution.

SENATOR CRONIN:

Thank you...

PRESIDING OFFICER: (SENATOR WEAVER)

Will we please take our conferences off the Floor? Thank you.

SENATOR CRONIN:

I'm advised by staff that we need to take this out of the record.

PRESIDING OFFICER: (SENATOR WEAVER)

Out of the record.

PRESIDING OFFICER: (SENATOR MAITLAND)

Ladies and Gentlemen, if I could have your attention, please. We are going to proceed to the Order of House Bills 3rd Reading. House Bills 3rd Reading, middle of page 2. House Bills 3rd Reading, middle of page 2. All right. House Bill 672. Senator Dillard, do you wish this bill returned to the Order of 2nd Reading for the purpose of amendment? Senator Dillard seeks leave of the Body to return House Bill 672 to the Order of -- of 2nd Reading for an amendment. Is leave granted? Leave is granted. On the Order of 2nd Reading is House Bill 672. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Dillard.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

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SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This Floor amendment was just recommended to us all here in the full Body by the Senate Executive Committee. It is the most meaningful campaign finance reform in probably twenty-five years in the State of Illinois. I'd appreciate its adoption, and we can debate it in full on 3rd Reading.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? If not, Senator Dillard moves the adoption of Floor Amendment No. 1 to House Bill 672. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. On the Order of 3rd Reading -- House Bills 3rd Reading is House Bill 672. Mr. Secretary, please read the bill.

SECRETARY HARRY:

House Bill 672.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Let me, before I begin on this very important piece of legislation - perhaps the most important piece of campaign finance reform legislation in twenty-five years in the State of Illinois - thank my colleague and cosponsor, Senator Obama, and our respective staffs: Glenn Hodas, Peg Mosgers, and Mike Ragen from the Senate Democrats, who have spent countless hours over the last couple of

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months on this important and complex piece of legislation; my colleagues in the House, Gary Hannig and Representative Jack Kubik, and their respective staffs, Speaker's staff and Lee Daniels' staff, have worked long and hard on this; Mike Lawrence and Paul Simon from Southern Illinois University; and also those from the State Board of Elections that have helped us draft this legislation. As I said, if enacted into law, this package will represent the most substantial campaign reform -- finance reform in Illinois in twenty-five years. There'll be no more personal use of campaign funds, no more calling legislators out of the Chambers and handing us campaign checks along the Brass Rail in the Rotunda, no more fund-raisers for legislators in or near Springfield when we are in Session. There will be tougher, tighter and broader disclosure requirements, and there'll be far more information available to the media and public and in a form that can be more easily and quickly analyzed. I think that's a very important point, and that point, including the filing of our campaign disclosures, for those of us that have more than twenty-five thousand dollars, on the Internet, will put Illinois at the forefront, instead of lagging behind like we have historically - at the forefront - in terms of disclosure and campaign finance reform. Let me just close, and I'll be happy to answer the questions that are there. This is very, very meaningful and major reform. There has been input from all four caucuses and portions of the draft contain items that were inserted, changed, amended by every caucus in both Chambers of the Legislature. The bill is supported by Common Cause, the Illinois Campaign for Political Reform, the Illinois League of Women Voters, Dollars and Democracy, Protestants for the Common Good and Citizens {sic} (Citizen) Action. And as we work on the final few matters of this legislative Session, I think that we should do what the Chicago Tribune calls some "commonsense campaign rules", and most other

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major papers throughout the State, which have looked at this over the last couple weeks, think it's a good idea, and quite frankly, I think our constituents think it's a good idea, as well. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Obama.

SENATOR OBAMA:

Thank you, Mr. President. I stand in support of this bill. Just wanted to speak briefly on its behalf. There's been a lot of discussion in all the caucuses about this bill, and I recognize, as I said during the committee hearings, that this is one of the most difficult issues that we can potentially deal with. It's something that we all have an opinion about. It's something that everybody feels affects them directly. And it is a piece of legislation that some people can argue is not tough enough and some people can argue is far too restrictive. But I think the point that I've made throughout this process - and I want to commend Senator Dillard, as well as the Representatives, Hannig and Kubik, on the House side - is that this bill moves us in the right direction. I think it sets a standard for us. It communicates to the public, that is increasingly cynical about Springfield and the General Assembly, that, in fact, we are willing to do the right thing, that we conduct our affairs with a high degree of integrity. I think that for all of us here in this Chamber, who I've learned to respect a great deal over the last two years, this will not be an overly onerous bill. Most of the practices contained in this bill are practices that all of us already abide by, and I would very much urge my side of the aisle, as well as the other side of the aisle, to provide an affirmative vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Weaver.

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SENATOR WEAVER:

Thank you, Mr. President. I'd move the previous question.

PRESIDING OFFICER: (SENATOR MAITLAND)

That motion is in order. There are six additional speakers, Senator Weaver. Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I have a series of questions and some comments. Senator, I know that you and Senator Obama have worked very hard on this, and I know that you have done the best that you can do. You -- you stated however, though, that it was a most important piece of legislation, that it was meaningful reform. Can I -- can I start off with asking who wanted this bill?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Jacobs.

SENATOR JACOBS:

Need it asked again? I'm sorry. I -- I asked a question. Who -- who wanted this bill in the first place?

PRESIDING OFFICER: (SENATOR MAITLAND)

Well, I -- okay. Senator Dillard.

SENATOR DILLARD:

Senator Jacobs, a number of people in my district have written me on it. Obviously the news media - I have stacks of editorials - care deeply about it. Former Senator Paul Simon and the Southern Illinois University public policy group cares about it, and the litany of groups from Common Cause to the Illinois League of Women Voters to Protestants for the Common Good. You name it. There's a long list of people who want to see this.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jacobs.

SENATOR JACOBS:

Well, I know in my district, and talking to most legislators,

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we have not heard anything from our constituents on this fine piece of legislation. In fact, when you look at most polling results, it shows that it doesn't even appear on the blip on the radar chart. So it appears to me that what we're really doing here is really giving in and caving in to the news media and the potential press releases and the potential flyers that may come out because someone didn't vote for or against this bill. But it seems to me, if we were doing meaningful campaign reform, would we not have included campaign limits on expenditures and campaign limits on -- on amounts of -- that one can give to a political party and/or to a -- a political candidate? Would that not have been true reform?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

Senator Jacobs, regardless of where you are on limits, as long as we have the United States Supreme Court, we cannot have limits like some Members of perhaps your party and maybe even some of mine want. But the United States Supreme Court has said that we cannot have limits.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jacobs.

SENATOR JACOBS:

Whenever we established the fifty-mile radius for -- from Springfield to have fund-raisers, instead of just saying no one can have a fund-raiser here, which I think has a very detrimental effect on a lot of the restaurants and a lot of the people who do do business here - in fact, I was told that one particular outing out on the lake pays for the operating cost of that club for quite some time - so are we not hurting those businesses here, number one, but even more importantly, why did we not, then, just make the decision to ban all fund-raisers January through May?

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PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

Couple of answers. First of all, we picked the final ninety days of Session because we believe that is when we are on 3rd Reading, both the first time and the second time, and actually in the more decisive stages of legislative activity, as opposed to the couple of months which are the touchy-feely, get-organized, preliminary stages of the legislative Session. With respect to hurting Springfield businesses, I just don't think that will happen. And I have talked to a number of restauranteurs, a couple of hotel operators, and I believe that, for example, a lot of us, Senator, we go to these receptions or fund-raisers - and we're only talking about banning fund-raisers; we're not talking about banning the receptions that respective interest groups or citizens' groups may hold for us - you know, we go there, Denny, and, you know, we eat the -- we eat the food that's there and then we don't go to dinner. And I've told these restauranteurs, quite frankly, I'll be there for dinner, I'll eat a full meal in their restaurant. And a couple of them said, "You know, you're right. We haven't quite thought about that." And I think a lot of them thought we were going to ban the receptions of the AFL-CIO or the -- the Illinois Chamber of Commerce, and we're not doing that. All we're stopping is, for a ninety-day period and in the Veto Session, fund-raisers by us, by Members of the General Assembly, and the Constitutional Officers. We're stopping those fund-raisers when we're sitting here making critical decisions, and again, it's -- it's for appearance sake only, Senator Jacobs. I don't think anybody has done anything wrong. But we're stopping just our fund-raisers during the crunch time in Springfield from Springfield fund-raisers.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Senator Jacobs.

SENATOR JACOBS:

It's my understanding, Senator, that this bill not only includes us, but also includes all units of government and local government, with the exception of Chicago and Cook County. Is that correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

No, Senator Jacobs, that's not correct. What we have done here in the final draft is we have essentially told local governments, "You're not under our Act, but you have a certain period of time to come up with your own ethics type of ordinance or rules that cannot be weaker than ours, but can be stronger." And it is up to the Moline City Council to pattern an act or an ordinance off of what we have done here, and we have given them some degree of latitude, although they need to use ours as guidance.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jacobs.

SENATOR JACOBS:

Well, I'm not going to get into a semantical interplay with you there on that. I think that you answered my question to be yes. But my question basically was, even though those other have to, does the City of Chicago or Cook County?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

Senator Jacobs, I know that the City Council of Chicago already has an ethics ordinance, and I don't know what Cook County, frankly, has, but the City has their own and I'm sure the City's Corporation Counsel's Office will probably, quite posthaste

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over the summer, look at our Act to make sure that they are in compliance in the City of Chicago with what we will probably pass here this evening.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jacobs.

SENATOR JACOBS:

Well, let me say that -- fine kettle of fish we're in here. We can do it for everyone else, but there's no mandatory provision that the City of Chicago or Cook County -- and good Lord only knows that they need it less than anyone else in this State. But let me just close, Senator. I could -- I could -- there's a lot more questions I'd like to ask. Let me -- let me -- let me close with one comment -- or, one question for the record, 'cause we seem to have a little difference of opinion on this side of the aisle than that side of the aisle, and then one final thought, if -- if that's all right with the Chair. And -- and the question is: If I want to take my wife, as an example, to NCSL, under this bill, can I take her?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

I believe that you can, assuming there is some furtherance of your campaign to taking your wife there. I know most of us believe that our families are a very integral part of our campaign operation and usually, Denny, at those types of events, there are events that are for spouses, and a spouse, in most instances, is a very appropriate person to take to these conferences. So, my counsel to you is, think about what activities are going to take place there, but most of those conferences I've been at, a spouse would be an excellent addition in furtherance of your political campaign.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Senator Jacobs, for a final comment.

SENATOR JACOBS:

Yes. The comment was made by, I think, Senator Barack Obama that -- that this would stop a lot of the cynicism. Let me tell you the main problem I have with this whole bill, and it's probably the reason I'm going to vote No on this. And, you know, I'm not one of these that says it doesn't go far enough, so, therefore, I'm not going to vote for it. I have a definite problem. We -- the way it is now, anyone who has taken their campaign funds for personal use has been looked down upon by this entire Body and, in particular, by the entire State. So what are we doing with this piece of legislation? We're saying every present legislator that has a campaign fund, whatever you have on June 30th, you can take that with you and declare personal income tax on it whenever you take it. To me, that's license -- it -- it is almost demanding that we take it personally whenever we decide to retire, and I think that that's the wrong way to go. And for that reason, I'll probably be voting No. Thank you, Senator.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President and Members of the Senate. Senator, this bill has been focused in the public as campaign finance reform ethics -- and ethics reform. The people of this State have been - I think it is widely accepted and recognized - are demanding that this legislative Body, not just in Illinois but across the country, do something about ethics and campaign reform and the whole issue of special interests influencing laws that impacts upon their daily lives. I think that's the whole purpose for what we were supposed to provide them with, some protections and assurance that we in Illinois was going to try and respond to their demands for more honesty and instoring more integrity into

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government. Now, it was asked in committee, in the Executive Committee, today, a whole list by one of the Senators what I -- of things, if whether or not they were in the bill, all of them having to do with campaign reform. And all of those issues had to do with most of the things that the public are concerned about. The response in the committee, when asked were those measures included into this particular bill which is labeled campaign reform, your answer was no, and it was a correct answer because there is very little that is new and meaningful in campaign reform that's included in this bill. Now, granted, there is some new entities or provisions in this law that deals with ethic reform in theory, but the practical application of those new sections in the law that deals with ethics is a joke. First of all, you created not one ethic committees to -- to deal with the whole issue of gift banned and peddling influences through buying gifts and free services and all kind of other freebies that the public think that legislators takes and are influenced as to how they vote. Rather than creating a real board that had some teeth and some integrity, you went about the business of creating one for every single Constitutional Office in this State and the Judicial Branch of government, which is utterly ridiculous. If you really was interested in some uniform laws that dealt with ethics and a body that was going to oversee and ensure that that provision in this law is carried out with the intent and spirit by which you say it is created, then we would have had one ethic board not chosen by the people and -- and agencies by which they were to be the -- the safeguard or the watchdog over, but chosen by this Body and the Governor's Office, appointed as we do any other entity in this State that we wish to function, and given them some autonomy from the people that they were going to -- supposed to be policing, regulating and having some oversight. That is a joke in this bill because it adds up to the ethic committees, all seven, adds up to

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nothing. It's like having the fox watching the chicken. It is intended to do nothing. I know it, you know it and the public know it. And then you go on to allow these boards, which nobody know who they going to be, God knows who they are going to be, to have closed meetings if they choose to do so. You also allow them to set up not uniform rules, but individual rules for each of these agencies to how they wish to proceed, so that someone who is taking a bribe in a gift in the Treasurer's Office for something and someone that's taking that same bribe in the Comptroller's or the Governor's Office for some kind of service or -- or -- or special privilege, they could be judged differently because the rules are different. Now, if you were serious about ethic and campaign reform, you know that you would not have put a bill out here that you could drive that kind -- with those kind of loopholes that you can drive a freight train through. This is a joke on the people, and we have to stop doing this. I, for one, cannot and will not stand here on my last days in this Body and try to pull the wool over the public's head and say, I, Earlean Collins, voted for campaign finance reform. This is about nothing, and it ought to be put off until January so that we can sit down and really come up with some meaningful campaign laws in the State of Illinois. That's what the people want.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator O'Malley.

