

85TH GENERAL ASSEMBLY

REGULAR SESSION

May 18, 1988

PRESIDENT:

The hour of ten-thirty having arrived, the Senate will please come to order. Will the members be in their...at their desks and will our guests in the gallery please rise. Prayer this morning by the Reverend Victor Kaltenbach, Saint Patrick's Catholic Church, Springfield, Illinois. Father.

REVEREND VICTOR KALTENBACH:

(Prayer given by Reverend Kaltenbach)

PRESIDENT:

(Machine cutoff)...Father. Reading of the Journal, Madam Secretary.

SECRETARY:

Senate Journal of Friday, May 6th, 1988.

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. I move that the Journal just read by the Secretary be approved unless some Senator has additions or corrections to offer.

PRESIDENT:

You've heard the motion as placed by Senator Vadalabene. Is there any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and it is so ordered. Committee reports. I beg your pardon, Senator Vadalabene had not finished. Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. I move that reading and approval of the Journals of Tuesday, May 10th; Wednesday, May 11th and Thursday, May 12th and Tuesday, May 17th, in the year 1988, be postponed pending arrival of the printed Journals.

PRESIDENT:

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

SECRETARY:

The Rules Committee met at 9:00 a.m. on Wednesday, May 18, 1988. The attached list of Senate bills were unanimously recommended for referral to the Committee on Assignment of Bills.

House Bills 3116, 3150, 3162, 3199, 3200, 3202, 3203, 3204, 3205, 3208, 3209, 3210, 3211, 3212, 3224, 3225, 3226, 3227, 3228, 3229, 3230, 3231, 3233,...pardon me, 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, 3242, 3243, 3280, 3281, 3282, 3318, 3403, 3463, 3511, 3663 and 4024. Philip J. Rock, chairman.

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

Appropriations I - House Bills 3116, 3150, 3162, 3199, 3200, 3202, 3204, 3208, 3209, 3210, 3224, 3225, 3226, 3227, 3228, 3230, 3231, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, 3242, 3243, 3318, 3403, 3463, 3511,...3663, 4024; Appropriations II - House Bill 3203, 3205, 3211, 3212, 3229, 3232, 3233, 3280, 3281, 3282.

PRESIDENT:

(Machine cutoff)...from the House.

SECRETARY:

A Message from the House by Mr. O'Brien, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

House Bills...pardon me, 2535, 2755, 2930, 3607, 3765, 4115. Passed the House May 17, 1988.

A Message from the House by Mr. O'Brien, Clerk.

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

House Joint Resolution 145, it is substantive.

PRESIDENT:

Executive.

SECRETARY:

A Message from the House by Mr. O'Brien, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has 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 193, it is congratulatory.

PRESIDENT:

Consent Calendar. All right. With leave of the Body, we'll turn to page 16 on the Calendar, page 16. Again, the Chair would remind the members that if they have been contacted by the House sponsor to please let the Secretary or the Assistant Secretary know so that the bills can be processed. House bills 1st reading, Madam Secretary. Page 16 on the Calendar.

SECRETARY:

House Bill 1732 offered by Senator Keats.

(Secretary reads title of bill)

House Bill 2558 offered by Senator Netsch.

(Secretary reads title of bill)

House Bill 2755 offered by Senator Savickas.

(Secretary reads title of bill)

House Bill 3216 offered by Senators Berman and Maitland.

(Secretary reads title of bill)

House Bill 3319 offered by Senator Berman.

*SB 1622
Recalled*

(Secretary reads title of bill)

House Bill 3444 offered by Senator Keats.

(Secretary reads title of bill)

House Bill 3477 offered by Senator Jones.

(Secretary reads title of bill)

House Bill 3482 offered by Senators Berman and Smith.

(Secretary reads title of bill)

House Bill 3653 offered by Senator Etheredge.

(Secretary reads title of bill)

House Bill 3779 offered by Senator Kustra.

(Secretary reads title of bill)

House Bill 3930 offered by Senator Maitland.

(Secretary reads title of bill)

House Bill 3513 offered by Senator Hawkinson.

(Secretary reads title of bill)

1st reading of the bills.

PRESIDENT:

(Machine cutoff)...Committee. It was agreed yesterday, we'll move immediately to the Order of Senate Bills 3rd Reading. The Secretary has informed the Chair that a number of members have requested that their bills be recalled for the purpose of an amendment. That list is being distributed, that's Senators Netsch, Topinka, Vadalabene, Etheredge, Poshard, Welch, Schaffer, Davidson, Karpziel and Barkhausen. Senator Topinka, 1622. On the Order of Senate Bills 3rd Reading, page 4 on the Calendar, is Senate Bill 1622. Senator Topinka seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1622, Madam Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Hawkinson.

PRESIDENT:

Senator Hawkinson on Amendment No. 2.

SENATOR HAWKINSON:

Thank you, Mr. President. First of all, I want to thank the bill sponsor for bringing this bill back to offer me the opportunity to address this amendment in light of the fact that she intends to resist the amendment and does not agree with it. This bill is a bill that would prohibit the tinting of windshields to the front of the driver, and my amendment would permit tinting on the windshields, the side windows by the driver and the rear of the vehicle to an extent of thirty-five percent of light transmittance. The purpose of the bill is to offer protection particularly to...to law enforcement officers, a provision that I agree with; however, I believe that the bill without the amendment could destroy an industry and will also require those hundreds of motorists in each of our districts who presently have some form of tinting on their windows to have to remove that. A similar provision a couple of years ago was...was vetoed in part by the Governor and in his Message of September 19th, 1985 indicated that then House Bill 751 would cause owners and operators of vehicles having windows in violation at the effective date to have a very costly move of changing those and that would be the effect of this bill. I want to protect all our law enforcement people, that's the reason I'm offering this amendment, but I also want to preserve an industry that is a large industry, has many people involved, by this thirty-five percent amendment. What the amendment does is in part make the original bill stronger than it is now. The bill without this amendment would allow any...any tinting to the rear of the vehicle, to the rear of the driver, so it could totally black out all view and in my view constitute a serious hazard to law enforcement officers even though there would be side mirrors which I'm not convinced would do the job. Tinting does have advantages as well, it's antilacerative, it bonds the glass and prevents flying glass,

reduces glare. It does provide some deterrence to smash and run burglaries. It protects against ultraviolet protection and it reduces the energy load on...on air-conditioners but it is a...a large business. Many of your constituents have them and would be affected by this bill. The thirty-five percent requirement that I am suggesting in this amendment is presently in...in force in nineteen or twenty states, including Alaska, Arkansas, Arizona, Colorado,...goes down and allows up to thirty percent, Delaware, Florida, Georgia, Hawaii, Kansas, Kentucky, Louisiana, Massachusetts, New York, North Carolina, Oklahoma, South Carolina, Texas and the State of Washington, all have thirty-five percent requirements. The argument will be made in rebuttal that this is not enforceable but many of these Statutes are recently enacted and appear to be working. What happens is the manufacturer would provide tinted glass samples to the state police and other law enforcement officers who could then use those, and I would ask for the adoption of this amendment and be happy to answer questions after the sponsor responds.

PRESIDENT:

Senator Hawkinson has moved the adoption of Amendment No. 2 to Senate Bill 1622. Discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the...of the Senate, I appreciate what Senator Hawkinson is trying to do and I think it's well-intentioned. However, I would resist this amendment because it completely subverts the intent of this bill and changes it from that which was negotiated out through hours worth of work which involved such groups as the Illinois Police Association, the Illinois Department of Transportation, tinting organizations, the New Car Dealers' Association and various other groups. Subsequent to that, we have also talked to people such as State's Attorney Richard Daley who supports the bill as it is and

wishes it to stay put, DuPage County State's Attorney Jim Ryan who supports the bill as is and wishes it to stay put, the State Police not only as a group but also the personal endorsement of its director, Jeremy Margolis, who wishes it to stay put. We also have signatures from over one thousand police officers in the state, all police organizations within the State of Illinois who agree to the language as is, and let me tell you why. In our negotiations we brought up the potentiality of the thirty-five percent tinting. It has not worked in the states that do have it. It is not enforced because there's no way that it can be enforced. If they use a test strip which loses its purity in the presence of sun, it becomes, as Judge Robert Stiegman of the Champaign District would note, inadmissible as evidence and is hearsay. Furthermore, the only way you could probably do it would be with meters. They run about six hundred dollars apiece. If we outfitted all of the law enforcement officers in the State of Illinois with such meters, you're talking about nine million dollars and I don't know who's going to pay that. As our law is now, it is ambiguous, this tightens it up. When we remove the tinting completely from the...from the driver and passenger's side up-front of the front seat, we also allow tinting in the back, we have two mandatory outside mirrors and everybody agrees that this would take care of the law enforcement problem. We've also had support on the bill as is from the Illinois Association of Ophthalmology, from various senior citizens' groups and from safety groups who also point out the safety factor of defensive driving which is why Jim Edgar is supporting the bill. You can't see to see if people are turning, joggers, pedestrians, bike riders, kids, it is a problem. I would resist this amendment because it is not enforced, and let me just read to you, if I may, what two states say who have this in...in tow right now. The first one comes from the State of Arizona and it was sent to

us by Larry W. Perry, the Highway Patrol Bureau staff chief and he writes...now, this has been in effect since 1981 in Arizona. He writes, "At the present time, Arizona has not adopted or certified an enforcement style to enforce this new law." That's with the thirty-five percent tinting. He also notes that the reason it is not enforced is, "It is difficult to enforce because of the way it is written in our Statute." He has thirty-three percent, "The thirty-three percent reflectance transmission is dependent on several conditions." Therefore, it would probably be thrown out of court, they don't enforce it. The Commonwealth of Massachusetts...

PRESIDENT:

Senator, can I ask you...

SENATOR TOPINKA:

Last one and I'll give it up. The Commonwealth of Massachusetts notes from Peter W. Reichart, who's the major of the...he's the director of the State Police Bureau of Technical Services in Massachusetts. He says, "It appears the law is enforced sparingly on the road due to the lack of instruments that measure light penetration." So he's looking for the six hundred dollar meters. I would resist this amendment and I really wish that the rest of the Senate would support me in that motion.

PRESIDENT:

The question is the adoption of Amendment No. 2...nine members have indicated their willingness to participate in this debate. Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President. I...I rise, too, in opposition to this amendment. The committee passed this bill out with the understanding that there would, in fact, be one amendment and that amendment has been offered and put on the bill which, in fact, would exempt those patients with lupus with a certified...certification from their physician and that was

the only exemption. I agree with...in our debate...discussion in the committee, I came to the...same conclusion as Senator Topinka that the enforcement mechanism to this amendment...offered is...is just not there and, therefore, I, too, oppose this amendment. I think the...this subject had...had a real open discussion and debate in committee. I think there was a fair hearing and I think the product as it is now should remain that way with the Floor amendment on it, and that's the way we should pass this bill out if we pass it at all. So I would just ask this side of the aisle to also resist this amendment.

PRESIDENT:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President, Ladies and Gentlemen of the Senate, the State of Wisconsin doesn't have any tinted glass allowing what we have here. I think it's a disgrace that we've had these dark windows. Just the other day there was a car...on the side of me with dark windows and...use all kinds of evidence, and when I opened up my window and I said, why don't you open up your window and let me see who you are, then they took off. I think we have to protect our police. I think the bill is good the way it is and I rise to speak against the amendment.

PRESIDENT:

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

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

PRESIDENT:

Sponsor indicates he will yield, Senator Dudycz.

SENATOR DUDYCZ:

Senator Hawkinson, how much coverage would thirty-five percent of the tinting provide as far as visually between the

person and the outside and the inside,...would the police officer be able to see the driver or the passenger or how much would it be able to cover?

PRESIDENT:

Senator Hawkinson.

SENATOR HAWKINSON:

I...I believe they would be able to see in and out with a thirty-five percent standard. I've got copies of the film levels here if you'd like to look at them.

PRESIDENT:

Senator Dudycz.

SENATOR DUDYCZ:

How about in the evening...the evening hours when there is no natural sunlight and you're talking about maybe a street light, maybe not. How much visibility would there be between the outside and the inside of the car?

PRESIDENT:

Senator Hawkinson.

SENATOR HAWKINSON:

Thirty-five percent light transmittance would have to be allowed in under this amendment. I have...it's the experience in twenty other states that have standards have adopted this and there's a difference. The bill as now written would allow totally dark, hundred percent on the back of the vehicle. My bill would be stricter than that and would require no more than thirty-five percent on the back of the vehicle which I think would allow much more light in to the back of the vehicle than under the current bill.

PRESIDENT:

Senator Dudycz.

SENATOR DUDYCZ:

Well, Mr. President, as a former police officer, many times I would approach vehicles with apprehension on traffic stops. I think this is a very, very dangerous situation and

I urge the defeat of this amendment.

PRESIDENT:

Further discussion? Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. To the sponsor, Senator Dudycz answered one part of my question when you're saying that you could see with thirty-five percent. I have great reservations about it but the next thing is, that I'm not so worried about only police, I'm worried about the protection of ourselves. It...in the area where I'm from, you've got a wave of shooting. People are shooting in cars and a number of people have been killed while they're riding up and down these highways, and if you don't think you can get paranoid, just let a car pull up along side of you and have those windows closed and just ride along side of you for a long period of time, and you can't see who's in that car and you naturally want to look over. But to the sponsor, I just want to know, why are we just doing it on the...on the two front windows? I'd think that it's...a car pulls up along side of you and you cannot see who's in that other car, it's bound to cause some apprehensions about you. It is really terrible and that's why that I am going to support this but I just wish that it was so that we could have them just...for all the windows.

PRESIDENT:

Further discussion? The question is the adoption of Amendment No. 2. Senator Hawkinson may close.

SENATOR HAWKINSON:

Briefly, because of the statements that have been made is one of the reasons why I've made this amendment. I think we should not allow the very dark film on the back part of the car, we should limit it to thirty-five percent light transmission like so many other states have had so we don't have situations with this very dark film where you can't see in

SB 1634
Recalled

and run those kinds of risks, that's why I've offered the amendment. The experience in the twenty states that...that I mentioned and in more is that this can work to protect lives and I think it's a stronger bill on the rear of the car where much of the danger exists, and I would ask for its adoption.

PRESIDENT:

The question is the adoption of Amendment No. 2 to Senate Bill 1622. Those in favor of the amendment will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 18 Ayes, 34 Nays, none voting Present. The amendment fails. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Top of page 5, Senator Vadalabene. On the Order of Senate Bills 3rd Reading is Senate Bill 1634. Senator Vadalabene seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1634, Madam Secretary.

SECRETARY:

Amendment No. 3 offered by Senator Vadalabene.

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. The amendment is necessary to Bi-State so that they can accommodate their new buses to a system of lights which allows them to indicate their route, destination and nature of the service. This amendment only...applies to Bi-State and I move for its adoption.

PRESIDENT:

*B 1673
Recalled*

Senator Vadalabene has moved the adoption of Amendment No. 3 to Senate Bill 1634. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1673, Senator Etheredge. On the Order of Senate Bills 3rd Reading, the middle of page 5, is Senate Bill 1673, Madam Secretary. Senator Etheredge seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1673, Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Etheredge.

PRESIDENT:

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Could I begin by asking the last several letters and numbers on that...in the LRB number on that amendment.

SECRETARY:

LRB8509786GLTCAM01

SENATOR ETHEREDGE:

Thank you, very much. That is the...that is the amendment that I would like to present...at this time. This amendment does three things and I should preface my remarks by saying that this is the bill...this is the...this...SSC bill. It does three things. It will provide payments to taxing bodies who will lose income as a consequence of property leaving the tax rolls in order to construct the SSC. It will...secondly, it will protect the equity that homeowners and farmowners have on their property that...as a consequence

of the construction of the SSC and, lastly, it provides the establishment of an insurance fund to provide monies for the land equity program. I would move for the adoption of this amendment.

PRESIDENT:

All right. Senator Etheredge has moved the adoption of Amendment No. 1 to Senate Bill 1673. Discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President. Senator Etheredge, I...I don't quarrel with what you're doing here with...with respect to the Superconductor Super Collider Act. I would like to know, however, in terms of the construction insurance fund and the deposit in the fund of a hundred and forty million dollars in GO bonds, how much state appropriation is there for this activity and do you know where currently...on what bills that it currently reposes?