SENATOR O'MALLEY:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator O'Malley.

SENATOR O'MALLEY:

Yes. Senator Dillard, just for purposes of clarification. Much of the language in your bill relates to State property. I'm curious, in my situation, in my district office. It is on private

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property and, in fact, I pay the rent personally, not through State funds or -- or through a campaign fund. Is my district office then considered State property?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

No, it's not, Senator O'Malley. In your situation, as you describe, you really, in practice, do not have a legal district office, in -- in a legal sense, so you are not falling under the provisions of a ban on acceptance of certain things on State property because it's a private office. Even though you may conduct -- even though you may conduct some State business there, you're exempt from and not falling under that particular provision.

PRESIDING OFFICER: (SENATOR MAITLAND)

Ron Ackerman of Ackerman Studios requests permission to shoot still photos. Is leave granted? Leave is granted. Further discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Members of the Senate. Some questions of the sponsor, if I might, for clarification.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Carroll.

SENATOR CARROLL:

One is a follow-up on Senator O'Malley's question. Senator Dillard, if you happen to have had an office that you share with others that is your legislative and political office, what would be the rule of soliciting monies while in attendance there?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR CARROLL:

For example, President Philip is also the Chairman of the

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DuPage County Republican Party. If his -- if he has -- you know, an office that's large enough for him to conduct both...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator...

SENATOR CARROLL:

...part of which is funded by the State for his legislative...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

Let me first -- I just want to correct and add one thing to, in answer to Senator O'Malley's question. Senator O'Malley's a nice guy, and he provides to the people of Illinois, at his own expense, his district office, but he certainly has a legal district office, and I just want to make it clear that, you know, his office is perfectly legal and, in fact, I commend him for using his own funds to -- to help the citizens of his district. Senator Carroll, I guess, in answer to your question - and I've been to your -- your office - I don't know whether you have a separate place in your office that is your political or -- or law operation. I guess it depends whether and how those funds are -- are handled for your district office operation. In my situation, in the building where I have my district office, I have a political office. So I suppose if I do the acceptance of a face-to-face campaign check, I'm not going to do it in my district office; I'm going to go to my political office, and I would urge you to go to some place in your office building that is not wholly your district office.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Carroll.

SENATOR CARROLL:

Well, since I probably -- I don't expect to be under the ambit of this at the time it happens, it's not something that's going to

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affect me, since the effective date is January 1, but, in practical purposes, I know several Members, who have that situation like you do that you've described, may prorate the cost of their office and say twenty-five percent of the cost of operating this structure is government business and seventy-five percent is political, but they sit at the same desk regardless of which they're doing. Is there an easy answer or opinion as to how that would work as to the prohibition? Then I have a few other similar questions just so that we can inform ourselves.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

Again, Senator Carroll, I think it depends on your circumstance, but if I were you and you're going to actually take a contribution face-to-face, you may want to do it in -- in a certain part of the building that's not your district office, and it's -- it's going to depend on the individual circumstance of how you divide your -- your funds up. It's certainly much cleaner, in my case, where I have two separate offices, but, again, I think it depends on the circumstance of how you split up. But I'd be careful, because I do think that perhaps one could make a case that certain offices might be State property if you're taking some reimbursement from the State of Illinois for your office.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Carroll.

SENATOR CARROLL:

Yeah. Let me just -- there might be a way, and it'll lead into my next question, just for you to edify us, to those who take a percentage. They may not have gone to the expense of having two separate desks and rooms because of the expense of it, but they may take ten or twenty percent of the cost of operating a facility as a State, you know, legislative office. Would that mean that

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they can -- they'd only have to stand in eighty percent of that room, as opposed to the twenty percent? But isn't there also a provision that -- in this draft, different than earlier ones, that allows somebody to go get an advisory opinion? Prior to taking an act, if they don't do something illegal, if they think there's a question, they can go to somebody. And how would -- would you walk us through that quickly?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

Senator Carroll, for example, the Senate Democrats will have an ethics officer -- officer, probably designated by Senator Jones. And, again, what I would do is go to that person and say, "Here's my circumstance", probably get it in writing that -- you know, that -- that they believe it's not a State office. But I guess my counsel to you is, is to be careful, and if you have a -- a certain part of your building that's clearly maybe not your office, if you're going to accept, face-to-face, a check, I might do it there, rather than my office. But I would consult my ethics officer with my particular situation.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Carroll.

SENATOR CARROLL:

Senator Dillard, I was making that second part even broader. If you had any question at all, it's my understanding now, under this version, as opposed to the one last night, that you could go get an advisory opinion. If you then went and got one, whether it was that issue or any other issue that you questioned - some -- some friend of yours invites you out and you find that they have -- they pay income tax, therefore they have an association with the State - 'cause this truly covers all eleven and a half million people because everybody does something with the State, unless

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they're illegal and not paying tax - but assuming all that, and you go for an advisory opinion, how does that opinion relate if somebody then brings a complaint to an ethics board? I mean, is that -- are you allowed to, in good faith, accept that opinion, as the one asking? And, then, how does the ethics board deal with it?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

Thank you. Senator Carroll, I think if you have it in writing, that you have an excellent defense when you come before the ethics commission, and there is a provision in the bill that the commission may order you to -- to give it back, pay it back if you already cashed it, to -- to give the amount of money back. But if you get it in writing, it's certainly my intent that that is a pretty doggone good defense, although I don't want to fool anyone. That ethics commission could say, "Well, we disagree and we want you to give the -- the contribution" - or whatever it is that you -- you took - "back." But that letter's a good defense.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Carroll.

SENATOR CARROLL:

And another issue that's been raised by several people: I know that there is within this the -- the date of June 30th, 1998, as the -- whatever amount is in the Kirk Dillard fund would be the maximum amount that Dillard twenty-five years from now could take personally, no matter what he spends thereafter or raises thereafter. Now, right now, in addition to the committee -- the Friends of Senator Pate Philip, or whatever it's called, there is something similar to -- in name to the Committee to Elect a Republican Senate. Who would have control of that distribution of whatever is the balance June 30th? Would it be the current

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chairman of the Committee to Elect a Republican Senate, or would it be Kirk Dillard, as President of the Senate, in the year 2020?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

Senator Carroll, I know that the Senate Republican Campaign Committee is technically controlled by all of the Members of the Senate Republican Caucus and -- and not just Senator Philip.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Carroll.

SENATOR CARROLL:

Would that mean that all the Members now and hereafter would have the right to take all or a portion thereof as personal income and pay the taxes on it, et cetera? Would it be just the sitting Members now or would it be whoever comes in at some future time? Is there any provision that covers that or any other account that isn't specific to the name, and then who's the ones entitled? I mean, has that been thought out through this bill?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

Senator Carroll, I think what -- and you can also ask Senator Obama, but this provision of the bill is directed towards people. It's not directed toward the -- the larger leader's funds, so to speak. It's really directed towards the personal funds, the Friends of Michael J. Madigan or the James "Pate" Philip Campaign Fund, and not the "Big Fund". And I'm sure Senator Jones probably has an Emil Jones, Jr., personal fund, but I see no way that Senator Philip, Cecil Partee, anybody who's governed a caucus, can get at what I call the "larger funds". They can only get at their own personal campaign finance funds, if they elect to do this. And I know of no one that has ever cashed out their campaign fund

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at the end. We hear a lot about this, but I still have not heard a name of anyone that just totally cashed out.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Carroll, would you bring your remarks to a close, please?

SENATOR CARROLL:

I've got a couple more questions, if I could.

PRESIDING OFFICER: (SENATOR MAITLAND)

Please be brief, Senator.

SENATOR CARROLL:

Okay. On that one, Senator Dillard, I'm not accusing anyone, in the past or future, of having done that. I'm just asking how does the Act respond to those funds, if it does? Let me ask you the next question though, to save a little time for Senator Maitland. Another issue -- unless you want to answer that first, if you have a -- a quick answer, and then I'll go to the final issue. Your preference. Do you want to answer that first, or...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. Could I ask Senator Carroll to repeat that question?

PRESIDING OFFICER: (SENATOR MAITLAND)

Would you repeat the question, Senator Carroll?

SENATOR CARROLL:

Question was simply: Where in the Act is this dealt with so we can just see it and -- and see what safeguards we have placed in it?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

It's on page 40, Section {sic} (subsection) 11, which is on

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line 22, or 1517.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Carroll.

SENATOR CARROLL:

I will look at that in a moment. Hopefully, that -- that does work. Let me ask another question that was raised just recently dealing with the disclosure by the public interest-type groups and their responsibility under this Act if they spend -- if I understand it correctly, if they spend more than five thousand dollars in a lobbying-type activity, they are then required to disclose, like we do, every contributor over a hundred and fifty dollars and then, now, the occupation of anyone who gives over five hundred dollars. I'm assuming, therefore, this would affect such people as Catholic Charities. And, as such, does that include every parish? It would include Lutheran Charities, it would include Jewish Federation. I know that, for example, Jewish Federation, which has a lobbying office here -- Jewish Federation of Chicago alone raised fifty-nine million dollars last year for its charitable purposes. It has a lobbying office that I assume spends more than five thousand dollars. Would they then have to submit, on our type of format, every contributor to Jewish Federation of Metropolitan Chicago or the Archdiocese of Chicago or the Synod of Lutheran Charities - every contributor by name, over a hundred and fifty dollars, and by occupation, over five hundred?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. I believe the answer to Senator Carroll's question is -- is yes. And just a -- a couple of points. We're trying to put everybody on -- on a level playing field, and those groups you mentioned, they lobby down here, they

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take millions and millions of public dollars for what they are down here believing in, and there's nothing wrong with it. There are ways, Senator Carroll. I suppose they could set up a political action committee which could take, you know, perhaps, some of the need to report everything over a hundred and fifty dollars, and they could -- they could do things and structure themselves a little differently. I was asked in committee - and this goes to Senator Carroll's question - "Why are we doing this?" And one of the things that I noted: This is the April edition of Governing Magazine, and on Governing Magazine, the headline is: "Strings Attached" - "America's foundations are sitting on hundreds of billions of dollars in assets and they are offering a significant chunk of that money to state and local governments. It is a gift that public officials find very hard to refuse. It is also a gift that carries an agenda with it." And "Most of the time, that agenda doesn't get much public debate." And, Senator Carroll, we want to give it a little public debate. And if they are down here lobbying Members of the Illinois General Assembly, we should know where they get their money and how they spend it.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Carroll, I'm going to have to ask you to bring your remarks to a close, please.

SENATOR CARROLL:

Okay. Yeah. I didn't ask you that question. That may have been another Member, Senator Dillard, but I did -- I will ask likewise 'cause this was just asked of me just before coming in. A group like the American Cancer Society - likewise, if they spend five thousand lobbying, as they have on stopping children from smoking and -- and advertising, they would then have to list every contributor who gave more than a hundred and fifty dollars and the occupation over five hundred, unless, in the future, they set up some kind of separate account. Is that right?

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PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

Senator Carroll, one of the triggers in here is they must lobby. So they've got to be registered to lobby. They've got to be a not-for-profit organization, which means they're not paying taxes. And we clearly, I think, mean, for purposes of legislative intent, only the Illinois Chapter, and not the full national organization, has to register and show us their receipts over a hundred and fifty dollars.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Carroll, for a final time.

SENATOR CARROLL:

Yeah. Just for legislative intent, is there something that gives them that protection in the bill? Because if they come here as the American Cancer Society, they would probably want that reference, and they didn't have time to read this bill, since it just came out.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

Senator Carroll, obviously they just had yours and my legislative intent, but they register as, for example, the American Cancer Society Illinois Chapter or Illinois Division, and that's the way they should do it. Whether they're Common Cause, which I think has a national group, we just want to know what funds they're running through in Illinois to influence the Legislature.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Welch.

SENATOR WELCH:

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

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PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Welch.

SENATOR WELCH:

Senator Dillard, an earlier version - I don't know if it's in this one or not - but there was talk about requiring an individual who is no longer holding public office to disperse his entire campaign fund. Is that in this bill, and if so, is there a time line?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

Thank you. Senator Welch, while it was discussed, it was never in a draft, and it is -- it is not in here. It is silent.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Welch.

SENATOR WELCH:

A second question. One of the versions of the bill said the maximum fine would be equal to the violation, the amount of the violation. For instance, if you leased a car for twenty-five thousand dollars and you could have bought one cheaper, the fine could have been twenty-five thousand dollars plus, I think, another five hundred. Is that out of there, and if so, what is now the maximum fine for any violation?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

First of all, I want to point out, Senator Welch, that as long as you primarily use the car for governmental or political purposes, you can always lease it. You can buy an automobile. And I think you can probably prove this in virtually any case that it's probably less expensive to purchase the automobile. The fine shall not exceed five hundred dollars for each expenditure of five

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hundred dollars or less and shall not exceed the amount of the expenditure plus five hundred dollars for each expenditure more than five hundred dollars.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Welch.

SENATOR WELCH:

So, technically, if somebody found that you leased a -- you leased a 1985 Pontiac for a thousand dollars a month on a twelve-month lease, for twelve thousand dollars, you could be fined twelve thousand plus the five thousand {sic} dollars.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

Senator, I would hope that the State Board of Elections, which would administer the personal use part of this, would use some common sense.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Lauzen.

SENATOR LAUZEN:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Lauzen.

SENATOR LAUZEN:

Senator, in Section 9-7.5, it has nonprofit organizations - going back to Senator Carroll's comments or questions - it says each nonprofit organization, except for a labor union registered under the Lobbyist Registration Act or for which lobbying is undertaken by a person registered under that Act - and it goes on - shall register with the State Board of Elections. Can you describe what the intention or objective of this Section is?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

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SENATOR DILLARD:

If I recall our discussions, Senator Lauzen, we believe that some labor unions might be not-for-profit corporations. We pick them up in other ways throughout our campaign finance disclosure. And we wanted to make sure that this was limited to not-for-profit groups, and labor unions there was some concern over. And it would apply, perhaps, to corporations as well, in this case.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Lauzen.

SENATOR LAUZEN:

Okay. So does this Section affecting nonprofit organizations but excluding trade unions and private lobbyists violate any constitutional mandate, or at least a principle? You refer to it as equal footing or equal -- you know, of equal application of the law.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

We do not believe it does, Senator Lauzen, and if you're looking at a memorandum that -- that came from one Larry Horist, the answer to his question is it doesn't violate equal protection. For-profit lobbyists pay taxes, and they are clearly distinguishable and they have to let the whole world know, through the Secretary of State's Office, who their clients are anywhere. But this Section is very different than corporate lobbyists or those private-sector contractual lobbyists. Because they're for-profit, they do disclose who their clients are, but they pay taxes, where a not-for-profit group would not pay taxes the same way that what I call the "private-sector lobbyist" would.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Lauzen.

SENATOR LAUZEN:

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Well -- and I'd just like to say that it's -- you know, certainly I'm going to support effective campaign finance reform, so -- but thank you very much.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Senator Dillard, to close. All right. All right. The previous question was called. We announced the speakers and six additional lights came on. Senator Jones' light did come on, and out of professional courtesy, I was going to recognize him. He shut his light off. So there are no more speakers. Senator Dillard, to close.

SENATOR DILLARD:

Thank you very much, Mr. President. I think there are a lot of people in the State of Illinois who have called for us to -- to do something in the area of campaign finance reform. And while we may not have received bundles and bundles of constituent letters, let me just say that I think all we have to do is perhaps look at the low turnout in the last primary election to know that when we have a turnout of twenty to thirty percent, sometimes there's a silent message to the General Assembly or to any elected official that the public has problems with the way we operate our electoral system in Illinois or anywhere in the United States. This bill is supported by a lot of groups. And it's been mentioned in debate that this wasn't meaningful reform. I really differ with that. The major newspapers of this State, Senator Paul Simon, who I greatly, greatly respect - one of the better leaders in this State's history - says, himself, this is very, very meaningful reform. Common Cause, Illinois Campaign for Political Reform, the League of Women Voters. I could go on and on. Groups that will not sign off on watered-down legislation are on board and support this campaign finance law. And again, let me tell you, having spent hundreds and hundreds of hours with Barack Obama on this over the last few months: This is the most meaningful piece of

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campaign finance reform that will pass this Legislature in twenty-five years. I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. The question is, shall House Bill 672 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 52 Ayes, 4 Nays, 1 Member voting Present. House Bill 672, having received the required constitutional majority, is declared passed. All right. Top of page -- top of page 3 is House Bill 974. Senator Tom Walsh. Senator, do you wish this bill called -- returned to the Order of 2nd Reading for the purpose of amendment? Senator Walsh seeks leave of the Body to return House Bill 974 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 974. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Tom Walsh.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Tom Walsh.

SENATOR T. WALSH:

Thank you, Mr. President and Members of the Senate. Floor Amendment No. 1 to House Bill 974 is the Managed Care Patients Right {sic} (Patient Rights) Act, and I would ask for its approval and we can debate the bill on 3rd Reading.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Senator Walsh has moved the adoption of Floor Amendment No. 1 to House Bill 974. Those in favor, vote Aye. Opposed, Nay. The Ayes have it, and the motion is adopted. Are there any further Floor amendments approved for consideration, Mr. Secretary?

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SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. On the Order of House Bills 3rd Reading is House Bill 974. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 974.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Tom Walsh.

SENATOR T. WALSH:

Thank you, Mr. President and Members of the Senate. As I stated, Floor amendment -- or, House Bill 974 now is the Managed Care Patient's Rights Act. This is an issue that we have been working on for a long time. It's an issue that I want to thank a couple of people who served on the Managed Care Subcommittee, and we had meetings throughout the summer: Senator Madigan, Senator Peterson, Senator Jacobs and Senator Molaro. We had five meetings in different places throughout the State: two in Springfield, one in Bloomington, one in Oak Brook, and one in Chicago. We invited persons that had any interest in this subject - consumers, providers, HMOs themselves - to come and testify on various important subjects dealing with managed care. Today I'm happy to say that we -- we have a bill that I think is going to put the delivery of health care services back in the hands of patients, employees and our constituents. And I would like to highlight some of the different parts of this bill that I think will be accepted and appreciated by the consumers. The first thing in this bill is the patient's bill of rights. What the patient's bill of rights does is it gives patients access to quality health care, it gives patients the ability to choose a physician, it

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gives patients the right to privacy, it guarantees patients appropriate doctor-patient relationship, and it gives patients the ability to purchase additional coverage. We additionally have a Section in -- in the bill that allows for access to specialists, and this also includes standing referrals to specialists which can be for up to one year. We answer what I think is one of the major concerns of -- of patients of managed care, and that is the issues of emergency room coverage. We use federal layperson language in this bill that should help address this issue. Next, and probably the most important consumer protection, is the utilization review program registration. This Section will require all persons conducting utilization review, which is the determination of whether a health care service is medically necessary, to register the program with the Department of Insurance and certify that the program is in compliance with URAC standards. This will require standards in utilization review not found in Illinois law today. Additionally, it will ensure that the State will have some authority over entities which conduct UR and not are -- and not currently accountable to any State agency. Current Department of Public Health rules only require that HMOs provide certain reports on their utilization review programs; however, this will guarantee nationally recognized standards exist for utilization review programs operating in Illinois. Another, and maybe one of the issues that has brought us to managed care reform, is the issue of gag clauses. We address that issue in prohibiting gag clauses in -- in -- in managed care or HMOs from here on out. We also have a consumer advisory panel and we call for continuing quality assessment programs which will have oversight by the Department of Public Health. I'd be happy to answer any questions that anyone may have.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Is there discussion? Senator Philip.

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SENATOR PHILIP:

Move the previous question.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Senator Philip moves the previous question. There are eleven speakers, and I'm going to -- I'm going to name the speakers: Senator Jacobs, Shadid, Cullerton, Halvorson, Collins; Senator O'Malley, Madigan, Klemm, Geo-Karis, Syverson and Mahar. Those are the speakers. Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I'm not going to belabor this. There's a couple questions. Will the -- the Senator yield for a question?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Jacobs.

SENATOR JACOBS:

Senator, what affect does this have on chiropractors and optometrists?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Walsh.

SENATOR T. WALSH:

If -- if I could, Senator, I'd like to answer this with legislative intent. For the purpose of legislative intent, the definition of "health care provider" is intended to include all licensed health care providers, such as chiropractors and optometrists.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jacobs.

SENATOR JACOBS:

Is the intent of Section 30(b) to be limited to communications between health care providers and enrollees?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Tom Walsh.

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SENATOR T. WALSH:

Yes.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jacobs.

SENATOR JACOBS:

Well, just -- yeah. Thank you, Senator, because that, I think, clarifies a lot. And one of the concerns was that -- that, in effect, this legislation by that language appeared - in 30(b) - to -- to remove managed care actually from the Act. So, thank you very much for your response.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

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

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator O'Malley.

SENATOR O'MALLEY:

Senator Walsh, for purposes of clarification, I have a couple of questions, and I'd appreciate it if we could go through them. The first one is: Is it the intent of Section 155.36 to require health insurers to comply with Section 80 and 85 of the Act?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Walsh.

SENATOR T. WALSH:

Yes, it is, Senator.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Does that mean that if companies defined in Section 155.36 conduct utilization review in this State, they must register their program under Section 85 with the Department and that the Department under Section 80 is required to maintain a record of

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complaints on those companies and to require only health care plans to annually report complaints?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Walsh.

SENATOR T. WALSH:

Yes.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Shadid. Senator Shadid? Senator Shadid, you wish to speak? ...shut your light off, Senator? We had it originally.

SENATOR SHADID:

...off, but I got it on.

PRESIDING OFFICER: (SENATOR MAITLAND)

Well, do you want to speak or not?

SENATOR SHADID:

I do, yes. I'm trying to.

PRESIDING OFFICER: (SENATOR MAITLAND)

Yes. Senator Shadid.

SENATOR SHADID:

The speaker will -- will the sponsor yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Shadid.

SENATOR SHADID:

I know -- the question I had was what Denny -- Senator Jacobs asked you about the chiropractors and optometrists. Now, they are covered in this program, is that correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Walsh.

SENATOR T. WALSH:

Yes.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Shadid.

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SENATOR SHADID:

Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. Question of the sponsor. Actually, two questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator.

SENATOR MADIGAN:

First of all, Senator Walsh, in Section 90, it makes reference to agents. Does this apply to insurance agents?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Walsh.

SENATOR T. WALSH:

No, Senator. Insurance agents would not be involved in a situation where they would be transferring liability to a health care provider.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. One further question. Perhaps -- Senator Walsh, in the bill, it makes reference to URAC. Could you explain what URAC is, what the standards are, how does this apply to the bill and, perhaps, does this URAC have necessary protections which will protect enrollees?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Walsh.

SENATOR T. WALSH:

Thank you, Senator Madigan. URAC is the American Accreditation Healthcare Commission. URAC establishes standards for the managed care industry. URAC's membership and government

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-- governance structure includes representation from all the constituencies affected by managed care, including employers, consumers, regulators, health care providers, and the managed care industry. URAC accreditation is an indication that a managed care organization has the necessary structures and processes to promote high-quality care and preserve patients' rights. Regulators in numerous states recognize URAC accreditation standards in the regulatory process. The URAC standards required under this Act have been developed for the accreditation of organizations that provide utilization management services related to general health benefits coverage or insurance. This includes utilization management organizations, utilization management functions that are integrated into health benefit programs, such as an -- indemnity insurance, HMOs or PPOs.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. While we debate this bill dealing with managed health care, we -- I have to point out that this is the only vote that we've been allowed to have on this measure. So, the fact is that the House did pass two bills; one was House Amendment No. 5 to Senate Bill 1904, which had more extensive proposals, I think, that I would've liked to have had in this bill. And I just wanted to point that out. There's one specific provision that was in the House bill that should have been in this bill. It -- they -- they put a provision in dealing with liability of HMOs. It was patterned after a Texas Statute. And because HMOs are -- are really involved in the course of treatment and they -- they basically -- in many cases you might say they -- they really tell the doctors how to -- to treat the patients, in Texas they had a provision that if there was a -- a lawsuit against the -- a doctor for malpractice, that you could

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also sue the HMO. And that was spelled out in the bill that the House passed over here, and for some reason, it was not included in this bill. And I think that's unfortunate. There's obviously some other -- there's other -- other provisions that were not in the House bill that are -- that were in the House bill that are not in here. I understand that the -- the process obviously is one of compromise, but at the same time, you know, we never really had a chance to vote on those. It would have been interesting to see, if we'd just had an opportunity to vote, whether or not we couldn't have passed those on to the Governor. So for that reason, I'm very disappointed that it's not in here, but obviously since it's the only bill we have to vote on, and there are some very good provisions here, I'm sure that many people will be voting Aye.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Klemm.

SENATOR KLEMM:

Yes. Thank -- thank you, Mr. President, Ladies and Gentlemen of the Senate. Questions of the sponsor, if I may.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Klemm.

SENATOR KLEMM:

Yeah. Senator Walsh, on Section 30, restraints on communications prohibited, do I understand this to mean, for legislative intent, that only these physicians and health care providers cannot be prevented from recommending health care services to their patients and that the HMO or the health care plan is not mandated by this Section to have to necessarily provide or pay for these services? Is that correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Walsh.

SENATOR T. WALSH:

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Yes.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

One last question, Mr. President. Senator Walsh, on Section 90, on -- on prohibited activities, for legislation intent, does this Section mean that an employer who contracts or otherwise provides a health care plan to their employees can be held to be liable for any activities, actions or omissions by the health care plan or by physicians or health care providers?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Walsh.

SENATOR T. WALSH:

No.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Halvorson.

SENATOR HALVORSON:

Thank you, Mr. President, Members of the Senate. This is a very important issue and something that we've all been working on for a long time, and -- and I intend to vote for it. However, I'm not going to go back to my district and pretend that we've completely reformed managed care. I believe that this isn't a patient rights bill; this a doctors' rights bill. And it doesn't address some of the worst abuses such as American HMO who has the highest ratio of complaints. I believe that we still need to continue to fight, and I -- I'm -- I guess what's happening -- and more and more, we hear "this is not a perfect bill", "this is only a half a loaf", and I guess I'm really upset that that's all we're ever getting out of some of these things. I just hope that it's a place to start and that we won't pretend that we've -- reformed managed care, that we continue to fight for real reform.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, I don't know how some of my colleagues have wondered about in their district, but I can tell you in my district, managed the -- something to stop some of the abuses of managed care have been very much in my constituents' minds. And maybe this is not a perfect bill, because no bill is perfect. However, this bill was amended, so if we can put a little more reform on it, fine. It's going to go to the House anyway for concurrence, and if the House finds the bill is okay, fine. If they don't, if they have any better idea, they can add it to this bill. However, let me point out something to you. One of the finest things that this bill does, it does not prohibit a doctor from discussing points of the case to a patient, where the HMO have prevented them. There are certain HMOs that prevent a doctor from being completely honest and truthful with their patients. So I think this is a step in the right direction, and half a loaf is better than none, but I think the committee that worked on this - Senator Walsh, Senator Karpel, and all the other folks, Senator Madigan - did a very good job in trying to address the issues that are currently on people's minds. And I might tell you that the AARP is very happy about this bill because they've been very concerned about managed care for older people. And it's high time that we address their concerns, and this bill does address them. And I certainly speak in favor of this bill and hope it passes, because we have promised people we'd do something about managed care and this is the opportunity to do it. So let's do it.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Collins.