PRESIDENT:

(Machine cutoff)...Etheredge.

SENATOR ETHEREDGE:

Yes, Senator, that's part of the appropriation process that we went through last spring as the part of the SSC package.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

So, it's my understanding you're asking for an additional three hundred and sixty million dollar bond authorization?

PRESIDENT:

Senator Etheredge.

SENATOR ETHEREDGE:

Senator, there is not one penny of additional bond authorization incorporated in this proposal.

PRESIDENT:

(Machine cutoff)...Demuzio.

SENATOR DEMUZIO:

Well, I don't want to belabor the...the Senate, Mr...Mr. President, but I just would like to know on these...these various bond authorizations here that we are...coming up with, you know, we've got a serious problem ourself, you know, with respect to sewer and water and where all this money is going to be coming from with respect to debt service. So that was my only point and I'll...I'll be glad to talk to you privately about it, I don't want to belabor the...the...the Senate any longer.

PRESIDENT:

The question is the adoption of Amendment No. 1 to Senate Bill 1673. Further discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

No...no further amendments. 3rd reading. (Machine cutoff)...Poshard. On the Order of Senate Bills 3rd Reading is Senate Bill 1676, the middle of page 5. Senator Poshard seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 1676. Madam Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Poshard.

PRESIDENT:

Senator Poshard.

SENATOR POSHARD:

Yes, thank you, Mr. President and Ladies and Gentlemen of the Senate. This amendment deletes the language that was part of Senate Amendment 1 which required the Department of

*SB 1860
Recalled*

Commerce and Community Affairs to allocate funds equally among all of the eligible existing labor-management committees. Instead, we want to allow some flexibility there in allocating the available funds among the eligible committees, because some of the committees represent territories larger than others and some of the committees have been...in existence longer than others and have more people to serve. So this will eliminate that equal provision and allow DCCA the flexibility to distribute the funds based upon how well the committees are functioning.

PRESIDENT:

All right. Senator Poshard has moved the adoption of Amendment No. 2 to Senate Bill 1676. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Senator Welch. Middle of page 10, ladies and gentlemen, on the Order of Senate Bills 3rd Reading is Senate Bill 1860, 1-8-6-0. Senator Welch seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1860, Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Welch.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. In the Energy and Environment Committee when we held the meeting I had agreed to amend out of this bill that requires paying a fees for construction work all municipalities. Further, what this amendment does

after consultation with several groups, we are going to phase in the fees over a three-year period and that's basically what this amendment will do, Mr. President. I would move for its adoption.

PRESIDENT:

Senator Welch has moved the adoption of Amendment No. 1 to Senate Bill 1860. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1903, Senator Schaffer. Top of page 11, ladies and gentlemen, on the Order of Senate Bills 3rd Reading is Senate Bill 1903. Senator Schaffer seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 1903, Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Schaffer.

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and members of the Senate, Senate Bill 1903 would authorize fire protection districts to expend some of their tax revenue for training and equipment to handle hazardous waste situations such as a truck full of acid spilling in a town; and I don't think there's any controversy but paranoia does run rampant this time of year in this town, and some of the business interests were concerned that the language might be interpreted as an open door for the fire districts to start charging fees. I guess...going to stop trucks at the city line...that will be a dollar for passing

through or something, and that obviously was not the intent and this language simply points out that nothing in the bill gives them the power to do that which...and...they don't have that power now and I don't think it's really necessary, but if it makes somebody sleep better at night, I'm prepared to go along with it.

PRESIDENT:

Senator Schaffer has moved the adoption of Amendment No. 1 to Senate Bill 1903. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Bottom of page 11, on the Order of Senate Bills 3rd Reading is Senate Bill 1954. Senator Davidson seeks leave of this Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1954. Madam Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Davidson.

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, this amendment removes the possibility of a...war between two government...departments between...Department of...DCCA had some possibility of the words "promotion and" and with Conservation, this...is a two-word amendment, removes the words "promotion and." I move the adoption of Amendment No. 2.

PRESIDENT:

Senator Davidson has moved the adoption of Amendment No. 2 to Senate Bill 1954. Discussion? If not, all in favor

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

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1956. On the Order of Senate Bills 3rd Reading is Senate Bill 1956. Senator Davidson seeks leave of this Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1956, Madam Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Davidson.

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, Amendment No. 2 brings the present bill into line with the federal regulations which we must do. This is an agreed on amendment between the Department of Transportation, State Police and various trucking groups. I know of no opposition and this brings us in line with the federal regulation so we can continue to participate in the federal...motor fuel tax disbursement. Move the adoption of Amendment No. 2.

PRESIDENT:

Senator Davidson has moved the adoption of Amendment No. 2 to Senate Bill 1956, Madam Secretary...to Senate Bill 1956. Discussion? Senator Demuzio.

SENATOR DEMUZIO:

Mr. President and Ladies and Gentlemen of the Senate, Senator Davidson, this does, in fact, bring it in compliance with the...with the federal law. So what we are doing here is that we are extending by ten feet from sixty-five feet to seventy-five feet the opportunity of...of truck length in

Illinois, is that correct?

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Yes and no, Senator Demuzio. What it does, it allows for that extension that comes out over the cab, it does not increase the overall length of the tractor-trailer of the eighty feet. It...this allows that extension of where that car that rides out over the cab which you now see...car carrier is using and then this just gets...guideline. Does not...as I understand it, it's been explained to me extend the over...the...overall length of the tractor-trailer combination. This allows for the trailer to extend that ten feet over the cab.

PRESIDENT:

Senator...I mean, Demuzio.

SENATOR DEMUZIO:

...it just...all right, let me ask you this. It says that, according to your amendment and the analysis, that it just simply puts this additional ten feet now from sixty-five feet to seventy-five feet into Illinois and compliance with federal law. What's...what's the penalty if we don't comply with federal law, we don't extend the...the additional ten feet?

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Well, Senator Demuzio, I apologize. I was given one set of information yesterday, I was just corrected by the staff. It applies to that ten-foot extension only to this one type of vehicle, applies to those only. My understanding that the penalty is if we don't comply with the federal law, we are put some of the federal match funds on highway projects in jeopardy.

PRESIDENT:

Further discussion? Is there any further discussion? If not, Senator Davidson has moved the adoption of Amendment No. 2 to Senate Bill 1956. All in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

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

SENATOR SEVERNS:

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

PRESIDENT:

State your point.

SENATOR SEVERNS:

It's my honor today to have joining us in the President's Gallery, Holly Moglin from Neoga who is one of twenty-four finalists in the Illinois World Trade and Tourism Poster Contest, and she'll be honored at the Governor's Mansion today and I'd like the Senate to join me in welcoming Holly.

PRESIDENT:

Will our guest please stand and be recognized. Congratulations and welcome to Springfield. 2101, Senator Karpziel. Bottom of page 13, ladies and gentlemen, on the Order of Senate Bills 3rd Reading is Senate Bill 2101. Senator Karpziel seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 2101, Madam Secretary.

SECRETARY:

Amendment...Amendment No. 1 offered by Senator Fawell.

PRESIDENT:

Senator Fawell on Amendment No. 1.

SENATOR FAWELL:

Thank you, very much. This is the amendment that we talked about in the committee. This bill passed out of Judiciary 10 to 1 with the understanding that there would be...it would be amended on the Floor after DCFS had a chance to work on the language. DCFS has approved this form of the amendment and does not object to the bill in principle. The bill changes the present system of reimbursement to counties for the care and support of minors placed under the Juvenile Court Act to create a potential relationship between the cost of taking care of kids and the reimbursement by the state.

PRESIDENT:

Senator Fawell has moved the adoption of Amendment No. 1 to Senate Bill 2101. Discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, Senator Fawell, it's...it's indicated to me that there are thirty-eight counties that are currently receiving reimbursements from the department, and under your formula that you are now attempting to put into this bill by virtue of Amendment No. 1 that this formula is going to benefit the collar counties and it's going to hurt many of our downstate counties. Although Cook is not affected, could you perhaps tell us what your intention is here and...and...and why should we...in downstate...in our downstate counties have a lesser proportionate formula than what...that you want to have for...for the suburban area?

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

Basically what this...this is doing is it is a...it is putting the money in the counties that have already spent the money for the kids.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Well, then explain to me how this now differs from what we are doing currently.

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

Under the...under the present form there is a...a concluded formula which really doesn't give the proportionate share to everyone as we are doing in...in...under...other bills.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Well, your amendment says, "Such a reimbursement shall be based upon a proportionate relationship between the amount paid out by a county for which it is...eligible for reimbursement under this section and the amount appropriated from all such reimbursements." So...what you're actually in effect doing...by virtue of this amendment making all of this discretionary and that's what I'm attempting to tell you is that this hurts downstate counties.

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

It is not...it is not discretionary; first of all, it is based on what the counties have spent on these kids. The problem is right now what they are doing is they have got a formula that is based on the fifties' and sixties' figures.

PRESIDENT:

Senator Demuzio.

SENATOR FAWELL:

This way everyone is...

PRESIDENT:

102123
read

Senator Demuzio.

SENATOR DEMUZIO:

Well, I rise in opposition to Amendment No. 1. Frankly, I think that what your amendment goes on to say here is based upon the total billing submitted by the department by the various counties, all of this is going to be subject by department rule and you're going to reimburse each county...a portion of the amount so appropriated. So it's going to be totally discretionary under this amendment and I...I rise in...in opposition and would request a roll call.

PRESIDENT:

That request is in order. Further discussion? Senator Fawell has moved the adoption of Amendment No. 1 to Senate Bill 2101. Senator Fawell, you wish to close?

SENATOR FAWELL:

Yes. What this...what this does is make it fair throughout the entire state. It is based on present figures, not on fifty and sixty figures, and...and, you know, I think it's only fair that if counties are willing to put the money out, that they in effect at least get a proportion of the money back.

PRESIDENT:

The question is the adoption of Amendment No. 1 to Senate Bill 2101. Those in favor of the amendment will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 24 Ayes, 27 Nays, none voting Present. Amendment No. 1 fails. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 2123, Senator Barkhausen. Middle of page 14, on the Order of Senate Bills 3rd Reading is Senate Bill

2123. Senator Barkhausen seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 2123. Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Barkhausen.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, Senate Bill 2321 makes...various changes in the state's securities laws. Amendment No. 1 makes certain technical corrections to the bill in three different respects. I'd be happy to go into it and answer any questions. I don't believe there's any opposition and I would ask for the adoption of Amendment 1.

PRESIDENT:

Senator Barkhausen moves the adoption of Amendment No. 1 to Senate Bill 2123. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

Amendment No. 2 offered by Senator Barkhausen.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, Amendment No. 2 to Senate Bill 2123 expands on the exemptions of those securities that are exempt from registration under the state's securities law to permit the commissioner...the Secretary of State's Office, the securities commissioner to exempt by rule or regulation an automated quotation system or board of trade which the commissioner finds meets the equivalent standards of the various exchanges, the companies of which are already

entitled to that exemptions. As I say, it makes it discretionary with the securities commissioner. This is a result of discussions between the Secretary of State's Office and the National Association of Securities Dealers which wanted to have exempted those companies that are listed on the national market system, and this is sort of a compromise position which puts the discretion with the securities commissioner in granting this exemption and I would move its adoption.

PRESIDENT:

Senator Barkhausen has moved the adoption of Amendment No. 2 to Senate Bill 2123. Discussion? Senator Zito.

SENATOR ZITO:

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

PRESIDENT:

He indicates he'll yield, Senator Zito.

SENATOR ZITO:

Senator Barkhausen, this is the first, as chairman of Finance, that I've seen of this amendment. I...I would ask you to answer me, number one, where it came from and, number two, a little better explanation of what the amendment does. I'm not familiar with it at all. I'm sure Senator Keats is not familiar with it either.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Yeah,...I apologize for the surprise here. I'm certainly not trying to...to sneak anything on. As to where it comes from, it comes from the Secretary of State's Office. They were approached and...and to a lesser extent, I was approached within the last week by the...the organization that I mentioned, the National Association of Securities Dealers, which wants to have included in the exemption of

those securities that are...that are exempt from registration under the State's Securities Act securities of companies that are part of the national market system. And as...practical matter that standards of the...NMS are...are far stricter and far superior to those of most exchanges including probably even our own Midwest Stock Exchange, including even the American Stock Exchange. So I...I think the exemption would be a fair one but this is not granting them outright the exemption, it's giving the securities commissioner in the Secretary of State's Office the discretion to determine whether that exemption should be allowed.

PRESIDENT:

Senator Zito.

SENATOR ZITO:

Well, Senator Barkhausen, I would respectfully request that we take this out of the record. I have the Republican staff as well as Democratic staff here who has not had an opportunity to at least even view this amendment to...to figure out what's in it, let alone formulate an opinion. I see Senator Keats on the Floor now, I think he would concur in the fact that we would like an opportunity to at least review this amendment and then call it back again. I'm sure there's time, but to drop this bombshell on the General Assembly at this point, I think is ridiculous and would respectfully request that you would take this out of the record.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President, please withdraw the bombshell.

PRESIDENT:

All right. Amendment has been withdrawn. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 2257, Senator Barkhausen. Bottom of page 15, on the Order of Senate Bills 3rd Reading is Senate Bill 2257. Senator Barkhausen requests leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 2257. Madam Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Barkhausen.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, Amendment 2 to Senate Bill 2257 and a subsequent amendment to be presented for Senate Bill 2258 both reflect the product of negotiations between the Department of Children and Family Services and the Attorney General's Office. Amendment 2 to 2257 specifies that only counseling for psychiatric help given by a registered psychologist or certified social worker can be reimbursed by the Crime Victims' Compensation Fund, and I'd ask for the adoption of this amendment.

PRESIDENT:

All right. Senator Barkhausen has moved the adoption of Amendment No. 2 to Senate Bill 2257. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 2258. Bottom of page 15, on the Order of Senate Bills 2nd...3rd Reading is Senate Bill 2258. Senator Barkhausen seeks leave of the Body to return that bill to the

Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 2258. Madam Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Barkhausen.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, Amendment 2 to Senate Bill 2258 deals with the...well, the bill itself deals with the crime of...of juvenile prostitution and...and keeping a place of juvenile prostitution. The title insurance companies were concerned in the...possible...about the possible impact of this bill as well as other Criminal Code provisions dealing with forfeiture that they be notified in...in any case...in any instance in which title to real estate might be affected by the forfeiture of that property. So this amendment is adding language to the forfeiture provisions of this bill to require filing with the recorder of deeds or the registrar of titles of any restraining order or injunction or other order that will give notice to all who might be interested in notice of the possible lien or...or other interest in the real estate, and be happy to answer any questions and would otherwise ask for the adoption of the amendment.

PRESIDENT:

Senator Barkhausen has moved the adoption of Amendment No. 2 to Senate Bill 2258. Is there any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. All right. Ladies and gentlemen, we'll begin on page 3 on the Order of Senate Bills 3rd Reading and

we will stay on that order until approximately four o'clock at which time there...members have requested that we go to the Order of Senate Bills 2nd Reading for the purpose of hearing amendments and moving those bills. On the Order of Senate Bills 3rd Reading is Senate Bill 1529. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1529.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Senate Bill 1529 which is sponsored by myself and Senator Maitland jointly is a bill to correct a problem which the Illinois Supreme Court pointed up in our Drug Paraphernalia Control Act, holding the...the Act that we passed just recently unenforceable...unconstitutional and...thereby unenforceable. It was a result of a...of two cases, one, involving an individual named John Monroe and one involving an individual named Ellis Levin and they were defendants in the case and the problem in the case was that the definition section of the Act was different than the penalty section of the Act. The definition section of the Act required actual knowledge and the penalty section of the Act required only constructive knowledge. We have changed the legislation so that according to the United States Supreme Court and the recommendations of the Illinois Supreme Court both sections are compatible requiring actual knowledge. Because the genesis of this particular law which we passed is, in fact, intent, we've made the two compatible according to the recommendations of the Supreme Court and I would ask for your Aye vote.

SB 152A
2nd Reading

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Marovitz...any discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Hawkinson.

SENATOR HAWKINSON:

Senator, I'm in support of your bill, and I...understand that it's necessary. I just want to affirm for purposes of legislative intent that this bill will adopt the Scierter requirements set forth in the current definition...section which was reaffirmed by the Supreme Court in People versus Monroe.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

That is absolutely correct.