SENATOR COLLINS:

Thank you. Question of the sponsor.

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PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Collins.

SENATOR COLLINS:

Senator, following up on one of the other Senator's, I think, question, I think in reference to cause of action, and I want to ask you the question and example. The young man that died two weeks ago now, not far from the hospital, because -- and the hospital had some rules that they did not allow any of their staff to go outside of the hospital to provide treatment, in this case, by passing this bill, granting the HMOs somehow some kind of immunity or not allowing any cause of action to be brought against them, if that young man's family happened to have been in an HMO treatment facility, going there, they would not have been allowed to recapture any -- bring these HMO, had they had those kind of rules, any cause of action against them once this bill has become law?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Tom Walsh.

SENATOR T. WALSH:

You know, I'm not sure that I totally understand the question, but -- but I -- I know that situation and that would have nothing to do with -- with -- with managed care. I guess it would -- you know, I think that -- that -- that emergency rooms do have the responsibility to care for all patients that come into their doors, and I...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Collins.

SENATOR COLLINS:

The HMOs, basically, the -- the corporate body -- usually an administrative body establish the rules by which they are going to operate. Right?

PRESIDING OFFICER: (SENATOR MAITLAND)

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Is that -- Senator Walsh.

SENATOR T. WALSH:

You're talking about the rules of the hospital, I think, and the hospital has changed their rules, I think, as a result of what happened there.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Collins.

SENATOR COLLINS:

If they have their own treatment facilities, in those cases, where they have basically just those managed -- a single managed health company that -- that provide the medical services and they have some facilities where the patients go for screening, for being assigned doctors and whatever, and there are doctors, nurses on that -- in that facility, that is -- the services are determined and the rules and regulations in terms of what service based on what plan that will be administered by that particular company, and that company, because of those rules, the treatment people, the nurses, the doctors, or whatever, under that that's paid under that HMO organization and they refuse to go out and provide service in a case like that, could you then file any kind of cause of action against not the doctors or the nurses, but the company itself?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Walsh.

SENATOR COLLINS:

The insurance...

SENATOR T. WALSH:

Can -- can you -- I'm sorry. Can you repeat the question?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Collins.

SENATOR COLLINS:

The HMOs, in the -- one of the bills that we had earlier that

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didn't pass, were allowed to -- one could bring a cause of action against the HMO themselves, the company. In your bill -- in your bill, the new bill now, does it allow for that cause of action to be brought?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator...

SENATOR COLLINS:

Can they be sued?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Walsh.

SENATOR T. WALSH:

You can in civil court.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Collins.

SENATOR COLLINS:

You can in civil court. You -- what -- what if -- what's the difference between suing them in civil court than if you sued a regular hospital for negligence in terms of medical care?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Walsh.

SENATOR T. WALSH:

That -- that is the -- the current law, that you -- you can sue them or take action against them in -- in civil court.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Collins.

SENATOR COLLINS:

My concern is, if we are going to talk about reform, then why couldn't we adopt that same provision that was proposed in other legislation that Senator Cullerton talked about earlier would -- would grant that patient's family, or that patient, the opportunity to sue them on the same basis that they would be sued -- suing a hospital as well as the doctors if you went to Pres --

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for example, if you went to Pres-St. Luke.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Walsh.

SENATOR T. WALSH:

We aren't changing -- this is current law and we're not changing -- this bill doesn't change anything that's in current law. I think the Section that -- that you're talking about, what does -- what that does is it bans clauses in contract plan -- plans offered to providers which allow plans to transfer liability that -- that a court may find they have in a case that provides -- that provides with -- with whom they contract. That is not in current law. But in current law, you can do, I think, what you're talking about.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Collins.

SENATOR COLLINS:

Senator, in -- in Senate Bill -- House Bill, I'm sorry. In -- in Senate Bill -- this is Senate Bill 1904, there is a Section called health care entity liability. In this case...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Collins. Senator Collins, the bill we are debating is House Bill 974.

SENATOR COLLINS:

I -- I understand that, but I'm trying to get him -- he understands what I'm talking about very clearly.

PRESIDING OFFICER: (SENATOR MAITLAND)

Ask a -- Senator Collins, ask a specific question, please.

SENATOR COLLINS:

Is there a provision in this bill that allows for a medical care entity liability? The HMOs are the entities.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Tom Walsh.

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SENATOR T. WALSH:

No -- no, there isn't.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further -- are you finished, Senator Collins?

SENATOR COLLINS:

Yes. I -- I am finished with that...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. A couple questions of the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Syverson.

SENATOR SYVERSON:

Thank you. First, for legislative intent, does House Bill 974 apply to State-operated mental health facilities and State facilities for persons with developmental disabilities?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Walsh.

SENATOR T. WALSH:

No.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Syverson.

SENATOR SYVERSON:

Does House Bill 974 apply to the purchase of services from community agencies by Department of Human Services?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Walsh.

SENATOR T. WALSH:

No.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Syverson.

SENATOR SYVERSON:

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Next a question regarding on Section 30 - and let me just give you a couple examples and maybe you can just answer if this is applicable or not - can a provider be given the best practice guidelines approved by the National Specialty Society and be told, for example, to try to lower their C-section rates?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Walsh.

SENATOR T. WALSH:

What we say in this Section is that you can't restrict communication between a doctor and a patient with regards to what is, you know, best medically for -- for the patient.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Syverson.

SENATOR SYVERSON:

So the answer, then, would be yes?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Walsh.

SENATOR T. WALSH:

I -- I would just say that that's what this Section does.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Syverson.

SENATOR SYVERSON:

Okay. Let me -- can -- can a Catholic hospital -- can their plan educate providers regarding the practice of abortion?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Walsh.

SENATOR T. WALSH:

Could you say it again? I didn't...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Syverson.

SENATOR SYVERSON:

Regarding -- under Section 30, when it's talking about

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communications, is a Catholic hospital allowed to communicate their views and educate providers regarding their practice and views on abortion?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Walsh.

SENATOR T. WALSH:

This -- this does not change the Right of Conscience Act, which we passed for HMOs last year, which has been in law for doctors for a long time. This doesn't -- doesn't change that at all.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Syverson.

SENATOR SYVERSON:

Last question before a comment: Can -- can an HMO impose capitated payment on providers?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Walsh.

SENATOR T. WALSH:

Yes.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Syverson.

SENATOR SYVERSON:

To the bill: I know this has taken a lot of time and there's been a lot of work done on this bill and I -- and certainly there are many good aspects in the bill, and all of us know that improvements in the system needed to be made. One of the concerns that we've tried to address all along is the cost of this program. This -- a bill that we pass today ultimately is going to be cost passed on to the providers - not the big corporations, who are excluded, but the small companies, the individuals, the constituents that you and I have who have to pay for this coverage. We've tried to, for some time, get an idea of what the

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cost of this program is. We know CMS has said to implement this program, it's going to cost the State minimally thirty-two million dollars, most of that which will be passed on to the State employees who struggle already to cover the cost of insurance under their program. This is going to cost lots of money to local school districts, local municipalities, park districts, all who provide managed care services. This is a pretty expensive mandate that we are passing on to local governments. We asked all along for some limitations or some idea of what the cost is. All we know is from what -- what has been told us; that's, minimally it's going to be more than five percent, which means premiums -- by passing this, premiums to consumers will go up more than a hundred and fifty million dollars this year. We could be in the position of making insurance so good that no one can afford it. And I think it's important for all of us to take a look at. If our goal is to provide quality and -- and affordable health care to the citizens of Illinois, this is a huge step backwards, because what's going to happen is many employers and many individuals who are on the brink of trying to afford their insurance will no longer be able to afford it, which means they will become uninsured, which is just the opposite, I think, of what the bill's sponsor ultimately wants with this legislation. So even though this has very good -- very good legislative intent, I am very concerned that this cost is going to hurt, especially the low-income consumers in this State, and for that, I have to rise in -- in opposition.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator -- Senator Tom Walsh, to close.

SENATOR T. WALSH:

Thank you, Mr. President. I first want to read, for legislative -- for the purposes of legislative intent, a couple of things. The phrase "in this State" in Section 85(a) is intended

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to mean that it does not matter where the person conducting utilization review is located in Illinois or in another state; they must comply with this Section if they are performing utilization review for the -- for the health care plan under policy or certificate which -- which is issued in Illinois. Section 90, on prohibited activities, solely concerns the relationship between health care plans and health care providers. This plan -- the plan may not transfer any liability for their action to health care providers. This provision does not impose any new liability. It does not impose liability on employers which -- which contract with HMOs. It does not affect liability between the health care plan and independent practice associations. Further, this provision does not limit the type of reimbursement an HMO plan may have with its providers on financial matters, such as capitation. When a health care plan contracts with an independent practice association and delegates utilization review or other plan activities to the Independent Practice Association, no indemnification is prohibited between the plan and Independent Practice Association. Transfer of liability to the health care provider is prohibited. Now, if I -- if I may, just to close. In the committee hearing, we had two opponents that -- that were allowed to speak. One opponent said we didn't go far enough in the -- in this bill. The other opponent said that we went way too far, which makes me believe that I think we have a pretty good product here. I want to read what AARP, the -- the association of retired persons, and it talks about and tell you what they think of this bill. This bill meets the AARP's three criteria for a meaningful Patients Rights Act. Minimum -- minimally, all rights and protections guaranteed under existing law and enumerated in administrative rule are preserved. Persistent problems experienced by enrollees are addressed and a framework established that -- that ensures that the promise of

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managed care, quality coordinated health care at a reasonable price, is realized in Illinois. And decision making at the departmental and health care plan policy level should reflect the new trend in health care of the consumer as a partner. People talked about House Bill 626 and said it didn't go as far as that does. Let me tell you a couple of things that this bill has that 626 did have: a patient's rights provision, gag rule, continuity of -- of care for new -- new enrollees, and when a -- when a provider is terminated, prudent layperson language for emergency room service, standing referrals, external review, a two-level grievance procedure with expedited complaint reports, and consumer input. What this bill does that 626 didn't do is guarantees the right of enrollees to choose primary care providers, PPO plans covered for emergency, and complaint reporting and utilization review. It strengthens emergency and post-stabilization services. The primary care doctor, not plans, approve referrals. Expands continuity of care provisions for new enrollees. It expands availability of external referral to cover denials of referrals, and it makes complaint reports consumer-friendly. I think that this bill goes a long way to give the 3.5 million HMO patients in Illinois access to quality and affordable health care, and I would ask for your favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall House Bill 974 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take -- take the record, Mr. Secretary. On that question, there are 50 Ayes, 4 Nays, 3 Members voting Present. House Bill 974, having received the required constitutional majority, is declared passed. Senator Weaver, on House Bill 2729. Read the bill, Mr. Secretary.

SECRETARY HARRY:

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House Bill 2729.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. This bill provides that each racetrack organization licensee may provide that at least one race per day may be devoted to racing of quarter horses, appaloosas, arabian or paints. That's all it does. I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall House Bill 2729 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 56 Ayes, no Nays, 1 Member voting Present. House Bill 2729, having received the required constitutional majority, is declared passed. Senator Garcia, for what purpose do you rise, sir?

SENATOR GARCIA:

Thank you, Mr. President. On a bill that we voted on, House Bill 672, my switch was malfunctioning. I'd like the record to reflect that I would have voted in the affirmative.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Garcia, the record will indicate that you would have voted in the affirmative. Senator Donahue, do you wish House Bill 3427 returned to 2nd Reading for the purpose of an amendment? Senator Donahue seeks leave of the Body to return House Bill 3427 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 3427. Mr. Secretary, are there any Floor

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amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senators Donahue and Bomke.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Donahue.

SENATOR DONAHUE:

Thank you very much, Mr. President. This is an agreed-to amendment, and I think the best thing is just to explain it on 3rd Reading when it's up for passage. So I move to adopt Floor Amendment No. 1 to House Bill 3427.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Donahue has moved the adoption of Floor Amendment No. 1 to House Bill 3427. Those in favor, say Aye. Opposed, Nay. The Ayes have it. And the amendment is adopted. Are there any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. On the Order of House Bills 3rd Reading is House Bill 3427. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 3427.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Donahue.

SENATOR DONAHUE:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. This is a very important piece of legislation that we've talked about a couple of years ago and passed, and what it deals with, women's principal health care provider. It was, as I

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said, an important piece of legislation and most women in Illinois really don't know that it exists. And this legislation clarifies and sends out a notice to inform all female enrollees. In their notice it's going to notify employers, and it's a -- and -- and also allow for the list of the gynecologists and OB-GYNs, as well as family physicians, to be able to be sent to the enrollee. Three other parts to this bill include diabetic care, which was included in Senator Bomke's bill, in House Bill 1552, for diabetes self-management training and education; colon cancer prevention to the Insurance Code for screening of colon cancer. It also has accelerated life benefits, which allows policies to pay up to seventy-five percent instead of the current twenty-five percent of the face -- face amount; includes total of {sic} (and) permanent disability in the definition of conditions which may trigger the pre-death payment. As I indicated, this is a very good piece of legislation. For the most part, it's agreed by all, most particularly, the family physicians, the dietitians, or -- dietitians? - yeah - dietitians, most women's -- almost all are women's groups. Planned Parenthood, NOW, the Medical Society: It's supported by these groups. And I would ask for your support.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Bomke.

SENATOR BOMKE:

Thank you, Mr. President. I rise in support of this bill. And I want to speak to the diabetes part of it. As we know, diabetes is an ever-increasing cost in medical care, and it's estimated that one dollar out of every seven spent for medical care goes for diabetes. In fact, there's an estimated six hundred and sixty thousand individuals in Illinois that have diabetes and an estimated direct and indirect health care and lost productivity totals nearly 4.2 billion dollars. Studies have indicated that that cost could be reduced by a hundred and seventy-eight million

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dollars with a comprehensive management diabetes plan. And I would urge my colleagues to vote Aye.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. Chairman, Ladies and Gentlemen of the Senate. I, too, rise in strong support of this bill, House Bill 3427. But I do want to, on the record, Senator -- I know you've done a lot of work in that women's portion of the bill, for the GYNs. I still think that needs to be tightened up some. I think there needs to be some changes in that. And as you said in committee, you are going to continue to work on that so where maybe we can make that a little clearer, and if you do that, I think that'd be great, and I ask everybody on this side of the aisle to vote Yes.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question? Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates she will yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

The references to diabetes, could you enunciate for us exactly how it fits in the bill, because I can't quite get my computer to work?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. If I could, I'd like to yield to Senator Bomke, since that was his original legislation.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Bomke.

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SENATOR BOMKE:

I'm sorry. I didn't hear the question, Senator Geo-Karis.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Your reference to diabetes, would you please explain what it is in the bill, because I can't get my computer to work that well?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Bomke.

SENATOR BOMKE:

Well, it refers to covering a -- number of things. There seems to be a lot of inconsistency, Senator, with what is covered, what's not covered. Are syringes covered? Insulin covered? This will require that those items be covered, in addition to providing training and education.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Geo-Karis, does that... Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President. I, too, rise in strong support of this legislation. The original bill, Senator Donahue, was the one that I sponsored, which was joined by Senator O'Malley, but for petty politics, it got stripped out of my bill and ended up with Senator Bomke. It's unfortunate that we play politics with such a critical issue as it relate to the health care of people of the State of Illinois. And the record will clearly show that. But, again, knowing that -- knowing that we do have "bill-jacking" and thievery going on in this Chamber, but I'm glad to see that you have seen the light, Senator Bomke have seen the light, that this is a serious illness in the State of Illinois amongst thousands of people. So I, too, rise in support, and hopefully in the future that when we deal with critical issues like that, we -- we will not let politics play a role as to who

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the sponsor shall be, but we will deal with the issue on -- on behalf of the people of the State of Illinois.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Dudycz.

SENATOR DUDYCH:

Yes. Thank you, Mr. President. I just stand on a point of personal privilege.

PRESIDING OFFICER: (SENATOR MAITLAND)

Please state your point, sir.

SENATOR DUDYCH:

Senator, I -- Mr. President, I just would like to make note to the Body that I object to a Member of this Body referring to another Member's action as thievery. And I'd like for the record to reflect my objection to that.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR DONAHUE:

Thank you very much, Mr. President. This is a very important piece of legislation. There's been a lot of work go into, I know, all parts of it, the four parts that are here. My particular involvement with the woman's principal health care provider, Senator Bomke and many others that have been supportive of this legislation and to make it happen. I'd just ask for your support.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall House Bill 3427 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 57 Ayes, no Nays, no Members voting Present. House Bill 3427, having received the required constitutional majority, is declared passed. Senator Karpiel, for what purpose do you arise?

SENATOR KARPIEL:

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Thank you, Mr. President. I rise to announce that there is an optional Republican Caucus on the budget in Room 212 at 6:15. 6:15 we will get a rundown on the budget for those of you that wish to attend.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. That -- that request is in order. Senator Cullerton, for what purpose do you arise, sir?

SENATOR CULLERTON:

Just kind of an inquiry. Can we come to the optional caucus? And who's going to conduct it? Somebody that knows what's in the budget, maybe, or... And is this the first time you've seen it?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Karpiel.

SENATOR KARPIEL:

I just want to emphasize this is a Republican Caucus.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR CRONIN:

I just wanted to inquire -- the optional Republican Caucus is at 6:15. Will dinner be served at 6:20 elsewhere?

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? Further discussion? We have not concluded our business yet. Messages.

SECRETARY HARRY:

Message from the Secretary of State, dated May 22nd, 1998.

To the Honorable President of the Senate - Sir, in compliance with the provision of the Constitution of the State of Illinois, I am forwarding herewith the enclosed Senate Bill that is being returned by the Governor with specific recommendations for change:

Senate Bill 3.

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Respectfully, George H. Ryan, Secretary of State.

PRESIDING OFFICER: (SENATOR MAITLAND)

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

SENATOR GEO-KARIS:

A point of personal privilege.

PRESIDING OFFICER: (SENATOR MAITLAND)

State your point.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this weekend is Memorial Day, and we have veterans who are here and we have veterans who lost their lives and their limbs in the pursuit of freedom for our country. I would like to ask that we have a moment of silence in memory of the veterans of this country who gave their all so that you and I could be here, and to be free.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Geo-Karis, that request is in order.

(Senate observes a moment of silence)

PRESIDING OFFICER: (SENATOR MAITLAND)

Thank you, Senator Geo-Karis. Motions. Mr. Secretary, have there been any motions filed?

SECRETARY HARRY:

Yes, Mr. President. Senator Bomke has filed a motion with respect to Senate Bill 3.

PRESIDING OFFICER: (SENATOR MAITLAND)

Mr. Secretary, the Chair requests that these motions be -- that that motion be printed on the Calendar. So ordered. Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. Rossi, Clerk.

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

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wit:

House Bill 2950, with Senate Amendments 1 and 3.

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 2 to House Bill 2950.

Action taken by the House, May 22nd, 1998.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeLeo, for what purpose do you arise, sir?

SENATOR DeLEO:

Thank you, Mr. President. I'd like to make an announcement. For purpose of an announcement.

PRESIDING OFFICER: (SENATOR MAITLAND)

State your point, sir.

SENATOR DeLEO:

The Senate Democrats will have an optional caucus also at 6:30 in Senator Jones' Office. At the hour of 6:30, we'll have an option caucus in Senator Jones' Office.

PRESIDING OFFICER: (SENATOR MAITLAND)

Thank you, Senator DeLeo. Ladies and Gentlemen, just to -- to make you aware of what's going on. We're going to stay -- stay in Session long enough for a Rules Committee Report to be read into the record. That's the only issue that will be before us now, so you use your own judgement, and then when we recess, we will recess to the call of the Chair. We don't know exactly what time that will be at this point. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports that the following Legislative Measures, have been assigned: Referred to the Committee on Appropriations - Senate Amendment 1 to House Bill 2091; to the Committee on Executive - Conference Committee Report 1 to Senate Bill 1674; to the Committee on Insurance and Pensions - Conference Committee Report 1 to Senate Bill 659 and

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Report No. 1 to House Bill 3515; to the Committee on Local Government and Elections - Conference Committee Report 1 to Senate Bill 1286; to the Committee on Public Health and Welfare - Report No. 1 to Senate Bill 1339; to the Committee on Revenue - Conference Committee Report 1 to House Bill 884, Senate Amendment 1 to House Bill 2363, and the Motion to Concur with House Amendments 1 and 2 to Senate Bill 1267; and Be Approved for Consideration - House Joint Resolution 48.

PRESIDING OFFICER: (SENATOR MAITLAND)

Let me remind the Members, there will be some committee hearings. There are very few Members on the Floor right now, so I would suggest that you watch the chart outside the Senate Chambers. There will be Executive Committee eventually, Revenue, Pensions and Insurance, Local Government. Just -- just watch the bulletin board out in front of the Chamber. Is there any further business to come before the Senate? If not, the Senate stands in recess to the call of the Chair.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Syverson, for what purpose do you rise?

SENATOR SYVERSON:

Thank you, Madam Chairman -- Madam President. Point of personal privilege -- or, point of announcement. Public Health will meet at 7:15 in Room 400. Public Health, 7:15, at Room 400. Thank you.

PRESIDING OFFICER: (SENATOR KARPIEL)

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Thank you, Senator Syverson. The other -- the schedule for the other committee meetings that are going to be going on is the Committee on Insurance will meet at 7:15 also in Room 212, Local Government is meeting in A-1 at 7:15, and Public Health is meeting in Room 400 at 7:15, the Executive Committee is meeting at 7:30 in Room 212, and the Revenue Committee is meeting at 7:45 in Room 400.

PRESIDING OFFICER: (SENATOR WEAVER)

The purpose of announcement. There will be a Rules Committee meeting at 6:45 in Senator Weaver's Office. 6:45.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports that the following Legislative Measures have been assigned: Referred to the Committee on Appropriation - Senate Amendment 2 to House Bill 455; to the Committee on Executive - Conference Committee Report 1 to Senate Bill 1701; to the Committee on Revenue - the Motion to Recede from Senate Amendment 2 to House Bill 2950; and Be Approved for Consideration - Conference Committee Report 1 to Senate Bill 1203.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senate will stand in recess, subject to the call of the Chair.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDENT PHILIP:

The Senate will reconvene. Messages from the House.

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SECRETARY HARRY:

Message from the House by Mr. Rossi, Clerk.

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

Senate Bill 1704, with House Amendment No. 2.

We have a like Message on Senate Bill 1706, with House Amendment 3.

Both passed the House, as amended, May 22nd, 1998.

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 recede from their Amendment No. 3 to a bill of the following title, to wit:

Senate Bill 1315.

I am further directed to inform the Senate that the House of Representatives requests a First Committee of Conference. Action taken by the House, May 22nd, 1998.

PRESIDENT PHILIP:

Without objection, the Senate accedes to the request of the House for conference committees on those bills just read by the Secretary. Leave is granted. Committee Reports.

SECRETARY HARRY:

Senator Butler, Chair of the Committee on Local Government and Elections, reports Senate Bill 1286, the First Conference Committee Report Be Approved for Consideration.

Senator Syverson, Chair of the Committee on Public Health and Welfare, reports Senate Bill 1339, the First Conference Committee Report Be Approved for Consideration.

Senator Madigan, Chair of the Committee on Insurance and Pensions, reports Senate Bill 659, the First Conference Committee Report, and House Bill 3515, the First Conference Committee Report, both Be Approved for Consideration.

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Senator Peterson, Chair of the Committee on Revenue, reports House Bill 884, the First Conference Committee Report Be Approved for Consideration; Senate Bill 1267, the Motion to Concur with House Amendments 1 and 2 Be Approved for Consideration; Senate Amendment 1 to House Bill 2363 Be Adopted; House Bill 2950, the Motion to Recede from Senate Amendment 2 Be Adopted.

Senator Klemm, Chair of the Committee on Executive, reports Senate Bill 1701, the First Conference Committee Report, and Senate Bill 1674, First Conference Committee Report, both Be Approved for Consideration.

And Senator Rauschenberger, Chair of the Committee on Appropriations, reports Senate Amendment 2 to House Bill 455, and Senate Amendment 1 to House Bill 2091, both Be Adopted.

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned: Be Approved for Consideration - Motions to Concur with House Amendment 2 to Senate Bill 1704, House Amendment 3 to Senate Bill 1706, Conference Committee Report 1 to House Bill 2583, Conference Committee Report 1 to House Bill 2827, and Senate Amendment 1 to Senate Joint Resolution 68; referred to the Committee on Environment and Energy - Senate Bills 1261, 1387, 1389, 1463, 1743, and 1854, the measures are pursuant to Senate Rule 3-9(b) exempt from the automatic rereferral provision of that rule; to the Committee on Executive - Senate Joint Resolution 71, Senate Bill 1619; to the Committee on Judiciary - Senate Bill 1053; to the Committee on Local Government and Elections - Senate Bill 1365.

PRESIDENT PHILIP:

The middle of page 2. House Bills 3rd Reading. House Bill 455. Does Senator Rauschenberger -- do you wish to return to 2nd Reading for the purpose of amendment? Senator Rauschenberger seeks leave of the Body to return House Bill 445 {sic} to the

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Order of 2nd Reading for the purpose of amendment. Is there leave? Leave is granted. On the Order of 2nd Reading is House Bill 455. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Rauschenberger.

PRESIDENT PHILIP:

Senator Rauschenberger, to explain the amendment.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This amendment contains the State budget, and I'd appreciate its adoption so we can debate it on 3rd Reading.

PRESIDENT PHILIP:

Any further discussion? If not, all those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The amendment is adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. Now on the Order of 3rd Reading, House Bill 455. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 455.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 455 now is the State budget. Our action tonight will provide a budget that provides COLAs for providers and agencies

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that do business with the State of Illinois. This budget provides seventy million dollars for hospital rate reform to deal with the questions that people have had in outpatient rates. It contains twenty-million-dollar commitment to the children's hospital rate system in the State of Illinois. Contains seventy-four million dollars worth of rate relief for long-term care. It contains over six million dollars in commitment to the homemakers that -- homemakers -- homemakers' assistance from the Department of Aging. It has an eighty-million-dollar commitment to fund the Kids Care Program, the first-in-the-nation program that provides equity for children and -- of -- children and uninsured children under the hundred and eighty-five percent of the federal poverty level. It contains a two-hundred-and-twenty-million-dollar commitment to local government and local area infrastructure. It provides the resources to fund the first year of a plan to double the personal exemption in the State of Illinois, tax relief for all Illinois citizens. It contains the funds necessary to fund the economic development that we believe the single sales factor will -- will bring to the State of Illinois in its first year of phase-in. It contains funds to fund the change in the Circuit Breaker programs for senior citizens in the State of Illinois. This budget fully funds the Board of Higher Education's request. It keeps our commitment to schools, in fact, increasing funding for the State Board of Education by nearly sixty million dollars to prorate the categorical reimbursements to the FY'98 level. It keeps our commitment to pensions. I think this is a budget that's fiscally sound, that makes financial sense, that we can be proud of, and a budget that I would urge its adoption. I'd be happy to take questions.