PRESIDENT:

Further discussion? If not, the question is, shall Senate Bill 1529 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 1529 having received the required constitutional majority is declared passed. Senate bills 3rd reading is Senate Bill 1532, Senator Ralph Dunn. Senator Dunn on the Floor? Senate Bill 1534, Madam Secretary, Senator Rock. 1534,...Madam Secretary, read the bill.

SECRETARY:

Senate Bill 1534.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1534 is an amendment to the Illinois Municipal Code and it represents the conclusions and recommendations after a long, lengthy series of meetings and hearings between the Tax Increment Financing Association members, the Department of Revenue, the Governor's Office and representatives from the four staffs of the General Assembly. If you'll recall, last year we passed...this Body passed Senate Bill 1300 which attempted to tighten up and make permanent the tax increment financing program across this state. The Governor saw fit to amendatorily veto that legislation. Rather than override, although I think we did have enough votes to override, I agreed last fall to work with the Governor's Office in an attempt to make permanent and more stable the tax increment financing program as it applies to the thirty-nine or so communities that have invoked it and at the same time satisfy some of the concerns of the Governor's Office with respect to the open-ended nature of the program as it currently exists and also with respect to the utilization by some communities which we felt were not properly following the law. So this bill as amended...and it has had two amendments; one to accommodate the Town of Effingham in terms of population and the...the major amendment contains five key changes. It establishes a special fund which would be the depository of the sales tax increment so that this program for all intents and purposes is made permanent and is not subject to the whim and whimsy of the annual appropriation process. It will call for a one-time review by the Department of Commerce and Community Affairs of all existing and future TIF districts to make sure that the municipality

actually is in compliance with the law, and we are dealing, as you well remember, with what's euphemistically called blighted area. Some of the communities have in fact picked up their downtown section and are taking a little bit of an advantage of the program. This will allow DCCA to go in and take a look. It will limit municipalities with populations over twelve thousand to having no more than twenty-five percent of its municipal area within the district and no more than fifty percent of its sales tax revenue can be included in a district. Most importantly, it reduces over a period of years the state's contribution so that I think this will satisfy the...the Governor's concern about the open-endedness of this project. You'll recall last year, and I think the estimate from the Department of Revenue is about the same for this year, we are talking roughly about a ten to eleven million dollar annual program that benefits the cities; and, finally, at the request of the Department of Revenue, we are adjusting the fiscal year from...to make it November 1, October 31 so that the municipalities and the Department of Revenue will have firmer, more coherent figures. The negotiations are still continuing. I cannot represent that the Governor's Office is totally happy with this amendment; the Tax Increment Finance Association is happy with it and I think before the bill hits the Governor's Desk we will...we will be in a position to...to reach agreement. This is the most significant economic development tool that we have afforded the communities across Illinois, and I would urge you, again, favorable support for Senate Bill 1534.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Would the sponsor yield for a question or two?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

Two things. Is this bill permissive and, two, does it have a tax increase...automatic tax increase without referendum?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

The answer is yes and no.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

...which is your yes and which is your no?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

...respectively, just the way you gave it to me.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Does this bill...I want to be very clear about this, Senator. Does this bill mandate a tax increase?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Has nothing whatever to do with a tax increase, nothing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...further discussion? Senator Rigney.

SENATOR RIGNEY:

Yeah, just might make the comment on the bill that sometimes around here we have to keep a good bill moving even if it's not quite in perfect form. I think that is probably what Senator Rock is saying in his commitment. I would point out to you that probably the...the main gap that's in the...the bill right now is the fact that we're doing nothing

as far as those communities that are opting for the utility tax in lieu of the sales tax. This was brought out during the discussion in the Revenue Committee. I had thought maybe something was going to happen in terms of some kind of an amendment prior to the time that it leaves the Senate, but I assume that, Senator Rock, you're still committed to...to trying to work out some detail there because, frankly, if we leave that uncapped and open-ended, we're committing ourselves to something more than the ten billion dollar state expenditure.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock. Well, further discussion?

SENATOR ROCK:

That was a statement. I...

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Rock may close.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I think this legislation as proposed represents a dramatic step forward for the communities across Illinois with respect to tax increment financing districts as it applies to the sales tax. Now the fact of the matter, Senator Rigney, as we discussed in committee, the Department of Revenue and the Governor's Office don't have any problem with utility TIFs and I am not about the business of fixing something that's not broken. The concern was with respect to the sales tax because that's where the state's liability really is open-ended. This is an attempt to put a cap on that. It reduces the state's contribution over a period of years. I think it is a...a good, well-intended proposition on behalf of the Tax Increment Association. I would invite any and all members to be listed as cosponsors. We will continue to work on it but, frankly, even since the committee, we've not heard word one from the Department of Revenue with respect to util-

ity TIF's. So I would solicit a favorable roll call, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 1534 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 1534 having received the required constitutional majority is declared passed. 1557, Senator Holmberg. Page...Senator Zito, for what purpose do you arise?

SENATOR ZITO:

I apologize, Mr. President, I tried to get your attention. I'd like to be added as a cosponsor along with Senator Severns to the bill we just passed, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Geo-Karis, same request? Senator Geo-Karis.

SENATOR GEO-KARIS:

A point of personal privilege.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, wait a minute. All right. Senator Zito has...has requested leave to be...to have Senator Zito and Severns added to...as cosponsors of Senate Bill 1534. Is leave granted? Leave is granted. So ordered. Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I have the pleasure of having with us today in the President's Gallery one of our fine principals of schools...West School, Mr. Robert Fink and his wife, Mrs. Fink, and also one of our fine teachers, Mrs. Gail Fisher, she...West School from Zion, Illinois...I ask you to help me welcome them.

PRESIDING OFFICER: (SENATOR DEMUZIO)

If our guests in the gallery please rise and be recognized. All right. Page 4,...Senate Bill 1562, Senator Netsch. 1563, Senator Holmberg. All right. On the Order of Senate Bills 3rd Reading is Senate Bill 1563, Madam Secretary.

SECRETARY:

Senate Bill 1563.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

I'd just like to point out, ladies and gentlemen, we've got a long way to go today, so let's get moving. Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. Before I begin, I would also like to follow up...I had my light on for...Senator Zito's request to be added as a hyphenated cosponsor to 1534.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. You've heard the request. Is leave granted? Senator Geo-Karis has made a similar request. Leave is granted. Anyone else would please just give a list to the Secretary. Senator Holmberg on 1563.

SENATOR HOLMBERG:

1563 is a very...simple bill which amends the School Code to permit school districts to enter into agreements with colleges and universities to establish regional summer math and science academy, and it also with the amendment we added permits school districts to charge students reasonable fees for participation. This is an...a direct outgrowth of meetings with the teachers of mathematics around the state who wanted to have more opportunities other than the Aurora Academy for their students to get advance courses.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Schaffer.

SENATOR SCHAFFER:

Out of curiosity, does it allow the districts to contract with the Math and Science Academy for the same purpose since that's one of the major purposes of the academy?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

That was not the...the purpose of the bill, I see no reason, you know, why that could not be done. One of the things that we would hope to do is to develop a...a cadre of students that could be recruited by the Math and Science Academy.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Well, the academy does have a...a very impressive outreach program already and I'm sure they'd be delighted to work with you on that, and I've been very impressed with some of things they're doing in some of the schools in...the one part of my district that has taken the interest to ask them to do it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Well, I...I think that begs a further question. What do you mean by...you see nothing wrong with the...the school districts contracting with the Math and the Science Academy, Senator?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

I think that's something that could certainly work on in the future. That is not the reason for this particular bill. This was not the reason for drafting this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Is this a summer...this is a summer program...could be a summer program? It is exclusively a summer program? She nodded her head yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

Yes...yes, this is strictly a summer program.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR HOLMBERG:

In closing, I would just ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 1563 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 1563 having received the required constitutional majority is declared passed. Senate Bill 1581, Senator Jerome Joyce. On the Order of Senate Bills 3rd Reading, Senate Bill 1581, Madam Secretary. Read the bill.

SECRETARY:

Senate Bill 1581.

(Secretary starts to read title of bill)

PRESIDING OFFICER: (SENATOR DEMUZIO)

No, I'm sorry, take it out of the record. 1584, Senator Smith. Senator Smith, 1584? 1587, Senator Smith. 1593, Senator Zito. On the Order of Senate Bills 3rd Reading, middle of page 4, Senate Bill 1593, Madam Secretary. Read the bill.

SECRETARY:

Senate Bill 1593.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Yes, thank you, Mr. President and members. Senate Bill 1593 as amended yesterday now clarifies the procedure an association, including a mutual association, must follow to become a holding company. The main change in the amendment yesterday included the Foreign Savings and Loan Act within the regular Savings and Loan Act with a more comprehensive hearing provision for foreign savings and loans. The amendment we added yesterday also allowed savings and loans to invest up to five percent rather than the two percent of their assets in Israel bonds. There was no opposition in committee. I think this bill is agreed to, I don't know of any opposition and would move for its passage.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? If not, the question is, shall Senate Bill 1593 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 1593 having received the required constitutional majority is declared passed. Senate Bill...Senator Smith, for what purpose do you arise?

SENATOR SMITH:

...late at my button...please add me as a Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, the record will so indicate that...and Senator Vadalabene makes...Senator Vadalabene makes a similar

request. All right. Senator Joyce, for what purpose do you arise? 1599. All right. Senate bills 3rd reading is Senate Bill 1599, Madam Secretary. Read the bill.

SECRETARY:

Senate Bill 1599.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. This is the bill that allows...or says that we will use biodegradable corn plastic bags in dealing with yard waste. Now this is...is a first for the State of Illinois and what we are trying to do here is deal with the problem of...of landfills and the waste stream that is going into landfills. Yard waste or landscape waste is grass clippings and leaves and that sort of thing. It represents eighteen to twenty percent of the waste that is going into our landfills currently. That waste is put in plastic bags that last forever and if we use these biodegradable plastic bags and compost this waste rather than put it in our...our landfills, we will be giving three to five years life...more life to our current landfills thus alleviating a lot of the problems that our cities have and the problems that our downstate counties have in siting landfills. Also, this would create a...a major use for corn growing in this state and other states in the midwest. It is a new market for that. It would be industry that would be built up in Illinois, it would just be a win-win situation for this state, for our cities and...and for our farmers and for places that we're trying to site landfills. So I'd be happy to answer any questions. This...this has to be done, I might add, by 6-30-1990.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? There are at least six lights.
Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I stand in strong support of this legislation. I think that it's an idea whose time has come. I think that it's...Senator Joyce has hit it right on the head, it's going to save us life in our landfills which are being filled too rapidly, and I think more importantly we are into a biodegradable form which is very important to the longevity of...of all landfills, and I...I stand in strong support of this legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Woodyard.

SENATOR WOODYARD:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Woodyard.

SENATOR WOODYARD:

Thank you. Does this apply only to the trash bags, does it apply to other plastic materials such as the pop or beer holders or anything...just the bags?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

Yes, just the bags that we're going to be putting yard waste in. I think those other things will come on down the road further as...as we make research in that area, but right now, I don't think we're ready to do that. So this just is yard waste.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Poshard.

SENATOR POSHARD:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point, sir.

SENATOR POSHARD:

In the gallery to my rear here, Mr. President, is the Gallatin County...Community Unit District student historians from Ridgeway, Illinois. They are up here competing in the State History Contest and I'd like the Senate to welcome them.

PRESIDING OFFICER: (SENATOR DEMUZIO)

If our guests in the gallery will please rise and be recognized by the Senate. Welcome to Springfield. Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

I think this sounds like a good idea but there are a few questions that come to mind. I suspect they were covered in committee but if...for the benefit of those of us who were not there for the full discussion, when we talk about landscaping waste, some of us when we trim our yards might put the waste just in a garbage can which is then put in a...in a dump truck. Does this require us to put it in the bags?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

Well, what we're using is the EPA hacks definition and all that that would cover would...would be what was in the bags.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

So, obviously, things like tree trimmings and stuff like that that normally get stacked along side the road and thrown into the...the...the guys throw right into the trucks aren't...we aren't requiring people to cut them up and put them in bags or anything?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JOYCE:

We're also making sure with this legislation that the landfills have composting facilities, so how they get it there I guess doesn't matter...as long...you know, as they throw it on the compost pile rather than bury it underground.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer.

SENATOR SCHAFFER:

Well, in my neck of the woods some people have a couple of big green garbage cans and they...they fill them with clippings and the guy comes by and he throws the regular garbage in the truck and he empties garbage cans into the truck, they done put them in bags. I don't see how the garbage operators could be expected to sort that out on-site. I assume I...I might add, in some of the fancier suburbs, perhaps where Senator Keats lives, they all put their clippings into neat little plastic bags and stack them all in a row in a right shoulder dress, but out in the country where I live, we just sort of tend to throw stuff in the garbage cans and the truck picks it up. We aren't into...some of us are, of course, into recycling but it isn't universally accepted at this point. This would not require them...for instance, what I'm concerned about is...is getting...finding my garbage can with a note saying we cannot take your garbage can full of grass clippings, you must put it in a biodegradable bag.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JOYCE:

If they put it in a bag, the bag has to be biodegradable.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer.

SENATOR SCHAFFER:

I...I take it to say that this wouldn't force me to put it in the bag though. Okay. No, I don't want to belabor the point, I just want to get clear intent. Second question, is the...and...and, obviously, if someone who has quite a few farms in his district, I think the idea of using corn to produce these bags is wonderful, but is that industry going to be in a position to supply these bags at a reasonable cost and an adequate supply by 1990?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

END OF REEL

REEL #2

SENATOR JEROME JOYCE:

Yes, we are told that it...that it will.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Donahue...Senator Fawell.

SENATOR FAWELL:

Thank you, very much. Pursuing the same questions that Senator Schaffer gave, I'm wondering...I...I happen to be one of those strange individuals that puts grass in bags. I have a tractor that I run around in and then it automatically happens. I also put my garbage in bags. How does the garbage man know which is which, are they going to be required to open them, to look?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JOYCE:

No, the...the bags will be different colors. There are...there are cities, Lincoln, Nebraska and Jefferson City, Missouri, where they do this currently and that...in some cases the bags are a bright yellow and it says biodegradable on the bag and that's what you'd put your grass clippings in.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Fawell.

SENATOR FAWELL:

One last question. I...you know, I like the idea of the...of the bags but now I have a garbage man that comes through once a week with a big truck. Is he going to be required now to come through twice a week or...or with a different truck. I mean, how...how do they pick up the one and then...and then not throw it in the garbage truck with the rest of the garbage?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JOYCE:

Well, that...that is probably up to him. There is a lot of areas where the garbage truck is separated in the middle, they might come through twice a week. You...you want to remember that you're only going to be doing grass clippings or yard clippings probably at the most five or six months out of the year. So, you know, with the...the amount of money that it's going to cost us to continue to site landfills, if we can take eighteen to twenty percent out of that stream, the tipping fees are going to be eighteen to twenty percent less, the benefits are going to far outweigh the disadvantages.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President, if I may ask another question. When...what, if any, enforcement mechanism do you have in this bill to accomplish this? What if somebody does not do this? I mean, they just leave the bag sit there or...that's it. And will there be any cost to municipalities who, let's say, have their own garbage service on this? Will that...this increase their cost? Because I have a real baggy district.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JOYCE:

Well, I don't believe it will reduce their...or increase their cost, I think it will probably decrease their cost because...it's much cheaper to compost yard clippings than...than it is to...to bury them under the...under the earth. And the bags are...are right now just a fraction higher but when the amount of them that are going to be pro-

duced that this is going to require...they...they're going to be very competitive.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Topinka.

SENATOR TOPINKA:

Just one more question, if I may. I know Senator Schaffer kind of got into the area of the cost of these bags. Now you said that the cost and the availability would probably be in line by the time of the effective date. Now, one of our staff people has said he has heard but he doesn't have this confirmed that the cost of these new bags would be about four times the cost of what we now pay for a bag. Could you kind of dispel that, I would hope?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JOYCE:

Well, I don't know where your staff person is getting that information. We are told that it's five to eight percent higher currently with limited production, and as mass production comes about, it should be as cheap or cheaper because cornstarch is much cheaper than the plastic material that you put in there.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Point of...personal privilege.

PRESIDING OFFICER: (SENATOR SAVICKAS)

State your point.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, in the President's Gallery there's a young Connecticut Yankee by the name of Jack D. Armstrong who is originally from my district, and I'd like you all to welcome him here.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Would he please rise...

SENATOR GEO-KARIS:

Hartford, Connecticut. Jack Armstrong.

PRESIDING OFFICER: (SENATOR SAVICKAS)

...and be recognized. Senator Davidson.

SENATOR DAVIDSON:

Question of the sponsor of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR DAVIDSON:

Senator Joyce, I'm not concerned about the cost, et cetera from what all has been debated. The question I have, you come from a rural county and so do I. Where and what is going to be done with this yard waste and biodegradable? You're talking about composting, you're still going to have to go to someone's landfill or somewhere. Where's it going to be and how's it going to be sited and does it come under the jurisdiction of the county zoning ordinance in the county that this is going to reside?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JOYCE:

The composting will be taking out of the one seventy-two process and it will be done by an EPA permit. Now, the final use for the compost pile is...when they finish the landfill, which is probably going to be next to it, is to cover it with this as a soil conditioner.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

In other words, you're saying the...the composting pile or the yard waste is going to actually go to the sanitary landfill that is in operation with hopes that when the composting is over with it will be used as topsoil to cover

the...the soil that they have covered closed out the sanitary landfill with?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JOYCE:

Yes, or anybody else that wants it, it is an excellent soil conditioner.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

I understand that, but looking at the fact that in many areas of this state they also have passed a...no leaf burning ordinance, which unfortunately they just did here, the leaves which is in the fall which is a very tough problem for most homeowners, is that included in your definition of yard waste or does it apply only to grass?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEROME JOYCE:

The definition is landscape waste and leaves are included.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

Okay. Then looking into your crystal ball, knowing that grass and leaves make up a tremendous amount of the garbage pickup that's happening for six months or seven months out of the year, is there any future...looking in your star gazing, that the composting area is going to be sufficient by that landfill to handle the volumes that this is going to happen, and, two, what's going to happen to the composting refuse that's left if it's not needed to cover the site when they close it up?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Was that a question?

SENATOR DAVIDSON:

Yes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JOYCE:

Yes, well...

PRESIDING OFFICER: (SENATOR SAVICKAS)

I was just...I was being informed that the only one that knows anything about garbage is Senator Keats and that I should call upon him and he would resolve all these problems. But, Senator Joyce.

SENATOR JEROME JOYCE:

Well, yes, if...if...if you have this compost, it goes away. I mean, normally it goes away. If you go into a forest, all the leaves fall on the ground and they...they go away. So that if...if nothing happens to it, eventually this stuff would just go away.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

Well...Senator,...I support your idea, but the answer it goes away; now, quit trying to kid us. I came off the county board and so do you...so did you and there's nothing more...than a county board than a proposed sanitary landfill zoning. And that compost is not going to go away, it either becomes part of the soil or it's hauled away used as a soil conditioner or, three, it's going to run off in water erosion if it's not treated correctly with...with a cover crop. Now, let's not...going to disappear in thin air. Now, come on, don't kid us, I support the bill but let's not give me that kind of an answer.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President. I rise in strong support of this bill. As a hyphenated cosponsor, I believe that this bill not only will meet the challenge of...of environmental challenges across this state and serve as a key component of solid waste disposal plans but also serve as a significant new market for Illinois corn and hopefully help create jobs in this state. It's a good bill. It meets the challenge of the times and I would urge its favorable passage.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

I move the previous question...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver has moved the previous question. All those in favor indicate by saying Aye. Those opposed. The Ayes have it. The previous question has been moved. In closing, Senator Joyce.

SENATOR JEROME JOYCE:

Thank you. I'd ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 1599 pass. Senator Etheredge, for what purpose...I'm sorry, Senator, I didn't see your light.

SENATOR ETHEREDGE:

Will...will the sponsor yield?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Well, we have moved the previous question, Senator.

SENATOR ETHEREDGE:

It was on before that.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Well, I guess our electronic system didn't record it properly. Senator Etheredge, if you'd care to speak on this.

SENATOR ETHEREDGE:

Thank you, very much,...Mr. President. As I read the language of the last section of the amendment, it appears that after June 30th, 1990, a landfill operator will not be able to accept landscape waste unless it is packaged in biodegradable packaging.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

Unless they have a composting facility and it is packaged in...in biodegradable bags.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

It...so that I'm going...I'm trying to understand the response to Senator Schaffer's question earlier. It...it appears to me now that in McHenry County where they throw kitchen waste in with their grass clippings that that material could not be accepted by a landfill operator.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

That is correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Further discussion? The question is, shall Senate Bill 1599 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 51, the Nays are 4, 3 voting Present. Senate Bill 1599 having received the required constitutional majority is declared passed. Senate Bill 1609, Senator Fawell. Senate Bill 1609, Madam Secretary. Read the bill.

SECRETARY:

*SB 1616
3rd Reading*

Senate Bill 1609.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO):

Senator Fawell.

SENATOR FAWELL:

Thank you, very much. There are two parts to this bill. The first one removes the January 1st, 1990 sunset date for the circuit clerks automated record keeping system fee, and the other one allows the counties to use the monies that they have been collected for county cemeteries. The second portion was Senator Dunn's amendment. Be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1609 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 1609 having received the required constitutional majority is declared passed. Senate bills 3rd reading is Senate Bill 1616, Madam Secretary. Read the bill, please.

SECRETARY:

Senate Bill 1616.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. The bill...Senate Bill 1616 is basically a vehicle bill. What we intend to do is try to pass again the Illinois Solid Waste Management Act in a form that is not unconstitutional. As you recall, the court has

declared this Act unconstitutional. Currently we've collected fourteen million dollars which has been impounded that we need to spend and hopefully spend within the next...after two months if we can get this bill going by June 30th. We're at the point that negotiations are...are still going on and hopefully we will reach some decision by the end of this Session. I would move passage of this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? The question is, shall Senate Bill 1616 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, 1 voting Present. Senate Bill 1616 having received the required constitutional majority is declared passed. Senate Bill 1622, Madam Secretary. Read the bill. This bill was...no, she wants it out of the record. 1625, Senator Karpiel. On the Order of Senate Bills 3rd Reading, bottom of page 4, Senate Bill 1625, Madam Secretary.

SECRETARY:

Senate Bill...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Whoops...Senator Karpiel. Senator Karpiel.

SENATOR KARPIEL:

I've asked to have that put on a recall list. Will there be another recall list?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Yes.

SENATOR KARPIEL:

Okay...

PRESIDING OFFICER: (SENATOR DEMUZIO)

1628. Take...take it out of the record, 1625. 1628, Senator Thomas Dunn. On the Order of Senate Bills 3rd Reading is Senate Bill...all right. 1634 was on the recall

list this morning, it was amended and none of those bills will be called today...can be called tomorrow. 1642, Senator Smith. On the Order of...Senate Bills 3rd Reading, top of page 5, Senate Bill 1642, Madam Secretary. Read the bill, please.

SECRETARY:

Senate Bill 1642.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1642 is not new, it was passed out last year 51 to nothing and it went to the House and it was left on the Calendar there. This bill simply exempts some physically handicapped children from using...restraints that are required. The current law provide that in order to protect the health, safety and welfare of motor vehicle passengers under the age of six years every parent or legal guardian shall be responsible for securing his or her child in either an approved child restraint system or seat. But it must have a...be certified by a physician who explains why the restraint is inappropriate. The purpose of 1642 is merely to prevent the parents or guardians from being penalized for not having their physically handicapped child in a restraint. This is used in other cities...states. We have many families who have retarded children who if they are strapped down will think that they are reprimanded or being punished, and...they can go to a physician with his certified letter stating that if a competent person is sitting in the rear with that child he will be permitted to ride in the car with the family without a restraint. Many families desire to take their children...handicapped along with the other children to the

country for the summer, they want to go across state and they cannot afford to pay a large sum for special way of transporting these children. This is merely to help parents or guardians that their children can travel with the rest of the family if a competent person is sitting next to this child to nourish it as it rides, and...they will have for their support and protection a certified letter coming from their physician. Organizations representing the handicapped children support this bill, and I...there is no fiscal impact on this legislation.

PRESIDENT:

Discussion? Senator Davidson.

SENATOR DAVIDSON:

Two questions to the sponsor.

PRESIDENT:

Sponsor indicates she'll yield, Senator Davidson.

SENATOR DAVIDSON:

One, is there any exemption in this bill for the physician who would sign that letter exempting him from liability if the parents or someone else would decide to sue that individual that this handicapped child was injured due to a car wreck or an auto accident or for whatever reason? Even a sudden stop can injure an unrestrained child. Secondly, in my record shows the Illinois Academy of Pediatricians oppose this bill saying that handicapped individuals, particularly children, probably need to be restrained even more than normal children and there is special designed handicapped restraints available for those individuals if they're so handicapped. Would you please respond to those two.

PRESIDENT:

Senator Smith.

SENATOR SMITH:

Senator Davidson, it's nice for you to have asked that. I got...from directly from Hope Retarded Center there, right

here in Springfield. Mr. Randy Whitter and then they...they came to the committee and voted on this. They are stating that this is permissible with them. Now you're talking about the doctor, the doctor knows the child better than we do and if he says...and with competent parents or guardians that that child will be permitted to ride.

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Senator Smith, you didn't answer my question. My question was two; one, is there any exemption in the bill for the physician who signs the letter exempting that child from a restraint, and two, what's the objection of the Illinois Chapter of the Pediatricians? Now, that's all I asked. I...understand Hope School, I'm a foundering father of that school and understand it clearly and they support this, but please answer my two questions.

PRESIDENT:

Senator Smith.

SENATOR SMITH:

Thank you. Your first question, no, there is none...and secondly, about the young person,...now what was the second one?

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Why does the Illinois Chapter of Pediatricians oppose this bill when they saying that handicapped children with the restraints that are available should be restrained even maybe more so than the ones that...that are normal?

PRESIDENT:

Senator Smith.

SENATOR SMITH:

Thank you. I...I think you're talking about a...a letter

from a doctor from DuPage pediatrician. I think he has a nice idea here but I think what he's trying to encourage is possibly a bill...to incur a bill, possibly with the family, encouraging them to use our Transportation Committee with further information regarding specific handicapped seat, they would be happy to provide that. I think that that may be in the best interest of some people but I think that that is inferring that they're increasing...causing some more finance to that family if they should use what he has to offer...that this...

PRESIDENT:

Further discussion? Senator Kelly.

SENATOR KELLY:

Thank you,...

PRESIDENT:

I beg your pardon, I thought you had two questions. Senator Davidson.

SENATOR DAVIDSON:

I did, but...she...she still...she said, no, it's not in there. But I'd like to ask, President Rock, with your leave, would you please consider...'cause you're putting that attending physician in one heck of a liability incident if they sign the letter knowing that child and then if the parents change their mind at whatever reason and sue that doctor if that child is...is injured from being unrestrained, I would certainly hope you would ask the House sponsor of this bill to put that exemption in the bill when it gets over there and send it back so we can concur. The idea, I have no problem with, but I think you're exposing the medical care people to untold liability that's going to raise the malpractice insurance premium even higher.

PRESIDENT:

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. Senator Smith, what you're trying to provide is an option that if a handicapped child is in a car, that child does not have to be restrained with seat belts and that's the way I understand it and that's what we're trying to do, right? Okay. Well, I...I know for a fact...I can speak for a fact because my youngest brother is handicapped and a Down's syndrome and, I'll tell you what, you'd have to have...you'd have to have a big fight with him to get a seat belt on. And I'll tell you what, a lot of these kids and a lot of the handicapped adults as well, they got enough stress in life without having to be forced to have something else added on to them. And I have...I...the vast majority do not like to have seat restraints and I think it would cause more harm than good. And I would, therefore, probably support Senator Smith's bill.

PRESIDENT:

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate, I wasn't going to speak to this and was just going to quietly vote No. But in...in answer, if I may, to Senator Smith, this was not just a DuPage County doctor who wrote the letter to our committee. He is the immediate past president of the Illinois Chapter of the Academy of Pediatrics. And I don't have the letter in front of me but the letter in paraphrasing said that he could find no case where there was not a suitable type of a restraint available for a handicapped type youngster and he stressed that the handicapped more so than even the normal child would probably be in need of these. I just merely bring that forward. Plus the liability question in committee was never settled.

PRESIDENT:

Further discussion? Further discussion? Senator Smith may close.

SB 1647
3rd Reading

SENATOR SMITH:

Thank you, Mr. President and to my colleague, Senator Topinka. I understand the doctor that wrote the letter, he...I don't think he was speaking for the chapter per se, I imagine it was a personal opinion that he was giving to us. We can take the liability, whatever you say, but I think that we will be doing a great favor to many families who have children that are retarded and they want to travel with their children, they are just as...anxious about their children's safety as anyone, I am sure. We are merely trying to provide a means where they themselves will not be penalized by the law in transporting that child who is maybe multiple handicapped and could not travel with...any other way and make it possible for their parents to transport them across the city. I am sure that they would take as much precaution as anyone because that's their flesh and their blood. We are merely trying to provide. There is always extenuating circumstances, but I am asking for your favorable vote for this to help families who want to help themselves.

PRESIDENT:

Question is, shall Senate Bill 1642 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 41 Ayes, 8 Nays, 4 voting Present. Senate Bill 1642 having received the required constitutional majority is declared passed. 1647, Senator Poshard. On the Order of Senate Bills 3rd Reading, top of page 5, is Senate Bill 1647, Madam Secretary.

SECRETARY:

Senate Bill 1647.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Poshard.

SENATOR POSHARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Various studies by the National Rural Health Care Association and the major medical schools in this state have ascertained that a significant portion of rural Illinois is medically underserved. They have indicated that we have health manpower shortages and that we're not always appropriately making the best use of our monies that are available for those health care services. What this bill seeks to do is to develop regional ambulance authorities between two or more cooperating counties which would enable them to make the most cost-effective...cost-efficient use of their monies in terms of providing ambulance services to people in these areas of health care shortage. The Department of Public Health could make grants to these regional ambulance systems to encourage them in this concept or to support them after they have gone together. I think it's needed. I think we have to begin to think in terms of sharing resources in many of the rural areas of this state rather than every single county insisting upon their own provincial attitude of supporting their own ambulance system or local jail or whatever have you. It's a cost-effective, efficient way of providing a more efficient ambulance service, and I would ask for your positive vote.

PRESIDENT:

Any discussion? Discussion? If not, the question is, shall Senate Bill 1647 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 1647 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading, Senate Bill 1657. Read the bill, please, Madam Secretary.

SECRETARY:

Senate Bill 1657.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the Office of the Comptroller's budget which, as you well know, was...scuttled yesterday. It is now 22.1 percent less than it was when it was introduced. I would move...the...the Senate as rapidly as possible to...to move it out of here.

PRESIDENT:

The question is, shall Senate Bill 1657 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. Senate Bill 1657 having received the required constitutional majority is declared passed. Senator Macdonald, 1668. On the Order of Senate Bills 3rd Reading is Senate Bill 1668, Madam Secretary. Read the bill, please.

SECRETARY:

Senate Bill 1668.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. Senate Bill 1668 is a bill that creates a new offense of theft for mentally disabled persons. Theft of three hundred dollars or under is a Class 2 felony and over three hundred dollars is a Class 1 felony.

This bill came to my attention by virtue of talking to several public health nurses from my district who have told me repeatedly of the increasing incidents of...of robbery and...and from the mentally ill, particularly from those people tragically suffering from alzheimer's disease. Also, about a year ago I'm sure that you received along with me a letter from the Office of Public Guardian of Cook County who documented some...a...a number in and...and some really very horrifying stories of elderly people particularly who are mentally ill and have been preyed upon by unconscionable and unscrupulous people. This bill, of course, makes every effort to protect these defenseless people and I would ask for your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1668 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the...take the record. On that question...on that question, there is 57 Ayes, none voting Nay, none voting Present. Senate Bill 1668 having received the required constitutional majority is declared passed. 1669, Senator Macdonald. Senator Macdonald.

SENATOR MACDONALD:

Mr. President, yes...I have agreed to hold this bill, if that would be possible, for one more day. I am waiting to hear from certain parties on this particular piece of legislation. Will we be getting back to another run through the Calendar?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, my personal opinion is that...we could go as rapidly as possible, we can be here tomorrow and...but depends on how we move. So, I don't know. Senator Rock, question has been raised by Senator Macdonald as to whether

or not we would have another opportunity to go to 3rd...bills on 3rd reading if she bypasses her bill? He said yes. Next year? Senator Rock.