PRESIDENT PHILIP:

Further discussion? Senator Trotter, what purpose do you rise?

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SENATOR TROTTER:

Just to make a few comments, Mr. President.

PRESIDENT PHILIP:

Make your comments.

SENATOR TROTTER:

...very much. I concur with Senator Rauschenberger that this is an ample and an ambitious piece of legislation and at its core is the Governor's initiatives that he outlined in his Budget Address. And at that time he quoted -- I will quote him, and he said that "this will be a budget of caring and compassion, of reason and responsibility." I think we have achieved those objectives with this budget, with the strong leadership of our respective caucus Leaders: Senator Emil Jones, President Philip, the two members in the House, and our staff. I'd like to acknowledge our staff, who worked tirelessly, to ensure that this was a palatable budget, and I would like to ask my side of the aisle to support this great budget that we've put together this year. We have made a lot of advances in the past few years. This has been one of the first years that we had the type of cooperation from all the caucuses, and it is appreciated on this side of the aisle. And I do ask and seek its passage.

PRESIDENT PHILIP:

Thank you, Senator Trotter. Senator Obama, for what purpose do you rise?

SENATOR OBAMA:

I just wanted to, very briefly, commend Senator Trotter, Senator Rauschenberger, and Senator Hawkinson, in particular, for including in the budget, as I understand it, juvenile justice reform funding. I know that this was a promise and a pledge that was made at the time that the juvenile justice bill was passed and I respect, very much, the fact that all three of these gentlemen have worked diligently to make sure that that happens. And I just

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wanted to publicly commend them for doing that.

PRESIDENT PHILIP:

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

SENATOR RAUSCHENBERGER:

I'd appreciate a favorable roll call.

PRESIDENT PHILIP:

Wonderful, Senator Rauschenberger. The question is, shall House Bill 455 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? 57 Yeas -- take the record. There are 58 Yeas, no Nays, no voting Present. House Bill 455, having received the required constitutional majority, is declared passed. On the middle of page 3, House Bills 3rd Reading, House Bill 2091. Senator Rauschenberger, do you wish to bring House Bill 2091 back to 2nd Reading for the purpose of amendment? Senator Rauschenberger seeks leave of the Body to return House Bill 2091 to the Order of 2nd Reading for the purpose of amendment. Hearing no objections, leave is granted. On the Order of 2nd Reading, House Bill 2091. Mr. Secretary, are there any other Floor amendments?

SECRETARY HARRY:

Amendment No. 1, by Senator Rauschenberger.

PRESIDENT PHILIP:

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President. This amendment raises the bond authorization in the State of Illinois. I'd appreciate its adoption, and I'll explain it on 3rd Reading.

PRESIDENT PHILIP:

Any discussion? Any further discussion? If not, all those in favor, signify by saying Aye. The opposed, Nay. The Ayes have it. The amendment is adopted. Any other further Floor amendments

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approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. Senator Rauschenberger, on the Order of 3rd Reading Reading, House Bill 2091. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2091.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the bond authorization that we annually pass as a companion -- companion to the budget to permit us to sell bonds to implement the bond program. This bond authorization is five hundred and sixty million three hundred and eighty-eight thousand dollars. It's twenty-four million dollars more than originally introduced by the Governor. I'd be happy to answer questions.

PRESIDENT PHILIP:

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

SENATOR RAUSCHENBERGER:

Thank you. I'd appreciate a favorable roll call.

PRESIDENT PHILIP:

All right. The question is, shall House Bill 2091 pass. Those in favor will vote Aye. Those opposed, No. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. House Bill 2091, there are 57 Yeas, no Nays, no voting Present. House Bill 2091, having received the required three-fifths majority, is declared passed. House Bill 2363.

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Senator Clayborne, do you wish this bill to return to 2nd Reading? Oh, I'm sorry. Senator Peterson. Senator Peterson, do you seek leave of the Body to return House Bill 2363 to the Order of 2nd Reading for the purpose of amendment? Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 2663 {sic}. Mr. Secretary, are there any other Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1 is offered by Senators Peterson and Philip.

PRESIDENT PHILIP:

Senator Peterson, to explain your amendment.

SENATOR PETERSON:

Thank you, Mr. President, Members of the Senate. Very briefly, the amendment becomes the bill. It has two parts. One part is the increase in the amount of the individual exemption from one thousand dollars to two thousand dollars over a three-year period. The second part of the bill has to do with the single-sales-factor apportionment formula, which is phased in over a three-year period. Be happy to answer any questions. Maybe we should move -- adopt the amendment and then we can debate it on 3rd Reading.

PRESIDENT PHILIP:

Any further discussion? ...Parker, for what purpose do you rise?

SENATOR PARKER:

I'm sorry. I had my button on. I missed the previous roll call for 2001 {sic} (2091), and I would have voted Yes.

PRESIDENT PHILIP:

The record will so indicate, Senator.

SENATOR PARKER:

2091.

PRESIDENT PHILIP:

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All those in favor, signify by saying Aye. Those opposed, Nay. The Ayes have it. The amendment is adopted. Any further amendment approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDENT PHILIP:

3rd Reading. Senator Peterson, on the Order of 3rd Reading, Reading House Bill 2363. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2363.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT PHILIP:

Senator Peterson.

SENATOR PETERSON:

Thank you, Mr. President. As I previously discussed the amendment, the first part has to do with the increase of the income tax exemption from one thousand dollars to two thousand dollars by the year 2000. In year 1998, it will cost the State ninety-six million in revenues; 1999, two hundred and eight million; and by the year 2000, three hundred and twenty million. The single-sales-factor apportionment formula will be integrated over a three-year period and that will cause a -- a loss of revenue of sixty-three million dollars to the State and thirty-two million dollars in personal property tax, which is roughly about 3.7 percent of the personal property replacement tax, and in the sixty-three million-dollar loss, there'll be seven million dollars of which there'll be the loss in the Local Government Distributive Fund. So total for the three years will be a loss of eighty-five million dollars, but the reports that we've had from other states and the research that was done by the University of Chicago shows that in three years we will be gaining more jobs because this will

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encourage companies to expand in Illinois their payroll and their capital assets, and we feel, down the road, this will be a definite improvement for the economy for the State of Illinois. And I ask for your support of House Bill 2363 with Amendment 1.

PRESIDENT PHILIP:

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

SENATOR PETERSON:

Ask for an affirmative vote.

PRESIDENT PHILIP:

The question is, shall House Bill 2363 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. On the question, there are 57 Yeas, no Nays, no voting Present. House Bill 2363, having received the required constitutional majority, is declared passed. Mr. Secretary -- Senator DeLeo. Senator Jones, for what purpose do you rise?

SENATOR JONES:

Yeah. Thank you, Mr. President. On 2363, I was inadvertently disturbed and -- and I missed my switch. Had I not been disturbed, I would have voted Yes. Let the record so reflect.

PRESIDENT PHILIP:

Thank you, Senator Jones. Record will so indicate you voted Aye. The bottom of page 6. Secretary's Desk, Resolutions. Senate Joint Resolution 68. Senator Cronin. Mr. Secretary, read the resolution.

SECRETARY HARRY:

Senate Joint Resolution 68, offered by Senator Cronin. There are no committee amendments, Mr. President.

PRESIDENT PHILIP:

Have there been any Floor amendments approved?

SECRETARY HARRY:

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Amendment No. 1, offered by Senator Cronin.

PRESIDENT PHILIP:

Senator Cronin.

SENATOR CRONIN:

I move that the Senate adopt Amendment No. 1 to this joint resolution and we can debate it on 3rd Reading.

PRESIDENT PHILIP:

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

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDENT PHILIP:

To the resolution, Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Joint Resolution 68, as amended, contains the language for arguments for and against the constitutional amendment that will be proposed on the ballot in November. This is a requirement that we have to lay out the arguments, publish them and then send them to the voters to educate them about this issue. We have worked with all the different staffs from the different caucuses and there doesn't appear to be any problem with it. I ask for your favorable vote.

PRESIDENT PHILIP:

Any further discussion? Any further discussion? If not, on Senate Joint Resolution 68, all those in favor will vote Aye. All those opposed, Nay. The voting is open. Have you all voted who wish? Have you all voted who wish? Take the record. There are 57 Yeas, no Nays, no voting Present. The resolution is adopted. Supplemental Calendar No. 1, I believe, has been distributed. On

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page 4, Motions in Writing to Accept Specific Recommendations for Change. Senate Bill No. 3. Sorry. Senate Supplemental Calendar No. 2. Senate Bill 3. Senator Bomke. Mr. Secretary, read the resolution, please. Mr. Secretary, please read the motion.

SECRETARY HARRY:

I move to accept the specific recommendations of the Governor as to Senate Bill 3, in manner and form as follows:

Amendment to Senate Bill 3

in Acceptance of Governor's Recommendations.

The motion filed by Senator Bomke.

PRESIDENT PHILIP:

Senator Bomke has moved to accept the specific recommendations of the Governor as to Senate Bill 3. Any discussion? Any discussion? Senator Bomke.

SENATOR BOMKE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. After a number of months, if not years, I'm pleased that we have a -- a good compromise in the -- what is renownedly known as the "2.2 for teachers". The amendatory veto changes Senate Bill 3 to this degree: Teachers' contribution - the teachers' contribution in Senate Bill 3 will increase by .15 percent effective July 1st, 1998. All TRS members will be required to contribute nine percent of their salary to TRS and .5 percent to help pay the health insurance when they retire. The upgrade contribution - the cost for TRS members upgrading their previous service was also increased by .15 percent. Any TRS member who wishes to purchase previous service credit will be asked to pay one percent of their highest salary for each year previously served up to a maximum of twenty years -- twenty percent, excuse me. Forgiveness - previously in Senate Bill 3, teachers who work past July 1st, 1998, would have their upgrade costs reduced for each year worked past July 1st. Under the compromise, teachers will have their

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upgrade costs reduced at the rate of one year for every three years of service. Board-paid waiver - a new provision is added which waives, for the duration of the current contract, the local school board's required contribution. This applies to any school board that has negotiated a contract containing full-board-pay retirement contribution. The local school board's contribution - a school district's mandated contribution for 2.2 will be reduced from the previous district contribution required in Senate Bill 3, which was .03 in the first year, .06 in the second year, .09 in the third year and thereafter. Changed it to .03 in the first year, .058 in the second year and thereafter. The funding requirements - this proposal, like its predecessor, Senate Bill 3, is fully funded. With the changes in the compromise, teachers will be paying fifty percent of the total cost, with the employees, school district and the State splitting the remaining cost. And I'll be happy to answer any questions.

PRESIDENT PHILIP:

Further discussion? Further discussion? If not, the question is, shall the Senate accept specific recommendations of the Governor as to Senate Bill 3, in the manner and form just stated by Senator Bomke. All those in favor will signify by saying Aye. Those opposed, Nay. Take -- voting is open. Have you all voted who wish? Have you all voted who wish? 55 Yeas, 3 Nays -- take the record. On the question, there are 56 Yeas, 2 Nays, no voting Present. The specific recommendations of the Governor as to Senate Bill 3, having received the required constitutional majority vote of the Senate elected, are declared accepted.

PRESIDING OFFICER: (SENATOR WATSON)

We are now on Supplemental Calendar No. 2. Should be on your desks. We begin at the top of the page, Secretary's Desk, Resolutions. House Joint Resolution 48. Senator Luechtefeld. Mr. Secretary, please read the resolution.

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SECRETARY HARRY:

House Joint Resolution 48, offered by Senator Luechtefeld.  
There are no committee or Floor amendments, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Mr. President and Members of the Senate. House Joint Resolution 48 urges the President and Congress not to sign the Kyoto Protocol. This has created a lot of problems, we think, with jobs here in -- in Illinois. We've asked them not to sign it. Would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR WATSON)

Is there -- is there any discussion? We would recognize Senator Demuzio for discussion.

SENATOR DEMUZIO:

If -- if the Member could tell us what it is. I mean, I've never heard of this thing.

PRESIDING OFFICER: (SENATOR WATSON)

Well, we -- we're glad you guys woke up over here. We got 'em on the board now.

SENATOR DEMUZIO:

Well...

PRESIDING OFFICER: (SENATOR WATSON)

Thank you. Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

Well, I already indicated why. I guess I'll repeat it for you again. For those of us who were awake over here on this side, which is, perhaps, all of us, we're a little confused that the Member was attempting to rush this resolution through without indicating to us what it does. And we thought perhaps it would be nice if the Member would tell us just what is in this resolution that we are urging the President to take some action on. So if

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you can instruct the Member over there to explain what this resolution does, we might know how to vote on this thing, but...

PRESIDING OFFICER: (SENATOR WATSON)

That is a reasonable request.

SENATOR DEMUZIO:

...right now we don't know how to vote on the...

PRESIDING OFFICER: (SENATOR WATSON)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

I -- I apologize, Senator. It really is a rather simple joint resolution which simply asks the President and Congress not to sign the Kyoto Protocol. That treaty, which we feel will really devastate the coal industry and -- anyway, I would appreciate your favorable response.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Those of us on this side of the aisle that are concerned with environmental issues should pay close attention to this. I'm not disagreeing with what the Senator says, that the Kyoto Protocol, if passed, may have some effect on jobs in Illinois, which none of us want to see, but also in that Protocol there's a trade-off. There's a trade-off of environmental issues versus jobs. And it seems to me for us to flatly say to the President not to sign it really is a little ludicrous from the standpoint that we don't know everything that's in it. I'm not sure if even the President knows everything that's in it at this point. But for us to say that we're not concerned with environmental issues - and I think that's the message we might be sending - I think would be a little foolhardy, but I do also, on the other hand, share with Senator Luechtefeld the idea that we need a good balance. I'm not sure if

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the Protocol doesn't give us that. I don't have enough information and I'm not sure if anybody in this Body does. And I just want to warn the Members on our side of the aisle that they may want to look at this resolution very seriously.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Radogno.

SENATOR RADOGNO:

Thank you. The State does have -- we actually appointed a committee on green -- gas -- greenhouse gas or global warming, and they have adopted this position as well and have studied it fairly thoroughly. We also had a hearing last week in the Commerce and Industry Commission on this issue. And the concerns are that the science that supports this is very questionable. There's a lot of discrepancy among the scientists themselves. And secondly, there's concern that developing nations are going to have a lot of restrictions imposed upon them and underdeveloped countries, which emit a considerable amount of this stuff, will not have the same regulations and, thus, put us at a considerable competitive disadvantage. So I do think there has been some study, some of which I've been involved in, and I'm quite comfortable in voting to support this resolution.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Welch.

SENATOR WELCH:

I had a question of the sponsor.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Welch.

SENATOR WELCH:

Senator Luechtefeld, we -- we don't have the text of this resolution. Does this discourage the burning of the rain forests in Brazil for farming? Do you know?

PRESIDING OFFICER: (SENATOR WATSON)

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Senator Luechtefeld.

SENATOR LUECHTEFELD:

The -- it says nothing about burning of the forest, Senator.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Welch.

SENATOR WELCH:

Well, what does it say?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

It basically says that the United States would enter into a treaty with other nations to stop emissions to a level that many people feel would be really a problem for us, as far as jobs and economic development are concerned. As the Senator so stated, there are a number of underdeveloped nations that do not have to meet some of the qualifications that developed nations have to meet. And, again, I -- we already passed a -- a resolution out of here dealing with this. I think it'd be foolish to say that I or anyone else in here is against the environment. I just think that before we -- we jump into this thing, we need to do an awful lot more studying, as far as what that would do to the economic development here in the United States.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Welch.

SENATOR WELCH:

Well, was the Kyoto Protocol designed to prevent more greenhouse gases from warming the environment and creating situations such as the El Nino effect we had this year with the winds from the -- from the southwest? Wasn't that one of the purposes of this?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Luechtefeld.

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SENATOR LUECHTEFELD:

Well, it certainly would attempt to cut down on the greenhouse gases with the burning of fossil fuels, for instance. Again, there is a lot of disagreement as to what point we reach, in which maybe even the experts disagree, as to just how serious this is. And again, as is stated, there are a number of people here in the United States who feel that before we enter into a treaty like that, we really do need to give it a lot of thought.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Welch.

SENATOR WELCH:

Well, didn't we have a lot of advisors when this treaty was negotiated for the -- on the federal level? I mean, why is the State of Illinois suddenly one of fifty states giving advice to the federal government, who had plenty of advisors when this treaty was drawn up? Seems to me they probably had a lot of advice themselves.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Well, first of all, we're not the only state doing this, by the way, Senator. You know, there are an awful lot of very bright people, who -- with an awful lot of expertise who totally disagree with some of the experts that you're talking about.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Welch.

SENATOR WELCH:

Well, you know, we're talking about this -- the stopping of burning of fossil fuel hurting our economy. What about the effect on your economy of this El Nino effect that has caused -- we've got floods up in my area right now. People aren't able plant; their farms are underwater. Seems to me there is a negative

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effect as well, because of the global warming issue. So it seems to me that before we stick our nose in something, maybe we should just not do anything and let the experts, who have been there and studied this, decide for themselves.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Fawell.

SENATOR FAWELL:

First of all, if you want to really see what the resolution says, if you go to "bills" and then hit "House" and hit "resolutions" and then hit "joint," you will find it. It's there. It's on all of our computers. And -- and what it says is that the United States is being asked to reduce emissions of greenhouse gases by seven percent from the 1990 levels during the period of 2008 to 2012 and that afterwards we will actually be asked to reduce it even further, and that the United States Senate has said, by a vote of 95 to nothing, that the United States should not sign this treaty. It seems to me what we are doing is backing up our own United States Senate and sending a message loud and clear that this should not be done. And I would ask that a favorable vote be cast.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Lauzen. Is there any further discussion? If not, Senator Luechtefeld, to close.

SENATOR LUECHTEFELD:

Again, I just would prefer a favorable vote, please.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Luechtefeld moves the adoption of House Joint Resolution 48. All those in favor, say Aye. Opposed, Nay. The Ayes have it. And the resolution is adopted. ...Members would turn your attention to the top of page 2 of Supplemental Calendar No. 2. We will be going to the Order of Secretary's Desk, Concurrence on Senate Bills, and with leave of the Body we will

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return to Senate Bill 1225. Senate Bill 1267. Mr. Secretary, read the motion.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 1267.

The motion of Senator Luechtefeld.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Mr. President and Members of the Senate. Would like to concur with House amendment to Senate Bill No. 1267, Amendments 1 and 2. Basically this is the Circuit Breaker bill, which we have passed out of here on a number of occasions, last year and again this year, dealing with the senior citizens with low incomes, raising that threshold from fourteen thousand to sixteen thousand, which would -- which would permit more of them to, for instance, qualify for pharmaceuticals and also for the lower rates on their real estate taxes. Again, would answer any questions on this issue.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Watson. Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. As a individual in the front lines in regard to this legislation, being a pharmacist and having my own drugstore, I recognize the importance and the benefit this is to many, many people. Obviously, this does impact the Pharmaceutical Assistance Program. I am an owner of a pharmacy in Greenville. I am a pharmacist and I, obviously, have a conflict of interest, but I will vote my conscience.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, the question is, shall the Senate concur in House Amendments No. 1 and 2 to Senate Bill 1267.

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All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. And the Senate does concur in House Amendments No. 1 and 2 to Senate Bill 1267. And the bill, having received the required constitutional majority, is declared passed.

PRESIDING OFFICER: (SENATOR WATSON)

We had leave of the Body to go back to Senate Bill 1225, nonconcurrency motion. Senator Dudycz. Would you please read the motion, Mr. Secretary?

SECRETARY HARRY:

I move to nonconcur with the House in the adoption of their Amendment No. 2 to Senate Bill 1225.

The motion of Senator Dudycz.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz.

SENATOR DUDYCH:

Thank you, Mr. President. I would move to nonconcur with House Amendment No. 2 to Senate Bill 1225 and request that a conference committee be appointed.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dudycz moves that we nonconcur in House Amendment No. 1 -- 2, excuse me, to Senate Bill 1225. All those in favor, say Aye. Opposed, Nay. The Ayes have it. The motion carries, and the Secretary shall so inform the House. Senate Bill 1704. Senator Rauschenberger. Mr. Secretary, please read the bill.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 2 to Senate Bill 1704.

The motion filed by Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR WATSON)

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Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 704 {sic}, with House Amendment No. 1 {sic} (2), is the one-half of the slimmed-down Budget Implementation Act. This Act is -- finances State government. It's a fairly narrowly drawn Act. We discussed it in committee. I'd be happy, if people had questions, to cite the Sections that are amended. We've made an effort to clarify our intent and keep our bill as narrow as possible. I'd appreciate its adoption.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? If not - this is final action - the question is, shall the Senate concur in House Amendment No. 2 to Senate Bill 1704. Those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Yes, no voting No, and no voting Present. The Senate does concur in House Amendment No. 2 to Senate Bill 1704, and the required constitutional majority, is declared passed. Senate Bill 1706. Senator Rauschenberger. Mr. Secretary, please read the bill.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 3 to Senate Bill 1706.

The motion filed by Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the second half of the Budget Implementation Act that refers to health issues. It deals with the children's hospital equitable rate relief long-term care -- long-term care COLA. It

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ends the permanent rate freeze on long-term care and makes it an annual freeze. It deals with DHS immigration services and other. Again, it's narrowly drawn. I'd be happy to run through provisions if people have questions.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? Is there any discussion? If not, this is final action, and the question is, shall the Senate concur in House Amendment No. 3 to Senate Bill 1706. Those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Yes, no voting No, no voting Present. Senate Bill -- I beg your pardon. The Senate does concur in House Amendment No. 3 to Senate Bill 1706, and having received the required constitutional majority, is declared passed. We continue down page 2 under Secretary's Desk, Non-concurrence, House Bills, is House Bill 2950. Senator Lauzen. Mr. Secretary, please read the bill.

SECRETARY HARRY:

I move to recede from Senate Amendment No. 2 to House Bill 2950.

The motion filed by Senator Lauzen.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Lauzen.

SENATOR LAUZEN:

I would just like to make the motion to recede from that Amendment 2 for House Bill 2950.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Lauzen has moved that the Senate recede from Senate Amendment No. 2. Is there any discussion? This is final action. Is there any discussion? Senator Cullerton.

SENATOR CULLERTON:

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Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Cullerton.

SENATOR CULLERTON:

Senator Lauzen, since this is final passage, if you could just refresh my memory as to what the bill would be without the amendment.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Lauzen.

SENATOR LAUZEN:

This is the research and development extension for five years. That was Amendment 1. Amendment 3 is the -- the computer equipment -- the computer equipment that it goes in. And Amendment 2 was the application to all structures for this.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cullerton.

SENATOR CULLERTON:

So we're receding from Amendment No. 2. And Amendment No. 2 was which one?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Lauzen.

SENATOR LAUZEN:

Amendment No. 2 was the application of the research and development credit to any form of structure, whether it's sole proprietorship, partnership, Sub S corporation. Currently it's just the regular corporation.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cullerton.

SENATOR CULLERTON:

And we're taking that off even though that was supported by the Manufacturers' Association, the State Chamber of Commerce and the CPAs? Those all -- all those people were for that and we're

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taking it off?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Lauzen.

SENATOR LAUZEN:

I am personally all for it. This Body is all for it. They made the change over in the House. Don't have any control over that. You know, I would go through three quarters of -- or, two-thirds of a loaf, rather than no loaf.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cullerton.

SENATOR CULLERTON:

Then -- then we -- we would -- by passing this, we would keep the language which clarifies that there's a sales tax exemption when farmers go to purchase computers used primarily for farm-related industries. Is that correct?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Lauzen.

SENATOR LAUZEN:

Yes, sir.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Is there any further discussion? This is final action. And the question is, shall the Senate recede from Senate Amendment No. 2 to House Bill 2950. Those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Yes, no voting No, no voting Present. The Senate recedes from Amendment No. 2 to House Bill 2950, and the bill, having received the required constitutional majority, is declared passed. Senator Fawell, on House Bill 3374. Senator Fawell.

SENATOR FAWELL:

Thank you very much. I would like to...

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PRESIDING OFFICER: (SENATOR WATSON)

Refuse to recede.

SENATOR FAWELL:

...refuse to recede from Senate Amendment No. 1 and ask that a conference committee be appointed. It's a long day.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? Senator Fawell moves that the Senate refuse to recede from the adoption of Senate Amendment 1 to House Bill 3374, 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 page 3, Conference Committee Reports. House Bill 884. Senator Radogno. Mr. Secretary, please read the report.

SECRETARY HARRY:

First Conference Committee Report on House Bill 884.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Radogno.

SENATOR RADOGNO:

Thank you, Mr. President. This bill does four different things. First of all, it restores the underlying bill, which allowed the sale in error when property has been condemned by a municipality. It, secondly, allows the buyer of a second year's delinquent taxes to get a refund without interest if the buyer of the first year's unpaid taxes obtains a sale in error. It allows Cook County to use special process servers when the petitioner for a tax deed is a taxing district. And it reverses a ruling from the Fifth Appellate District that required an owner to protest tax bill in order to redeem a property sold for tax deed. In addition to the underlying bill, it also adds three other provisions. It allows the Bi-State Development Authority to enter into leaseback agreements. This affects the area around Senator Clayborne's

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district and provides them with the same opportunity that PACE, Metra, the RTA and CTA currently have. It also allows for the proration of the homestead exemptions for new construction. A couple of years ago, in Senate Bill 566, language was added that allowed taxes to be assessed or placed on the assessment books at the date of completion of the new construction instead of January 1st of the following year, so the taxes are prorated, obviously, in an effort to get them on the books quickly. An astute constituent of Senator Petka's asked the question if we can put the assessment on the books, why can't we do the homestead exemption as well. So this provides for that. And finally, it allows for the county assessor to either certify certificates of error or to present them to the court for adjudication. I would be happy to try to answer any questions, and ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 884. Those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 voting Yes, no voting No, 1 voting Present. The Senate does adopt the Conference Committee Report on House Bill 884. And the bill, having received the required constitutional majority, is declared passed. House Bill 2583. Senator Bomke. Please read the report, Mr. Secretary.

SECRETARY HARRY:

First Conference Committee Report on House Bill 2583.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Bomke.

SENATOR BOMKE:

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

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Senate. First Conference Report simply recedes Amendment 1 from House Bill 2583, and be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Senator Smith.

SENATOR SMITH:

Mr. President and Ladies and Gentlemen of the Senate, I would like to ask my colleague, Senator Bomke, if he would do me the courtesy and explain to me the amendment.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Bomke yields.

SENATOR BOMKE:

Thank -- thank you, Senator Smith. I'd be happy to. The amendment that we are receding would have put all day care centers on the Internet. Apparently there were a number day care centers - my office received a number of calls - that had a problem when it got back to the House. A number of day care owners were concerned that they did not want to put that kind of information out for just anyone. With the amendment removed, the original bill provides for a toll-free 800 number. For those wishing to check history of day care centers, they can do so with little difficulty. It's an amendment to the -- well, it's not the -- that -- the Freedom of Information Act. It amends the Freedom of Information Act to allow this information to be put on -- be given out by DCFS provided on an 800 number.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any further discussion? Senator Smith.