SENATOR ROCK:

Senator Weaver and I have discussed Saturday at noon for...for certain.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. 1672, Senator Savickas. Saturday. 1676, it was a recall this morning. 1685, Senator Severns. Senate bills 3rd reading, Senate Bill 1685, Madam Secretary.

SECRETARY:

Senate Bill 1685.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President. Senate Bill 618...1685, the Emergency Business Retention Act, in fact, expands an existing program. It broadens...the assistance that IFDA may provide to...include grants, loan guarantees and intrasubsidies. It permits IFDA to provide assistance to community ownership associations which would be created at the local level and could acquire a business facility. It requires DCCA to provide job training assistance and establishes the Emergency Business Assistance Fund outside of the state treasury. 1685 is similar to last year's Senate Bill 796 which left this Chamber with only one dissenting vote. It was passed out of the House with only four dissenting votes and was vetoed by the Governor because it was viewed as a new program. It is not a new program, it is an expansion of an existing program. What it does, in effect, is provide our communities, our businesses and our...our industries across this state, more tools, more flexibility to keep businesses open. It does not

carry with it a...a new appropriation. There is two million dollars that has been appropriated, all but five hundred thousand have been used and used successfully. Where one and a half million dollars have been leveraged with private industry to total sixteen million dollars with the remaining half a million dollars in the existing appropriation, this language would permit more flexibility and hopefully, like the example in the State of Michigan, permit more businesses to stay open. In the State of Michigan where similar legislation is in effect, eleven thousand jobs working with thirty-three firms were saved across the state. I would urge favorable consideration and passage of this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President and members of the Senate. This bill did...was brought to the attention of our committee, Senate Labor and Commerce Committee. I voted against the bill in committee. I think the sponsor, and I have to give her credit, has explained...the bill and what it does very well. What, perhaps, she has not emphasized is that there is a considerable fiscal implication here in changing the name of the Act and setting up the association, now known as the Community Ownership Association, which would be, in effect, able to take over a company, buy into it or whatever but could receive its funding for these purposes from DCCA or IDFA and depending upon the situation could impact the state finances. The Governor did veto a very similar bill last year and he did so because he didn't think we have had...that we had then and we do not now have the revenues to back this up if fully implemented. And another thing it does is moves from the direction the intent to provide simply loans to ailing or failing businesses but also to provide for grants and...and grants and interest subsidies, loan guarantees and

the whole schmear. So, I just bring this to your attention so that you can think about it. Frankly, I...I think it's probably a road we shouldn't...it's well-intended. But I don't...I don't think we have the money...it would have to be appropriated, of course, but I don't think we have the funds to...to back this up properly and would ask you to think about that before you vote for the measure.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR SEVERNS:

Thank you, Senator...thank you, Mr. President. Senator Hudson, I'd just like to respond just a moment to some of the concerns that you've raised. I can appreciate those concerns but I think that the bill as changed this year from last year's bill the Governor raised what I believe are some legitimate concerns. A reasonable argument was made in his Veto Message last year that some requirements that protect IFDA from default on loans were stricken by the bill last year. These protections have since been included this year and can be found on Senate Bill...1685 of page 7 and 8. Furthermore, no additional appropriation is required. The existing legislation has complemented businesses and industry in this state. Out of the two million dollar existing appropriation, 1.5 million dollars have been used. And it seems to me that the impact on this state is far more negative if we have a business or industry close. Finally, the...the financial...the report that was provided me, the fiscal note says, and I would like to quote, "That this bill in and of itself would not increase or decrease state revenues." It does not require an additional appropriation; it, in fact, provides our communities the additional tools they need to keep businesses and industries open. If a business or industry fails in this state, let it not be said that it failed

because we, in the Illinois Legislature, failed to give Illinois business and industries all of the available tools necessary to keep their doors open. Let it be said instead that we did all that we could to keep jobs in our state. I urge a favorable vote for the Emergency Business Retention Act. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 1685 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 47, the Nays are 10, none voting Present. Senate Bill 1685 having received the constitutional majority is declared passed. Senator Severns, for what purpose do you arise?

SENATOR SEVERNS:

Thank you, Mr. President. A point of...I'd...I'd like to request leave of the Body to add Senator Brookins as a hyphenated cosponsor to 1685.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Hearing no objection, leave is...there is objection...there is objection. Senator Demuzio withdraws his objection. Senator Brookins may be added as a cosponsor. Senate Bill 1689, Senator Rock. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1689.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1689 is the Fiscal '89 appropriation for the ordinary and contingent expenses of the Board of Higher

Education and the appropriation for the grants that are distributed through that agency. The total amount is 38.9 million dollars. And I would urge a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1689 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 1689 having received the constitutional majority is declared passed. For what purpose does Senator Donahue arise?

SENATOR DONAHUE:

For a point of personal privilege.

PRESIDING OFFICER: (SENATOR SAVICKAS)

State your point.

SENATOR DONAHUE:

Thank you, Mr. President. I'd just like...in the gallery today we have some students from Astoria High School and I'd like to have them stand and be recognized.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Would they please rise and be recognized. Senate Bill 1690, Senator Etheredge. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1690. - *State House*

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the appropriations bill for the Illinois Community College Board for Operations and Grants. The dollar amount is two hundred and three million six hundred

and thirty-eight thousand dollars. I would ask for favorable consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1690 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1690 having received the constitutional majority is declared passed. Senate Bill 1691, Senator Poshard. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1691.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Poshard.

SENATOR POSHARD:

Thank you, Mr. President. Mr. President, this is the bill that makes the annual revisions to the Illinois Community College Board's grant formula to reflect the Board of Higher Education's FY '89 funding recommendations. It excludes from reimbursement qualifications those courses offered by contract with the Department of Corrections and adds contributions for the health insurance retirees. Ask for a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1691 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1691 having received the constitutional majority is declared passed. Senate Bill 1692, Senator

Weaver. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1692.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President and members of the Senate. This the appropriation to the U. of I. in the amount of five million six hundred and forty million nine hundred and seventy-six thousand dollars. Appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1692 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 1692 having received the constitutional majority is declared passed. Senate Bill 1693, Senator Carroll. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1693.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1693 is the ordinary and contingent expenses for the operations of the Board of Governors system. It's a 191.3 million dollars, provides slightly over the Governor's budget and allows for a seven percent increase in

the salaries. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1693 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. Senate Bill 1693 having received the constitutional majority is declared passed. Senate Bill 1694, Senator Vadalabene. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1694.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. Senate Bill 1694 appropriates 208.1 million to Southern Illinois University for its fiscal operations. Appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1694 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. Senate Bill 1694 having received the constitutional majority is declared passed. Senate Bill 1695, Senator Davidson. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1695.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, this is the annual appropriation for the Board of Regents. As amended, it's two hundred and seven million plus. Appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1695 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 1695 having received the constitutional majority is declared passed. Senate Bill 1696, Senator Hall. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1696.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. 1696, Hall and Etheredge, appropriates funds for the ordinary and contingent expenses of the State Scholarship Committee. It appropriates 313.1 million to the Scholarship Commission for its FY '89 operation and grants. This is 21.5 million below the Board of Higher...Higher Education recommendation but it's 4.1 million above the Governor's budget. I ask for favorable support of this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President. I'd like to request leave of the Body to be recorded as an Aye vote on Senate Bill 1695.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You will be so recorded. Further discussion on Senate Bill 1696? Those in favor indicate by voting Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. Senate Bill 1696 having received the constitutional majority is declared passed. Senate Bill 1697, Senator Etheredge. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1697.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1697 under the sponsorship of Etheredge-Hall increases the maximum award under the...the monetary award program of the ISSC from thirty-one hundred dollars to thirty-two hundred dollars. I move for its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1697 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none...voting Present. Senate Bill 1697 having received the constitutional majority is declared passed. Senate Bill 1701, Senator O'Daniel. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

SB 1714
3rd Reading

Senate Bill 1701.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator O'Daniel.

SENATOR O'DANIEL:

...Mr. President and...members of the Senate, Senate Bill 1701 amends the Wildlife Code. JCAR introduced this bill to grant the Department of Conservation statutory authority to issue free wild turkey and deer hunting permits for use on corporate owned lands to shareholders of corporations owning forty or more acres of land in the county. One permit shall be issued without charge to one shareholder for each forty acres of land owned by the corporation in the county. The number of free permits shall not exceed fifteen at any...to any one corporation in any one county. I'll attempt to answer any questions; if not, I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not...Senator Demuzio.

SENATOR DEMUZIO:

Well, Mr. President, this really sounds like an emergency and I just wanted to get up and concur with Senator O'Daniel on everything he just said and hope that everyone votes favorable.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Nice. The question is, shall Senate Bill 1701 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1701 having received the constitutional majority is declared passed. Senate Bill 1703, Senator Karpziel. Senate Bill 1714, Senator Davidson. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1714.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, this bill does exactly what it says in the Calendar. It came out of the pilot study that was done for three years and I amended it so that it's only...and it becomes effective when appropriate funds are available so there can be no dispute with the Governor's Office about funding. There is Federal funds that we hope to capture this way. Appreciate a favorable roll call. Anyone like to join as a hyphenated cosponsor, now is the time.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Poshard.

SENATOR POSHARD:

Thank you, Mr. President. I rise in support of this bill and I would, indeed, like to be included as a hyphenated cosponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis seeks the same. Senator Macdonald the same. Would all those members who wish to be put on just indicate to the Secretary at the desk here. Just bring it...bring it up to the Secretary at the desk. Is there discussion? The question is, shall Senate Bill 1714 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. Senate Bill 1714 having received the constitutional majority is declared passed. Senate Bill 1719, Senator Karpel. Read the bill,

Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1719.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. Senate Bill 1719 amends the Condominium Property Act and the Revenue Act to revise the procedures for the establishment of the dollar-per...per-parcel tax assessment treatment for common areas of condominiums. Evident there's a problem in Cook County with identifying the condominium common areas and therefore there's been instances of double taxation. So this bill was written by the Cook County State's Attorney,...is supported by the Townhome Association and there is no opposition. I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1719 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. Senate Bill 1719 having received the constitutional majority is declared passed. Senate Bill 1721, Senator Zito. Senate Bill 1723, Senator Zito. Senate Bill 1728, Senator Watson. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1728.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. This is the budget for the Mines Reclamation Council. It's level is twenty-one million six hundred and twenty-six thousand seven hundred dollars. I ask for your approval.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1728 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. Senate Bill 1728 having received the constitutional majority is declared passed. Senate Bill 1729, Senator Donahue. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1729.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. As was said, Senate Bill 1729 is the OCE for the Department of Ag. The current level after amendments is fifty-one million one hundred and forty-six thousand four hundred dollars. I would move for its passage.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1729 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question the Ayes are 59, the Nays are none, none voting Present. Senate Bill 1729 having received the constitutional majority is declared passed. Senate Bill 1730, Senator Weaver. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1730.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President and members of the Senate. This is the annual appropriation to the Commissioner of Banks and Trusts in the amount of ten million seventy-three thousand two hundred dollars, none of which is General Revenue Fund.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1730 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. Senate Bill 1730 having received the constitutional majority is declared passed. Senate Bill 1731, Senator Topinka. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1731.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President, Ladies and Gentlemen of the Senate, as you heard, this was to provide for the ordinary and contingent expenses of the Bureau of the Budget which now totals fifty-four million seven hundred and ninety-one thousand and nine hundred dollars.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

Senate Bill 1731 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59 Yeas, no Nays, none voting Present. Senate Bill 1731 having received the constitutional majority is declared passed. Senate Bill 1732, Senator Etheredge. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1732.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the OCE for the CDB in the amount of 5.4 millions of dollars. I move for its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1732 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59 Yeas, no Nays, none voting Present. Senate Bill 1732 having received the constitutional majority is declared passed. Senate Bill 1733, Senator Watson. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1733.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...Watson.

SENATOR WATSON:

Thank you, Mr. President. This is the budget for the

Illinois Commerce Commission. Its current level is eighteen million six hundred and thirty-three thousand two hundred dollars.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1733 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 50 Yeas, no Nays, none voting Present. Senate Bill 1733 having received the constitutional majority is declared passed. Senate Bill 1734, Senator Schaffer. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1734.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and members of the Senate, this is the budget for DCCA, five hundred and four million three hundred and seven thousand dollars. And it also appropriates some 9.2 million for other state agencies...DCCA administrated programs.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1734 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Yeas, 1 Nay, none...and 1 voting Present. Senate Bill 1734 having received the constitutional majority is declared passed. Senate Bill 1735, Senator Philip. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1735.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1735 is the appropriation for the Department of Conservation. It's a hundred and twenty-two thousand six hundred and fifteen dollars. It has two committee amendments, one Floor amendment. Quite frankly, it's only six-tenths of one percent of the total state budget.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1735 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. Senate Bill 1735 having received the constitutional majority is declared passed. Senate Bill 1736, Senator Dudycz. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1736.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Dudycz.

SENATOR DUDYCZ:

Yes, thank you, Mr. President. Senate Bill 1736 appropriates seventeen million one hundred and seventeen thousand dollars for the Illinois Criminal Justice Information Authority for Fiscal 1989.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

Senate Bill 1736 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59 Yeas, no Nays, none voting Present. Senate Bill 1736 having received the constitutional majority is declared passed. Senate Bill 1737, Senator Schaffer. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1737.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, members of the Senate, this bill appropriates one million two hundred and thirty-five thousand eight hundred dollars for the Education Labor Relation Board, down some seventy-four thousand from its introduced level.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1737 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. Senate Bill 1737 having received the constitutional majority is declared passed. Senate Bill 1738, Senator Schaffer. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1738.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and members of the Senate, this bill appropriates two hundred and eleven million one hundred and ninety-four thousand dollars for the Department of Employment Security, down some 2.5 million dollars from the introduced level.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1738 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 1738 having received the constitutional majority is declared passed. Senate Bill 1739, Senator Etheredge. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1739.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President and members. This bill appropriates a hundred and seventy-two million a hundred and nine thousand dollars for the OCE of the EPA. I move for its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question...Senator Netsch.

SENATOR NETSCH:

Senator Etheredge, we wonder if you could find a...a new form of communication with the rest of the members of the General Assembly. We've now heard OCE for EPA and OCE for CBD and we...we really do not understand what you are trying to say to us. Could you find a new form of communication?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Etheredge, would you clarify your request.

SENATOR ETHEREDGE:

Well, I'm...I'm sorry, Senator. I was just trying to keep the flow going here moving as rapidly as possible so that we could do two hundred bills today. I am sorry, I will take a longer period of time on the next bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 1739 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 1739 having received the constitutional majority is declared passed. Senate Bill 1740, Senator Etheredge. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1740.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Etheredge.

SENATOR ETHEREDGE:

Senator Netsch and Mr. President and members, Senate Bill 1740 appropriates funds from the Environmental Protection Trust Fund to the Environmental Protection Trust Fund Commission for grants to various agencies. There are two committee amendments on it. The current level of this appropriation is seven hundred and ninety thousand eight hundred dollars. I move for its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1740 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who

wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. Senate Bill 1740 having received the constitutional majority is declared passed. Senate Bill 1741, Senator Donahue. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1741.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. Senate Bill 1741 reappropriates twenty-one million four hundred and seventeen six thousand six hundred dollars to the Illinois Farm Development Authority.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1741 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 1741 having received the constitutional majority is declared passed. Senate Bill 1742, Senator Mahar. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1742.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. This is the annual appropriations for the Department of Financial Institutions to the

tune of five million a hundred and fifty-six thousand four hundred dollars, some two hundred and seventy-five thousand less than introduction. I'd move its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1742 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 1742 having received the constitutional majority is declared passed. Senate Bill 1743, Senator Karpziel. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1743.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. Senate Bill...1743 makes appropriations for the ordinary and contingent expenses of the Department of Labor for a total of four million fifty-five thousand five hundred dollars. And this is a reduction of a hundred and seventy-seven six hundred...a hundred and seventy-seven thousand six hundred dollars from the introduced amount.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1743 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 1743 having received the constitutional majority is declared passed. Senate Bill 1744, Senator

Philip. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1744.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the budget for the state lottery. It's three hundred and sixty-six million six hundred and seventeen dollars. One committee amendment, one Floor amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1744 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1744 having received the constitutional majority is declared passed. Senate Bill 1746, Senator Dudycz. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1746.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. Senate Bill 1746 provides eight million nine hundred and ninety-eight thousand dollars for the ordinary and contingent expenses of the Military and Naval Department for Fiscal 1989.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

Senate Bill 1746 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1746 having received the constitutional majority is declared passed. Senate Bill 1747, Senator Etheredge. Read the bill...read the bill, Mr. Secretary.
ACTING SECRETARY: (MR. HARRY)

Senate Bill 1747.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Etheredge.

SENATOR ETHEREDGE:

This bill appropriates twenty-six million eight hundred and thirty thousand dollars for the OCE of the Department of Nuclear Safety. And I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1747 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1747 having received the constitutional majority is declared passed. Senate Bill 1748, Senator Topinka. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1748. ✓

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President, Ladies and Gentlemen of the Senate,

Senate Bill 1748 appropriates three million six hundred and thirty-three thousand four hundred and eighty dollars for Prairie State 2000.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1748 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1748 having received the constitutional majority is declared passed. Senate Bill 1749, Senator Maitland. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1749.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President, members of the Senate. Senate Bill 1749 appropriates thirty-two million one hundred and ninety-two thousand two hundred dollars for the OCE of certain retirement systems. That's at the introduced level. I would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1749 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. Senate Bill 1749 having received the constitutional majority is declared passed. Senate Bill 1750, Senator Donahue. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1750.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue.

SENATOR DONAHUE:

Whoa, one voice and then the next and I wasn't watching to see. Thank you, Mr. President. I...Senate Bill 1750 appropriates three million five hundred and eighty-three thousand two hundred dollars for the ordinary, contingent expenses of the Commissioner of Savings and Loans.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? The question is, shall Senate Bill 1750 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1750 having received the required constitutional majority is declared passed. Senate Bill 1751, Mr. Secretary. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1751.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill appropriates seventy-eight million four hundred and three thousand dollars for the OCE of DASA. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? The question is, shall Senate Bill 1751 pass. Those in favor will vote Aye. Those opposed Nay. The

voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On...on that question, the Ayes are 59, the Nays are none, none voting Present. Senate Bill 1751 having received the required constitutional majority is declared passed. Senate bills 3rd reading is Senate Bill 1752, Mr. Secretary. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1752.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

Thank you, very much. This bill has a total of three million two hundred and eleven thousand three hundred dollars for the ordinary and contingent expenses of the Guardian and Advocacy Commission. I ask your favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1752 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the...take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 1752 having received the required constitutional majority is declared passed. Senate Bill 1753, Mr. Secretary. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1753.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. This is the annual appropriation for the Medical Center Commission. It will be funded for this next fiscal year at one million two hundred and seventy-six thousand eight hundred dollars, some fourteen thousand less than when it was introduced. I move to adopt.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1753 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 1753 having received the required constitutional majority is declared passed. (Machine cutoff)...bills 3rd reading, Senate Bill 1754, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1754.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and members of the Senate, this bill would appropriate some seven hundred and twenty-eight million dollars for the Department of Mental Health and Developmental Disabilities. It is an increase of some 13.8 million dollars, principally in a cost of living increase for the community providers and some two million dollars for each the...each for the MI programs and the DD programs for increased utilization. Obviously, I think it's an improvement over the bill as sent to us originally but it does have some deficiencies, some very considerable deficiencies. I expressed earlier concerns of the implications of the salary

reductions in the line items for the institutions. We reduced Equipment to approximately eighty-five percent of the request and we cut out some Maintenance and Repair in some of the institutions that I think may come back to haunt us. I think most of us feel that this is not the final form that the bill will eventually see the Governor's Desk, we hope so. We think it's a good beginning, at least I do, but I still have concerns about some of the areas that are underfunded. But I certainly urge its adoption in the hope that through the rest of the process some of these other concerns can be addressed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1754 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 1754 having received the required constitutional majority is declared passed. Senate bills 3rd reading is Senate Bill 1755, Mr. Secretary. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1755.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

END OF REEL

REEL #3

SENATOR MAITLAND:

Thank you, Mr. President and members of the Senate. Senate Bill 755 appropriates three billion six hundred and seventy-five million one hundred and ninety-nine thousand for the OCE of the Department of Public Aid. That's some...one hundred and fifteen million below the introduced level. I would only say to you that...a very positive part of this particular bill this afternoon is the fact that it does back us down to a fifty-day payment schedule for our Medicaid providers, it's not as far as we need to go but it's a step in the right direction.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1755 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are 1, 3 voting Present. Senate Bill 1755 having received the required constitutional majority is declared passed. Senate Bill 1756, Mr. Secretary. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1756.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

Thank you, very much. This bill has a total of two hundred and twenty-six thousand dollars for the ordinary and contingent expenses of the Governor's Purchased Care Review

Board and I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1756 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 1756 having received the required constitutional majority is declared passed. Senate Bill 1757, Mr. Secretary. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1757.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

Thank you, very much. This bill has a total of eight hundred and forty-two thousand two hundred dollars, reduction of twenty-two thousand seven hundred dollars for the ordinary and contingent expenses of the Prisoner...Review Board and I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Madigan.

SENATOR MADIGAN:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point.

SENATOR MADIGAN:

Seated in the President's Gallery is several students from Morton High School in Morton and...along with their teacher and I'd like them to be introduced to you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Will our guests in the gallery please rise and be recog-

SB 1759
3rd Reading

nized by the Senate. Welcome to Springfield. Question is, shall Senate Bill 1757 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. Senate Bill 1757 having received the required constitutional majority is declared passed. Senate bills 3rd reading, Senate Bill 1758, Mr. Secretary. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1758.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President. This bill appropriates seventy-nine million ninety-six thousand dollars to the State Universities' Retirement System. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1758 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 1758 having received the required constitutional majority is declared passed. Senate Bill 1759, Mr. Secretary. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1759.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

SB 1771
3rd Reading

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. The amount at the current level after the amendments is thirty-one million six hundred and seventeen thousand four hundred dollars, and it is for the ordinary and contingent expenses of the Department of Veterans' Affairs.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1759 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 1759 having received the required constitutional majority is declared passed. Page 9, Senate Bill 1771, Senator Berman. Senate bills 3rd reading is Senate Bill 1771, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1771.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. We discussed this at some length yesterday on 2nd reading. This is the bill that conveys twenty-five acres of land bottom at the...under Lake Michigan to the adjoining property of Loyola University Lakeshore Campus. I want to address one portion of the questions that have been raised and that is regarding the Legislature's responsibility under the public trust doctrine. The public trust doctrine is a product of case law in this state and it holds that the state must be vigilant in its use and any disposition of lands...such as that which lies below

Lake Michigan that are impressed with the public trust. I think the record should be clear that the General Assembly is familiar with the ruling of the United States and Illinois Supreme Court which have shaped the public trust doctrine since 1892. A careful reading of these decisions shows that there is no flat prohibition to the conveyance of trust lands to...to private entities as some people have claimed. The courts have told us that such conveyances can be made when the public interest will be served and there is no substantial impact on the waters and land remaining. I will explain how the conveyance to Loyola meets these conditions; however, first, I would point out that as a legislative Body we must be progressive in solving problems. Erosion and storm damage continually threaten the Loyola campus, the adjacent Hartigan Beach and the properties of many other...shore owners in my district. This bill allows the university to solve this problem for the Chicago Park District and itself by the use of the most modern shoreline protection measures. There is no doubt that this bill not only serves but furthers the public interest. The public would be guaranteed access to a beautified shoreline where at present it has...testing...testing...testing...okay? Now, let me move over to Senator Holmberg...thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman, I...we hope you don't have to start over.
Senator Berman.

SENATOR BERMAN:

My script continues. The public would be guaranteed access to a beautified shoreline where at present it has no right of access. The university will expand and improve Hartigan Beach and give it to the Chicago Park District, provide a waterfront walkway and scenic overlooks with public access and share its technical research about the lakefill and Lake Michigan with public agencies. To ensure that the

lakefill does not impact the lands and waters remaining we have included many protections for the public. There are covenants included in the bill which prohibit the construction of any buildings on the lakefill and which limits its use to sports and recreation. There is also a provision which provides that Loyola may not transfer title to the lakefill property without triggering a right of reentry by the state. In addition, the Legislature is aware of no current plans for this property by any public or private agency. Moreover, before the university can begin to construct its lakefill, numerous federal, state and local approvals must be obtained, all of which ensure the project will have not negative impact on the lakefront. In some...in summation, the conveyance to Loyola for its lakefill project is consistent with the public trust doctrine and I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I rise in opposition to Senate Bill 1771 as it is currently constructed and I think it should be made clear that the fault is not with the project itself. I think most of those who've had an opportunity to see the plans that Loyola has developed for that area feel that it is definitely an asset to the area and that it is a very nice...apparently a very, very nice plan. The problem is that there are a couple of precedents that are involved in the way in which this project is being pursued that I think are matters of great concern, not just to those of us who have a lakefront district but really to everyone in the State of Illinois. I asked at the hearing on the bill the question, why won't the university and its attorneys lease the land, that is, accept a lease rather than insist on a sale, a fee ownership. I was told the answer...it had to do with the fact that there was an investment of six million dollars. I

do not find that an adequate answer. The lakefront...even that which is in private hands right now should never be continued in private hands if there is an opportunity to avoid that and certainly not a sale of this sort. It is my belief that this should be a ninety-nine year lease rather than a sale and I think that point alone is worth opposition. I think there is another matter that is very troublesome about this. Yes, there is public access that seems to be written into the bill for a perimeter right around the new landfill. I think it's a...fifteen- or twenty-foot wide perimeter as I understand, but there is a lot of property...land in between that and the old shoreline that will be filled in and to which there is not the same type of public access, and it seems to me that...that if we are indeed going to sale...to sell and confirm the sale of the lakefront, which is one of the great assets of this state, that we ought to make sure that every square inch of it is permanently, forever available to the public. Those, it seems to me, are at least two of the major concerns about this bill as it is presently constructed. I do not think that we ought to set this precedent. It is not a good precedent for what might happen in the future to the lakefront and for that reason I will oppose it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I rise to speak in favor of this bill. Loyola University, a reputable university, is going to pay six million dollars to buy dirt underwater to improve it and make some public recreational land available to the public. The safeguards are there; if they don't, it reverts back to the State of Illinois. It saves the taxpayers six million dollars to put recreational land there and I think it's a very worthwhile

bill and I speak in favor of it and urge the support of it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Just a question about...about access, because that's one of the things that concerns me. I know that there's access to the north end of the public crosswalk, but what about direct access across the main part of the field and...and public utilization of those fields and those jogging tracks and other facilities in that area?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman. I assume that was a question, Senator Marovitz. Senator Berman indicates he will yield. Senator Berman.

SENATOR BERMAN:

I am looking for the exact language so that I can quote that for you. (Machine cutoff)...language is as follows and let me expand upon the language after I quote it, on the amendment page 3, Subsection C, "Consistent with the rights and obligations of ownership including but not limited to maintenance and security created in Loyola University by virtue of the quitclaim deed provided for in this Act, public access to the lakefill should not be unreasonably denied." Now let me explain to you what I believe that means. In the packets that we've distributed to every one of the Senators, we have shown the plans in a diagram way of what this landfill is going to look like. I want you to keep in mind that at the moment this nineteen plus acres of a beautiful extension into the lake with a beautiful walkway and overlooks and...a Olympic style track and a baseball diamond and a couple of basketball courts and tennis courts doesn't exist. I want to underline that. At the moment, you've got water and the public has no access. What this language says is that after this is built and after approval by the Chicago

Park District, the corps of engineers, the City of Chicago, the building department, the plan commission, after all those agencies, that within the realm of reasonable security of a good neighbor and the maintenance of this expensive project, the public will have access. Now, that's qualified language and it's qualified with a purpose...today I can walk out to Loyola's...lakeshore campus, they have a running track, I can run on it. I can't go there and dig a hole in it and there is nothing that's indicated to me that Loyola's policy regarding this landfill is going to be any different than the policy that I've just described regarding their existing campus.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Well, I appreciate what you said, Senator Berman, but I'm not talking about anybody going over there and digging holes. There's going to be a new jogging area and a new set of fields and if the public will have the same access to those new jogging areas and those new fields...subject to, of course, NCAA tournaments or games or meets being played there, which is only fair, then there's no problem and...and I guess what I'm trying to do...and I intend to support the legislation, I'll make that very clear, but I want to get into the record the fact that the Legislature intends that area which is going to be built upon public lands owned by the State of Illinois to be...to have the access of the public, that...and...and the only thing that concerns me is the nebulous language, "Shall not be unreasonably denied or unreasonably impeded," and as lawyers, we know that that language can be interpreted many ways by many different people, and my concern is that the public do have access and not be denied for any reason the use of those properties for access or for recreational functions unless there is a meet going

on, an NCAA meet or something that is scheduled, and that if they're going to be denied, I think it's reasonable that there should be some notice provided to the public, posted or otherwise, that the fields are being used for such and such a reason and are not open and available to the public. I think that's reasonable and I think that we ought to have that established in the record that unless there is some notice given that those fields and that public way can be used by the public just as the areas today are being used.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Poshard.

SENATOR POSHARD:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point.

SENATOR POSHARD:

Mr. President, behind me seated in the gallery are the most excellent students from Eldorado Junior High School in my district, along with their teacher, JoAnna Lane, and the chaperons. I'd like to welcome them to the Senate.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Will our guests in the gallery please rise and be recognized by the Senate. Welcome. Further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. I rise regretfully to speak in opposition to this piece of legislation, opposition because as chair...former chair of Higher Education for a number of years, I have all the respect in the world for this institution; however, there are some problems that I'd like to just speak to this from...from two points of view. The first, of course, is the effect on the lake. I happen to live on the lakefront and I share a lakefront district and if any of you have...have...have watched the way the lakefront

has eroded the beaches in the City of Chicago, you would tremble at the thought of anything constructed that might possibly affect those lake currents and...and wash away much of the beach that we...that we do retain, and I will say to you that those beaches are getting smaller and smaller every year. My family uses that beachfront almost every day, so we see it being washed away, that's the first point. The second point is the equities of the matter. I would have no problem under ordinary circumstances selling to an institution such as Loyola public land to be used for their purposes, but the fact of life is that it is for the purpose of the university and it ought to be if they pay for the land. The fact is that those facilities that are being placed on that land are primarily for the use of the institution, and I doubt that an institution could very well open up that land for the public use at all times, so let's not confuse ourselves about what's happening. Those lands, if used at all, will be used at the sufferance of the university and they...they...they ought to have the right to do that, but if that's the case, then we ought to state that is the case in this matter. For those two reasons; one, let me repeat, the lakefront current effect, which is washing away the lakeshore in the City of Chicago daily; the second is the use of the land. The use of the land is for the institution. I would have no problem with that under ordinary circumstances; under these circumstance, I say, no, we ought to vote against this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR BERMAN:

Thank you. To the...to my two colleagues who spoke in opposition, I understand your concerns. I consider myself a strong environmentalist and I am satisfied, personally, that everything that should be done has been done, weighing the

interests of a fine public...of a fine private higher educational institution the needs to expand the use of the lakeshore. Now, Senator Newhouse talked about that. The affects on the lake have been detrimental with nothing being done. This will improve the lakeshore and the studies that have been made show that it will, and in...on Section 4, the improvement and the plans and its effects on the lakeshore must receive the approval of the Department of Transportation which is our agency that overlooks lakeshore improvements. Also, without going into great further detail, let me tell you, and I appreciate the comments from my colleagues down the lake, this proposal has been discussed in great detail with dozens of individuals and community organizations in the immediate community. We have received letters of endorsement of this program by the people that are immediately, not solely, but immediately affected and that's by the Roger's Park Community Council, the Edgewater Community Council, ASCCO, which is the Association of Sheridan Road Condominium and Co-op Owners, they have all endorsed this program. I personally think it is a major improvement to our community and to the lakeshore. I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall Senate Bill 1771 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 51, the Nays are 6, 2 voting Present. Senate Bill 1771 having received the constitutional majority is declared passed. Senate Bill 1776, Senator Rock. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1776.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1776 is the annual appropriation for the operation of the General Assembly in an amount slightly over nineteen million dollars. I solicit a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1776 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1776 having received the constitutional majority is declared passed. Senate Bill 1777, Senator Rock. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1777.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1777 is the appropriation for the district office allowance. It's 2.6 million dollars for the Senate and 4.1 for the House, total amount 6.7 million dollars and I solicit an Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1777 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1777 having received the constitutional

majority is declared passed. Senate Bill 1778, Senator Rock.

Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1778.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is the annual appropriation in the amount of ten million dollars for the legislative support agencies and I again solicit an...an affirmative vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1778 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1778 having received the constitutional majority is declared passed. Senate Bill 1779, Senator Demuzio. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1779.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. This represents the Auditor General's appropriation for...for this year. It is slightly increased over last year. I would ask for...your favorable consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1779 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 1779 having received the constitutional majority is declared passed. Senate Bill 1780, Senator Luft. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1780.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Senate Bill 1780 is a vehicle bill for the Illinois...deals with the Illinois Enterprise Act. Last year we passed a resolution sponsored by Senators Rock and Philip asking us to look into the various incentives and programs we offer industry throughout the State of Illinois. The information that is going to be supplied to us is a little late from Illinois Economic and Fiscal and intergovernment cooperation. I'd like to move this bill on and if, in fact, any information that arrives to us is substantive...in an emergency sense that we have to deal with enterprise zones, we will amend the bill in the House; otherwise, it will just die over there.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1780 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. Senate Bill 1780 having received the constitutional

majority is declared passed. Senate Bill 1781, Senator Luft.

Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1781.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Under current law, if the sales taxpayer's average monthly liability for the preceding four quarters is in excess of ten thousand dollars, that individual must make sales tax payments to the Department of Revenue on the seventh, fifteenth, twenty-second and the last day of the month. Presently, each quarterly payment...monthly payment must equal 22.5 percent of the liability for the month or twenty-five percent of the liability for the same month in the preceding year. This bill adds one more way of computing that liability, that's by payment of one hundred percent of the liability for the quarter monthly reporting period. In other words, what we're doing is trying to let the retail individual or merchant keep his money until the end of the quarter and pay on the actual liability...liability, not an estimated liability. We passed this bill last year overwhelmingly and the Governor vetoed it when he thought that this would interrupt the stream of revenue. We feel that is not the case and I would ask for your support for the bill at this time.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Rigney.

SENATOR RIGNEY:

I think it should be pointed out that the Department of Revenue does have a problem with this concept. On its face it's very difficult to say, well, want's wrong, we're just

simply remitting the amount that's due. Fine, but the problem is that it's virtually impossible then to audit the...the tax liability. It's conceivable that someone might withhold a certain amount of that on a cash flow basis and submit on maybe the...the final and fourth week the total amount due for the month. So, two things; it creates a cash flow problem and it makes it almost impossible to do any auditing for the department. I think we should be aware of that prior to the time that we vote on the issue.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR LUFT:

Thank you, Mr. President. Only to point out if I didn't, I don't remember whether I did or not, that this only applies to taxpayers who...whose liability exceeds ten thousand dollars and it was just felt when this bill was introduced that the...the taxpayer himself could well do with his money rather than the State of Illinois. I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall Senate Bill 1781 pass. Those in favor will...will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are 2, 1 voting Present. Senate Bill 1781 having received the constitutional majority is declared passed. Senate Bill 1786, Senator Mahar. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1786.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. This bill only affects suburban Cook County where the school township trustee system is in existence. Currently, an individual who resides in an elementary school district which crosses township boundaries may not be able to vote for the school township trustee which governs their...their area and this bill...attempts to correct...or to correct that inequity.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1786 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. Senate Bill 1786 having received the constitutional majority is declared passed. Senate Bill 1789, Senator Netsch. Read the...read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1789.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Thank you...thank you, Mr. President. Last year the General Assembly enacted a bill which allowed expert testimony to be admissible in evidence in primarily in sexual offense crimes with respect to post-traumatic stress syndrome. In doing so, the General Assembly confined the expert testimony to behavioral psychologists, psychiatrists or physicians. It was subsequently pointed out to the Illinois Coalition Against Sexual Assault by...particularly by a number of downstate state's attorneys' offices that often there was no one available who would meet that particular series of

definitions but that there were other people who were indeed able to be qualified as experts who might be available to testify at trials, including in some cases rape counselors and nurses and others who really had had, in many respects, much more experience than had the three categories that were listed in the bill, and so this bill as now amended would delete those three categories, behavioral psychologists, psychiatrists or a physician, and replace it with a provision that the testimony might come from anyone who is an expert qualified by the court. What that means is that the court would be in charge of determining whether expert testimony was appropriate and whether or not the particular person proffered as a witness...met the qualifications as an expert witness. I think that that...I think that that provides adequate protection to make sure that someone who is not qualified would not be in a position to testify but it does meet the concerns of the downstate state's attorneys' offices. I would be happy to answer questions or solicit your support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1789 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are 2, none voting Present. Senate Bill 1789 having received the constitutional majority is declared passed. Senate Bill 1793, Senator Marovitz. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1793.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Senate Bill 1793 was drafted in response to requests from churches, charities, veteran organizations, lion clubs and the like across the State of Illinois. It increases the bet limit on the casino gaming nights from five dollars to twenty-five dollars. In the committee, we have removed...the committee was concerned about the time that the...the...cutoff time in the law right now was twelve o'clock and we removed the amendment in committee that changed it to two o'clock, so the time is still twelve o'clock. It has not been changed at all. The time is the same and we put...Senator Rigney placed an amendment on, a very important amendment, which gives some assistance to downstate counties in regards to sites and bonding and those kinds of things, and I would solicit your Aye vote for the charities and the churches or our state.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1793 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 48, the Nays are 9, 1 voting Present. Senate Bill 1793 having received the constitutional majority is declared passed. For what purpose Senator Etheredge arise?

SENATOR ETHEREDGE:

On a point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

State your point.

SENATOR ETHEREDGE:

Mr. President and Ladies and Gentlemen of the Senate, seated in the Democratic Gallery are groups of students from Annunciation and St. Peter's Schools in Aurora with several of their teachers and parents, and I would like for them to

stand and be recognized.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Would you please rise and be recognized. 1794, Senator Demuzio. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1794.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President and Ladies and Gentlemen of the Senate. This is Senate Bill 1794 which is the similar version of the bill that we passed last year that the Governor vetoed with respect to the creation of the Revolving Loan Fund with the Environmental Protection Agency, the seventy million dollar bond authorization increase to, in effect, match about three hundred and fifty million dollars of federal money. We are, obviously, still struggling with a funding source and both sides of the aisle continue to work with the Governor's Office downstairs in hopes that by the time we are adjourned this year that we might have some identifiable funding source through either existing resources or through, perhaps, Senate Bill 1862 or some other mechanism that might be available, but I think that for the most part, everyone is...is on board with this program and the only thing I can say is that I guess we ought to send it out of here and send it over to the House and continue to negotiate. Senator Schaffer and I have been downstairs in the Governor's Office on several occasions trying to work this out. I would ask for the complete support of the Senate today with respect to Senate Bill 1794, and I'm sure that it would also include Hartford in Senator Vadalabene's district, also included are the fifteen communities that are in need in my district and

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there are two hundred and twenty-six other communities in Illinois that need somewhere...funding. So, I would ask the...the Senate's complete support in moving out the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall Senate Bill 1794 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish?...take the record. (Machine cutoff)...question, the Ayes are 59, the Nays are none, none voting Present. Senate Bill 1794 having received the constitutional majority is declared passed. Senate Bill 1800, Senator Marovitz. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1800.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. I would first ask leave to add the name of Senator Berman as a hyphenated cosponsor of this legislation at his request. Senate Bill 1800 is a bill that was prepared with the Illinois Housing Development Authority and it requires the owners of certain federally subsidized housing units to provide to local governments and IHDA notice of the earliest date on which a mortgage or loan prepayment can be made and notice of the actual intent to prepay. Copies of the notices would be posted in affected buildings and delivered to tenants, also to the clerks of local governments. We've had a very serious problem in...in my district and I know several districts in the City of Chicago where loans were made and they are being prepaid after twenty years and people who are...have been living in these buildings all of their life

are finding that the rents are going up a hundred, a hundred and fifty percent and they have no notice. This provides them with some notice and an opportunity to relocate if that be necessary, and I would ask for your support of this bill. That's...was worked out with the Illinois Housing Development Authority.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. As a hyphenated cosponsor, obviously, I am in support of the bill. I would just add a word that the...while this bill deals with the...the human dilemma that...that is brought about by the prepayment and the change in status of these projects, and that is an extremely important thing, obviously a matter of life and death to a good many of these people, it also is part of a very much larger problem and that is the...that if this prepayment pattern continues, it is going to dry up even further a...the supply of moderate income to low-income housing in our urban centers in a way that...we're going to pay a terrible price for. So, that there really is something that has to be addressed about these projects that goes way beyond just what we are doing here, but this itself is extremely important and I strongly support passage of Senate Bill 1800.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Topinka.

SENATOR TOPINKA:

A...a question of the sponsor, if I may.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates...

SENATOR TOPINKA:

What if you don't intend to prepay? What...you still have to go through this process?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

You have to give the first notice but not the second notice. The second notice is only for the actual intent to prepay.

PRESIDING OFFICER: (SENATOR SAVICKAS)

There further discussion? If not, the question is, shall Senate Bill 1800 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59...Yeas, no Nays, none voting Present. Senate Bill 1800 having received the constitutional majority is declared passed. Senate Bill 1819, Senator Collins. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1819.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President and members of the Senate. Senate Bill 1819 is a bill to address the problems that have been...we found by talking with and researching across the state many of the...subcontractors that contract through the Department of Transportation, and there are quite a few problems in the way bids are processed and also reporting procedures and rules and regulations that have...what we consider to have hampered the progress of the minority set-aside program administered through the Department of Transportation. As you know, that...this program must be in compliance with the federal program which most of the highway funds come from the federal government that is administered through this program, and there are some specific rules and regulations and a

minority program established for the purpose of assisting minorities and females to develop in the area of highway construction...highway construction and repairs. All of the...this passed several months...the Transportation Committee conducted some hearings and of that hearing there were some consistent problems creeping up over and over again that was expressed by many of the minority contractors, and this bill attempts to address in a very mild form, I must say, some of those problems. We are still working on those problems and hopefully we will be by the first of the year coming back with some amendments that would clarify some of the existing...regulations under that program. One of those problems that kept coming up was the problem of cash flow, and I'm sure that many of you have probably have gotten some complaints in your district office from some subcontractors in reference to not being paid by the prime...contractors on time so that they can go on and pay their bills and the help...people that they've employed to work under them. This has been a consistent problem. What this bill attempts to do is to establish an escrow fund and the provisions of that escrow...the payment would be negotiated between the prime contractor and the contractor before they sign the subcontract. This...the...the escrow account would be set up so that when the state pays the prime contractor for debts for...for services rendered or however the installment payments are to be scheduled, that the money would then be deposited into the escrow account. The prime contractor would then pay out that money to the sub. for any debts owing and due at the time. Any disputed...disputed accounts, the money would remain in the escrow fund. We have now some of the contractors complaining that they are...have debts or been in dispute owed to them by prime contractors for over a year...or two years. That money has been spent. Had this escrow fund been established when there was a dispute, the

money would be there. So, when the...dispute would be dissolved...resolved, then that prime contractor would have the money to pay off whatever debts that was owing and due to that subcontractor. This amendment also provides another mechanism by which we do not have in the State of Illinois now in terms of accountability. The department requires each of the prime contractors to establish goals within the provisions set forth by the Federal Department of Transportation to establish the set-aside goals. The department has those goals. The prime contractor comes in and he or she sets forth those goals in their contract, but there are no provisions in this state that says whether or not...to monitor properly whether or not those goals are actually being met. What this bill would do, it would require an annual certified financial statement to be filed with the Department of Transportation from each of the...the...the DBE's and MBE contractors to file with the department so that there will be an additional cross-reference to determine...how much money have been paid out by the various prime contractors to minority contractors under this program so that we would have another point of...reference to determine whether or not the state was, in fact, meeting those goals. The other problem that this amendment...bill attempts to address is a problem that I think that every minority subcontractor that I've talked with have said that it was a serious problem and that is the bid procedure. Currently, the Illinois Department of Transportation requires that the prime contractor, after he receives his contract award, then he is to go out or she is to go out and find the subcontractors. In many of the federal projects, Cook County and even the Capital Development Board of this state, requires you to bring in a list of your subcontractors and file those along with your bid. What this bill is doing is requiring the same procedure, no more and no less, and for...and...and...and the reason for this provi-

sion, it is to provide for open and fair competition in the bidding among the subcontractors. The way the process work now, it does not allow for fair and open competition in the bidding process. I would be happy to answer any questions; if not, I would appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President and Senators. I rise in support of this bill and I want to...especially commend Senator Collins on the job that she's done to reduce a very complicated subject to something that's understandable by those of us in this Legislature. What we have here is an attempt to put together a kind of economic development plan without calling it that that's going to put some money into areas where it's very badly needed and boost the economy, and it's on that basis, I think, we ought to take a hard look at this bill and let it sail out of here without a negative vote. I recommend an Aye vote and I will so do myself. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, you ought to take a very strong, hard look at this bill. This bill is going to demand, if it would become law, that IDOT put into Statute and duplicate the paper work that it already requires. By its rules, IDOT already requires what she's asking to do. The federal department which funds better than ninety percent some kind of matching funds to IDOT already to participate must meet these rules and regulations. This is absolutely unnecessary. It may have came out of some problem that had to do with the Dan Ryan, I don't know, but if you'll count up the No votes and the two Present votes that was in

the Exec. Committee, this bill would have never seen the light of day. It deals with transportation, it should have come to Transportation Committee in the first place. This is absolutely an additional paper work expense to legitimate business people in this state. It's opposed by the Illinois construction industry vehemently because it's going to cause additional expense, there'll be less money available to use these subcontractors and we already have it in place by rules which I mentioned. On top of that, many of you supported a bill which I was the chief sponsor of which put ten percent of the business into female and minority owned businesses and all the other sections of the state. I urge all of you to vote No. This bill is absolutely unnecessary and I don't know how it meets the emergency standards, but it...it's here and now is the time to give a rightful death.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Reluctantly, I rise in opposition, because I think the bill is well-intended, but, Senator Collins, as happens quite frequently in this place, good intentions lead to contradictory and dichotomous results. Let me point out a couple of things. First of all, a good part of this bill is repetitive. It's...it's very unnecessary because the procedures are followed already. But let me point out to you that if I were a contractor and I had to work under this bill, I can assure you that they only person I would ever let the subcontract do is a good and cherished friend of mine because what you've done is destroyed the normal relationship between a contractor and a subcontractor by saying that this contractor has to turn around and do all these things in terms of the process and then when the money comes, he has to put the money or she has to put the money aside and, frankly, there is only one person that takes the

risk in a job and that is the general contractor. So, what you're doing is you're taking the person who's taking the greatest risk and then apportioning out his or her money to other people who are not taking the risk and then you're suggesting...you're suggesting that when they award that business, that they do it in a manner which doesn't give them selectivity and I would submit to you that, Senator Collins, that that's not the way business is conducted or ought to be conducted. In closing, let me make one comment though that bothers me. When we in turn try to create special provisions for special groups, I think in many ways we're insulting them because what we're saying to them is that you are not capable enough in the marketplace to conduct your business as everybody else does; therefore, we are going to put provisions in the law that will cover up for that ineptness and, frankly, if I were somebody in the contracting field, I would be insulted by this type of law.

PRESIDING OFFICER: (SENATOR SAVICKAS)

There further discussion? If not, Senator Collins may close.