SENATOR SMITH:

Thank you very kindly.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any other discussion? Is there any other discussion? If not, the question is, shall the Senate adopt the Conference Committee Report to House Bill 2583. All those in favor, vote Aye.

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Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Yes, no voting No, no voting Present. The Senate does adopt the Conference Committee Report on House Bill 2583. And the bill, having received the required constitutional majority, is declared passed. House Bill 2827. Senator Clayborne. I beg your pardon. Senator Lauzen. Please read the report, Mr. Secretary.

SECRETARY HARRY:

First Conference Committee Report on House Bill 2827.

PRESIDING OFFICER: (SENATOR WATSON)

Excuse me, Senator Lauzen. For what purpose do you rise, Senator Obama?

SENATOR OBAMA:

I apologize, Mr. President. I was off the Floor and missed House {sic} Bill 1706. I just wanted the record to record that I would have voted in the affirmative.

PRESIDING OFFICER: (SENATOR WATSON)

The record will so reflect. Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. This Report simply refers to Senate Amendment 3 and makes a change. Senate Amendment provides the vacancies in the Office of Circuit Clerk shall be filled by county board chairmen with advice and consent of the county board, now the judges of the circuit court. The Conference Report exempts Cook County from this change and has vacancies in the Office of Cook County Circuit Court continue to be filled by the judges of the circuit court.

PRESIDING OFFICER: (SENATOR WATSON)

Any further discussion, or is there any discussion at all? Any discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 2827. Those in

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favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting Yes, no voting No, no voting Present. The Senate does adopt the Conference Committee Report on House Bill 2827, and having received the required constitutional majority, is declared passed. Senator Madigan, on House Bill 3515. Mr. Secretary, please read the report.

SECRETARY HARRY:

First Conference Committee Report on House Bill 3515.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President, Members of the Senate. House Bill -- or, Conference Committee Report No. 1 on House Bill 3515 contains numerous changes in the several pension -- public pension systems in the State of Illinois. All of these changes, first of all, have been approved and gone through the Pension Laws Commission and have met with recommendations from that Commission. They also are all self-funded in -- or, the case of local systems, have been signed off by the pension system, the local government entity and the employers -- employees' group. Downstate police is affected. Chicago police is affected. There are some technical changes in Illinois Municipal Retirement Fund. There is a couple changes in the Chicago Park District Retirement System, Judges' Retirement System, technical changes in the State University Retirement System, technical changes in the State Employees' Retirement System, changes in the General Assembly Article of the Pension Code and a -- agreed changes in the Chicago Municipal and Chicago Laborers Pension System, in addition to the Chicago Firefighters. Again, these are numerous changes. I know of no opposition to any of them. All of them, again, have been approved

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by the Commission, but I'd be glad to answer any questions on Conference Committee Report No. 1 to House Bill 3515.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on House Bill 3515. And those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 voting Yes, 2 voting No, no voting Present. The Senate does adopt the Conference Committee Report on House Bill 3515, and that bill, having received the required constitutional majority, is declared passed. Senate Bill 659. Senator Madigan. Read the bill, Mr. Secretary.

SECRETARY HARRY:

First Conference Committee Report on Senate Bill 659.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President, Members of the -- of the Senate. Conference Committee No. 1 to Senate Bill 659 represents the plan to replace the revenue lost as a result of the Supreme Court decision last fall declaring the privilege tax in the State of Illinois unconstitutional. This plan creates a levy on all insurance companies doing business in the State of Illinois, rather than just those companies that are not domiciled in the State of Illinois. This assessment is offset by other taxes that they may pay, including retaliatory taxes that are assessed on those companies domiciled in Illinois but doing business in the other forty-nine states. The -- we believe this change in the legislation to be revenue-neutral, considering the status of income from that foreign -- foreign insurance privilege tax that was in place prior to the tax being declared unconstitutional.

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SENATOR MADIGAN:

It is a complicated matter, but I would attempt to answer any questions on Conference Committee Report No. 1 to Senate Bill 659. I think everyone knows what this issue is.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? If not, the question is, shall the Senate adopt the Conference Committee Report on Senate Bill 659. Those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Take the record. On that question, there are 31 voting Yes, 24 voting No, no voting Present. The Senate does adopt the Conference Committee Report on Senate Bill 659, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 1203. Senator Viverito. Mr. Secretary, please read the report.

SECRETARY HARRY:

First Conference Committee Report on Senate Bill 1203.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Viverito.

SENATOR VIVERITO:

Thank you, Mr. President. The First Conference Committee Report to Senate Bill 1203 has the House deleting in their two amendments that established the Low Interest Home Improvement Loan (Program). All of this language is removed. The only thing left in the bill is the underlying bill that we passed earlier that permits Cook County townships to establish a special service area. This bill is supported by the Township Officials of Illinois, and I would appreciate your help. Thank you very much.

PRESIDING OFFICER: (SENATOR WATSON)

Discussion? Senator Dudycz.

SENATOR DUDYCZ:

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

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Dudycz.

SENATOR DUDYCH:

Senator Viverito, just to verify that all reference to the home equity program have been removed from this -- from this Conference Committee Report.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Viverito.

SENATOR VIVERITO:

Yes, they have, Senator.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Further discussion? If not, the question is, shall the Senate adopt Conference Committee Report on Senate Bill 1203. Those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? ...the record. On that question, there are 46 voting Yes, 8 voting No, 4 voting Present. The Senate does adopt Conference Committee Report on Senate Bill 1203, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 1286. Senator Lauzen. Mr. Secretary, please read the report.

SECRETARY HARRY:

First Conference Committee Report on Senate Bill 1286.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Lauzen.

SENATOR LAUZEN:

Thank you. Mr. President, before I present this bill, would it be appropriate -- I was away from my desk as Senate Bill 659 was voted on, and I would like the record to show a No vote. Okay? And then may I proceed?

PRESIDING OFFICER: (SENATOR WATSON)

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You certainly may.

SENATOR LAUZEN:

Thank you. Conference Committee Report No. 1 for Senate Bill 1286 is just a terrific bill, and I'd like to thank Senators Rauschenberger, del Valle, Dudycz, Obama and Radogno for their work in negotiating it. It amends the Torrens Act to authorize the Cook County Board to use at least fifty percent of the excess reserves in the Cook County Torrens Indemnity Fund to establish a revolving financial assistance program for property owners to abate lead paint and for related activities. It allows the Cook County -- to use the remaining excess funds for other purposes that benefit Cook County property owners, so long as lead poisoning prevention program has been established and the loans and grants have started to be made.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President. I'd just like to rise in support of the bill and thank the sponsor for his aid in helping overcome some negotiating problems and impasse we had. I think it's a wonderful bill, and as many of probably already know, the single largest health problem that we have in the City of Chicago is lead paint. It's a -- it's a major detriment to the development of young children, and I just think the sponsor and the proponents who worked on this bill hard for the last four months should be commended. And I urge its favorable action.

PRESIDING OFFICER: (SENATOR WATSON)

Any further discussion? If not, the question is, shall the Senate adopt Conference Committee Report to Senate Bill 1286. Those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 voting

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Yes, no voting No, no voting Present. The Senate does adopt Conference Committee Report on Senate Bill 1286, and the bill, having received the required constitutional majority, is declared passed. Senator Karpiel, for what purpose do you rise? Mr. Secretary, please read the report on Senate Bill 1339.

SECRETARY HARRY:

First Conference Committee Report on Senate Bill 1339.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. But before we do get to Senate Bill 1339, in my excitement over having the -- the -- the next bill, I neglected to vote on the previous bill, and please let the record show I would have voted Aye. On the -- I do move to concur in Conference Committee No. 1 on Senate Bill 1339. The -- the Conference Committee retains most of the provisions of the original bill which implemented provisions of the federal Adoption and Safe Families Act and had some clean-up language to the permanency initiative that we passed last year. Two major provisions were added in the Conference Committee that were not in the Senate -- the original Senate bill. First of all, it authorizes secure care facilities in Illinois, which has been a long-standing problem in Illinois for -- and we've worked on this for many years, and it also requires child welfare service employees, both those that work for the Department of Children and Family Services, as well as private agencies, to be licensed. Other -- there's other technical changes, but that's about it.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? If not, the question is, shall the Senate adopt Conference Committee Report to Senate Bill 1339. Those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all

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voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Yes, no voting No, no voting Present. The Senate does adopt Conference Committee Report on Senate Bill 1339. And the bill, having received the required constitutional majority, is declared passed. Senate Bill 1674. Senator Dillard? Mr. Secretary, please read the report.

SECRETARY HARRY:

First Conference Committee Report on Senate Bill 1674.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I would move that we adopt the First Conference Committee Report on Senate Bill 1674. Very quickly, it contains what we have voted on twice already, which is a -- creating a Year 2000 Technology Task Force. It also deals with Clinical Laboratory and Blood Bank Act to allow for the electronic mail or fax constituting a written request for purposes of clinical laboratory examining blood specimens, and there's a change to the Business Corporation Act dealing with faxes, telegrams, cablegrams and electronic transmission about proxies. And finally and most importantly, I guess, this requires the Legislative Information System to make certain legislation information available to the public through the World Wide Web, like it is in forty-three other states. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? Any discussion? The question is, shall the Senate adopt Conference Committee Report on Senate Bill 1674. Those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Yes, no voting No,

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no voting Present. The Senate does adopt Conference Committee Report on Senate Bill 1674, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 1701. Mr. Secretary, please read the report.

SECRETARY HARRY:

First Conference Committee Report on Senate Bill 1701.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. I would move that the Senate adopt Conference Committee Report No. 1 to House -- to Senate Bill 1701. There are actually four different parcels. There's a conveyance in DuPage County, Madison County, Adams County, and it further authorizes DNR to convey to the Hamilton County Water District for ten dollars a parcel of land to be used for the construction and use of an underground water pipeline. This is an IDOT conveyance bill. I know of no opposition.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Any discussion? If not, the question is, shall the Senate adopt Conference Committee Report on Senate Bill 1701. Those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, 58 voting Yes, no voting No, no voting Present. And the Senate does adopt Conference Committee Report on Senate Bill 1701, and the bill, having received the required constitutional majority, is declared passed. Senator Karpziel, for what purpose do you rise, ma'am?

SENATOR KARPIEL:

Thank you, Mr. President. For the purpose of an announcement.

PRESIDING OFFICER: (SENATOR WATSON)

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Certainly. Proceed.

SENATOR KARPIEL:

I would like -- thank you. I would like to just announce to the Members that this year is the twenty-fifth anniversary of the American Legislative Exchange Council, a nationwide legislative group that many of you belong to and have gone to their annual meetings in the past. This year is their twenty-fifth anniversary. It was started here twenty-five years ago in Chicago, and it is -- we're having the annual meeting here in Chicago this year. It'll be held at the Hilton Towers, and as usual, the ALEC people are going to put on a wonderful annual meeting with great workshops, great speakers and being in Chicago, we're also going to have a great time. Anyone who is interested in going, and I hope you all will - I hope that we can do Chicago and Illinois proud and have all of our Members show up would be wonderful - here's -- we have brochures on it. If you are a member of ALEC, it is less expensive for registration, and the membership fees are very low to become a member for ALEC. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Please give the lady your attention. Senator Dudycz.

SENATOR DUDYCZ:

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

PRESIDING OFFICER: (SENATOR WATSON)

I don't know. Go ahead. Certainly.

SENATOR DUDYCZ:

Well, seeing that -- seeing that Senator Karpziel has designated me the membership chairman of ALEC, just like for the Membership to know that a fifty-dollar membership will reduce the cost to the conference by a hundred dollars, so it's a good deal. If you're interested, I've got applications. Time.

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PRESIDING OFFICER: (SENATOR WATSON)

Resolutions, Mr. Secretary.

SECRETARY HARRY:

Senate Joint Resolution 76, offered by Senator Weaver.

(Secretary reads SJR No. 76)

PRESIDING OFFICER: (SENATOR WATSON)

Senator Weaver moves to suspend the rules for the purpose of immediate consideration and adoption of Senate Joint Resolution 76. Those in favor will say Aye. Opposed, Nay. The Ayes have it and the rules are suspended. Senator Weaver, to explain the resolution. It has been explained by the Secretary, and Senator Weaver has moved for the adoption of Senate Joint Resolution 76. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Resolutions Consent Calendar. We will now proceed to the Order of the Resolutions Consent Calendar. With leave of the Body, all those that have been read in today will be added to the Consent Calendar. Mr. Secretary, have there been any objections filed to any resolutions on the Consent Calendar?

SECRETARY HARRY:

No objections filed, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? If not, the question is, shall the resolutions on the Consent Calendar be adopted. Those in favor, say Aye. Opposed, Nay. The motion carries, and the resolutions are adopted. Senator Demuzio, for what purpose do you rise, sir?

SENATOR DEMUZIO:

Any idea what is next?

PRESIDING OFFICER: (SENATOR WATSON)

We're hoping adjournment, but we're waiting to just make sure that the proper paper flow has taken place.

SENATOR DEMUZIO:

Are -- are we, for all practical purposes, finished?

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PRESIDING OFFICER: (SENATOR WATSON)

I would say that that's correct, sir. Senator Cullerton, for what purpose do you rise, sir?

SENATOR CULLERTON:

I have an announcement. Next -- next year at the Mansion, either way.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any further business to come before the Senate? If not, pursuant to the adjournment resolution, Senator Burzynski moves that the Senate stands adjourned until Thursday, November 5th. The Senate stands adjourned. Have a nice summer.

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