SENATOR COLLINS:

Thank you. Let me just begin with the last speaker. I am not...let me...make this very clear. I am not creating a set-aside. This set-aside program is created by the federal government, and if Illinois want to continue to participate in that program where the bulk of our transportation dollars come from, they must adhere to the federal rules and regulations, and that's what this bill is about, to make sure that they adhere to those rules and that we have some measure and process for evaluation and accountability which does not really exist under the department now, and if you think it does exist, you should have participated in some of the federal hearings that have been conducted already in this state and I...I suggest that you keep your eyes open for a new

report that will be coming out from an additional last federal hearings that was held and conducted in this state in reference to this program. No, I am not creating new programs, I'm only trying to make this program better and more accountable. I think I have a very...the highest regard and a great deal of respect for the...the director of this...or the secretary of Department...our Department of Transportation and for his work and efforts to...to try and make this program better. All this bill is attempting to do is to do just that. We are not requiring, as one of the other speakers said, we are not requiring the prime contractor to deposit his money into an escrow account. The bill is very, very, very specific. It says, only that portion of the contract, of the payout that is owing and due...and due right then and there to the subcontractor. That money goes into the escrow account, none of his or her money goes into the escrow account. The...the other...I don't know what Senator Davidson talking about, I...I really and truly don't. It is not the existing the procedure right now, otherwise,...I'm one person who don't just get up and...and introduce and put in bills just...just to hear myself talk. Took a...lot of hard work to go into this bill. I've met constantly with the Department of Transportation and I always meet with all of the various interest groups to talk about this legislation and I'm under the...the...the...it was my found judgment and conclusion that this...this legislation is necessary. I know that you've already...and, quite frankly, if you read the Department of Transportation's position, it is all the reasons why you should vote for the legislation. And, Mr. President, I would just ask for a favorable roll call and I object to anyone speaking after I have spoken.

PRESIDING OFFICER: (SENATOR SAVICKAS)

So do I. The question is, shall Senate Bill 1819 pass. Those in favor will vote Aye. Those opposed vote Nay. The

voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. Senator Collins seeks leave to have Senate Bill 1819 placed on the...consideration postponed. Hearing no objection, leave is granted. For what purpose Senator Hall arise?

SENATOR HALL:

A point of personal privilege, Mr. Chairman.

PRESIDING OFFICER: (SENATOR SAVICKAS)

State...state your point.

SENATOR HALL:

We're honored today to have on the Republican side in the gallery the Boys and Girls Club of South Central Area Council Youth of the Year. Number one, we have Booker Seals from Decatur, and I think that's in Penny Severns area. We have...Bethalto, that's Senator Sam Vadalabene's area, and that person is Scott Borrow. From Pekin, Dennis Scott, is Senator Luft. From Champaign is Senator Weaver and from there we have Julio Anjoe. From East St. Louis, we have Cory Cole and from DuQuion we have Angela Credit, and from DuQuoin is Ralph Dunn; and from Pontiac, Senator Maitland, we have Chris Studebaker, Trisha Bonet and Larry Folk. Along with that...would like for them to stand and be recognized by the Senate and afterwards they'd like for the Senators to meet them outside the rail, they want to make a picture for them, Mr. President.

PRESIDENT:

Will our guests please stand and be recognized. Welcome to Springfield and congratulations. Senator Maitland, for what purpose do you arise, sir?

SENATOR MAITLAND:

Thank you, Mr. President. On a point of personal privilege, sir.

PRESIDENT:

State your point, please.

SENATOR MAITLAND:

I'm honored this afternoon to introduce a group of men and women directly behind you in the President's Gallery. They're the presidents of the eleven alumni associations of the eleven public universities in this state. Would...would add, Mr. President, that they represent as...as laycitizens volunteers over five hundred thousand alumni across this state from this state's public university. I would like very much for them to rise and be recognized by the Senate.

PRESIDENT:

Would our guests please rise and be recognized. Welcome to the Senate. Senator Schuneman, for what purpose do you arise, sir?

SENATOR SCHUNEMAN:

To ask leave, Mr. President, to be added as a hyphenated cosponsor on Senate Bill 2052.

PRESIDENT:

Gentleman seeks leave to be added as a cosponsor on...2052, 2-0-5-2. Without objection, leave is granted. Senator Luft, 1826. On the Order of Senate Bills 3rd Reading, the bottom of page 9, is Senate Bill 1826. Read the bill, Madam Secretary, please.

SECRETARY:

Senate Bill 1826.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Senate Bill 1826 postpones the effective date of the bill we passed last year, Senate Bill 400, from July 1, '88, to January 1 of 1989. Senate Bill 400 dealt with credit card disclosures. There is legislation pending in the federal government that may duplicate what we

are doing or preempt what we are trying to do with Senate Bill 400 and it may be in the best interest not only in the State of Illinois but those people we represent and...to postpone this so there is no duplication or effect that would hurt the industry in this state. So, I'd ask for a favorable roll call.

PRESIDENT:

Further discussion? Senator Zito.

SENATOR ZITO:

Yes, thank you, Mr. President...and members. I, too, rise in support of Senate Bill 1826. As you recall, last year, Senate Bill 400 was the disclosure bill and we thought full well that we would be able and in place in the State of Illinois to enact the legislation July 1, 1988. There was a political football develop between what governmental agency would, in fact, be the depository for this information and it settled with Commissioner Harris' Office of Banks and Trusts. He has indicated to the Senate Finance Committee and others that it is going to take some more time to adequately obtain the equipment and personnel to administer Senate Bill 400. There is no question that the State of Illinois needs to be in the forefront when it comes to states involved in disclosure of credit card interest rates and other pertinent information. I am delighted and...and happy to be a sponsor of Senate Bill 400 and this bill; little unfortunate the fact that we have to postpone this, but in light of...Senator Luft said in regards to federal legislation, which I might add, the Federal Reserve Board in the federal legislation, much similar to Commissioner Harris, would be the national depository for collecting that pertinent information. If, in fact, Congress adopts their disclosure law for the nation, we certainly would not need Senate Bill 400 or the postponement of Senate Bill 1826 in Illinois. If, in fact, that legislation fails, Commissioner Harris has told us that he will, in fact,

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3rd Reading

be ready on January 1, 1989. This Body overwhelmingly passed Senate Bill 400. We would ask your indulgence and support Senate Bill 1826 so that Illinois will be prepared to carry out this legislative intent.

PRESIDENT:

Further discussion? Any further discussion? If not, the question is, shall Senate Bill 1826 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, 3 Nays, none voting Present. Senate Bill 1826 having received the required constitutional majority is declared passed. Senator Jones. On the Order of Senate Bills 3rd Reading, bottom of page 9, is Senate Bill 1834. Read the bill, Madam Secretary, please.

SECRETARY:

Senate Bill 1834.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Jones.

SENATOR JONES:

Thank you, Mr. President and members of the Senate. Senate Bill 1834 is a JCAR bill. Currently, the bill is a nothing bill in the sense that everything has been gutted and is a vehicle bill to incorporate the agreement being worked out by the Office of the Governor, the Pollution Control Board and the...and the Department of Energy and Natural Resources and the State Chamber of Commerce. Those meetings are going on with JCAR right now in the...in the rule making process for the Pollution Control Board. When that agreement is reached, we want to have this bill available, so we want to move it over to the House so it'll be ready to incorporate that necessary language for this JCAR legislation.

PRESIDENT:

Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDENT:

Sponsor indicates he will yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

Is this the bill where the majority vote was changed?

PRESIDENT:

Senator Jones.

SENATOR JONES:

No, you voted for that bill, it's in the House.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

I'm glad you reminded me. What exactly are you trying to do?

PRESIDENT:

Senator Jones.

SENATOR JONES:

This bill as amended is gutted...is gutted, so it just a vehicle bill to incorporate the agreement being worked out by the Office of the Governor, JCAR, Department of Energy and the Pollution Control Board. It's a vehicle bill.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

It's a vehicle bill and, of course, we're going to see it again, are we not?

PRESIDENT:

Senator Jones.

SENATOR GEO-KARIS:

Thank...

PRESIDENT:

SB 1842
3rd Reading

Question is, shall Senate Bill 1834 pass. Those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 1834 having received the required constitutional majority is declared passed. 1835, Senator Carroll. 1842, Senator Degnan. On the Order of Senate Bills 3rd Reading, ...top of page 10, is Senate Bill 1842. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1842.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. Senate Bill 1842 as amended does two things. First, it amends the Sanitary District Act of Chicago to permit civil service examinations to be held at least once every three years rather than two as is current. It also provides eligibility lists for laborers shall be in force for four years. Secondly, as amended by Senator Dudycz, it requires the Chicago Public Library to make applications for police and firefighters' examines available at various branches. It is preemptive. You will recognize that part of this bill as having passed here before without a preemption. This is...preemptive...this part is preemptive. I'd be happy to answer any questions.

PRESIDENT:

Any discussion? Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I stand in support of Senate Bill 1842 and I wish to

address the section dealing with the police and the fire-fighters' applications. Last year, you may recall, we...we passed unanimously Senate Bill 152. It dealt with the police and firefighters' applications for examinations to be made available in libraries...various libraries within the City of Chicago. What had happened was public...the bill became Public Act 85-304 and it was inadvertently placed in the wrong section of Chapter 24. This will correct that. I urge your unanimous approval.

PRESIDENT:

Further discussion? Further discussion? If not, the question is, shall Senate Bill 1842 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. Senate Bill 1842 having received the required constitutional majority is declared passed. 43, I understand, is on the recall list. 56, Senator del Valle. On the Order of Senate Bills 3rd Reading is Senate Bill 1856. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1856.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator del Valle.

SENATOR del VALLE:

Thank you, Mr. President. Senate Bill 1856 adds chronic truancy rates to the list of required elements which must be reported on the school's report card. Currently schools must report students placing in the top and bottom foretells of achievement tests, composite and average scores of students taking the ACT or the SAT, the number of students repeating a grade and the graduation rate and student turnover. Dis-

tricts already collect this information. The state board has indicated that there would be no cost to the districts because this information is available and by reporting it, this information could be valuable to local districts as they decide on policies and resource allocation to deal with the truancy and dropout problem. I urge an Aye vote on Senate Bill 1856.

PRESIDENT:

Discussion? Any discussion? Senator Poshard.

SENATOR POSHARD:

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

PRESIDENT:

Sponsor indicates he will yield, Senator Poshard.

SENATOR POSHARD:

Yes, thank you. Do we have a definition in the law right now, Senator del Valle, which defines a chronic truant as opposed to truancy alone? Or is that left up to the individual school district?

PRESIDENT:

Senator del Valle.

SENATOR del VALLE:

The definition that I have is, "Any student who is absent without cause for ten percent of the one hundred and eighty school days."

PRESIDENT:

Senator Poshard. All right, further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Senator, I think I...I begin to understand what you're trying to do here and it...it's probably laudable. I do have a concern, however, and the concern is that the original idea of the report card was a relatively simple, easy to understand, preferably one-page document, one on the financial condition of the school district and another on the academic

condition of the school district. We have heard a lot of...I'll use the phrase "carping" from the education community about the report card. Frankly, many of them are not comfortable with the entire concept of accountability. That causes most of their concern, but one of the things that perhaps is a legitimate criticism is that the concept is...has been rather dramatically expanded by the Office of Education already, and now we are going to gradually expand this document, and my concern is that the end result is it's going to start looking like a Federal Income Tax form and it's not going to be meaningful to the average person, the average parent, the average taxpayer that sees it. I believe that the type of information that you're looking for should be available through the State Board of Education. My concern is not with what you're trying to do which is, I think, to shine a light on a...a problem but...that if we fill this report card with more and more detail each year...it's going to become a very voluminous document and it will...lose its impact on the public. One of the ways to obscure people about what government is doing and to confuse them is to bury them in information they didn't want or comprehend. I am going to reluctantly vote Present on this bill, not because I don't want this type of information to be made available but because of my concern that...we are deluding and to some degree destroying the entire concept of a report card by making it more cumbersome and more complicated, not particularly that I'm concerned that it's a little more effort for our friends in education, I think they can handle that but I want the report card to remain what it was intended to be, a simple document in the hands...that can be given to the parents and to the citizens of a district that they can begin to gauge how good the education system is in their area, and I think the Office of Education, frankly, has already gone too far in complicating what was originally intended to be a

simple idea, and I'm...I'm, frankly, not against the idea that you're trying to do and I'm...certainly I share your concerns, but we may be destroying the very instrument that many of us hoped would bring accountability to public education with this type of legislation.

PRESIDENT:

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. In committee, Senator, there was an amendment that was offered or there was another bill that said that the money would follow the most chronically youngsters who...who were...who were not going to be in...in school and I...obviously, that's the city. That bill, obviously, failed. Is there any plan to amend this bill in the House so that the formula for the...truants...chronically truant would be shifted away from one part of the state to another?

PRESIDENT:

Senator del Valle.

END OF REEL

REEL #4

SENATOR del VALLE:

No, Senator Demuzio, that will not be done with this bill.

PRESIDENT:

Further discussion? Senator del Valle may close.

SENATOR del VALLE:

I agree with Senator Schaffer, I...I...I share his concern, but I think that the report card has already proven in the City of Chicago to be a...a very valuable tool for letting the broader community know just how schools are doing, and I think that one of the reasons why we're talking about education reform in this Session for the City of Chicago is because that report card revealed the...the condition of the overall system, and I don't think that there are too many more things that could be added to the state report card...the school report card and I wouldn't want a whole lot of other things to be added, but this is certainly one of those elements that is going to generate information that will give parents an indication of what is happening in those schools. If there is a high level of chronic truancy, then there are problems within that school building, there are problems in the classroom, it's affecting other students and it's leading to an increase in the drop-out rate and this is the type of information that can help us plan and get at those kinds of problems. So, once again, I urge an Aye vote.

PRESIDENT:

The question is, shall Senate Bill 1856 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there

are 37 Ayes, 13 Nays, 8 voting Present. Senate Bill 1856 having received the required constitutional majority is declared passed. 1860 had been on the recall. 1868, Senator Barkhausen. On the Order of Senate Bills 3rd Reading, the middle of page 10, is Senate Bill 1868. Read the bill, please, Madam Secretary.

SECRETARY:

Senate Bill 1868.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, last fall the General Assembly passed House Bill 998 which dealt fairly comprehensively with the subject of flood control at least in the Chicago area. Among the provisions of that legislation which is now law was a fairly blanket prohibition on...on new construction within what is described as a floodway. In that...in that prohibition, however, there was an exception for what would be characterized as repairs and remodeling. I am through this bill, Senate Bill 1868, attempting to accommodate a...a large restaurant...a landmark restaurant in the Town of Gurney which has been around since 1947 which unrelated to any flooding problems burned to the ground in early January of 1987, and if you look at the...carefully crafted amendment to this earlier legislation, it creates three very narrow grounds upon which one in the position of the owners of this restaurant might seek to reconstruct a building in a floodway and...and that is very quickly, one, that the building would have to have existed on January 1 of 1987; secondly, that it would have to have been damaged or destroyed by causes other than flooding, in this case it was a fire; and, thirdly, that the square footage of the ground floor of the building locat-

ed within the floodway cannot exceed the square footage...or the dimensions of the original building. I believe this amendment is, as I say, very narrowly drawn and...and it would be hard to imagine that anyone other than the owners of...of this particularly...building could qualify for this exception. I'd be happy to answer any questions and would otherwise solicit your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Fawell.

SENATOR FAWELL:

Just...just for the legislative intent, since I was on that task force for the flooding and we did try and...and draw that language to the point where this building on floodways would cease, what you're saying in effect is that this particular building will not be any bigger in size...I mean, if it was ten by ten before, it's only going to be ten by ten now, is that right?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

That's correct and if you...I don't want to really digress or dwell on this specific situation, but as a matter of fact, the square footage within the floodway of the rebuilt building will be thirty to forty percent less than the square footage on the floodway of the original building.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Topinka.

SENATOR TOPINKA:

Mr. President, if I might ask the sponsor a few ques-

tions, having been on the same task force as Senator Fawell was and we were kind of concerned with this particular aspect. I don't know if this would necessarily be limiting to just your restaurant. Having quite a few structures in a floodway now in my district, does this then just basically replace structures that are partially destroyed? I mean, to what extent is destruction by flooding defined in your definition, I mean, partially, totally, any percentage?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

...let me just quickly try to explain again...for one thing, in order to qualify under this language, the building would have to have existed in January of 1987. Second, and...and more significantly, it would have to have been damaged or destroyed by causes other than flooding...in this case it was a fire; something was hit by a tornado, I suppose they might qualify too if it happened after January 1987. And then, third, is...is the question of the dimensions of the...of the ground floor within the floodway.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

(Machine cutoff)...this would indeed open it up to other structures that could accommodate this. I mean, I have homes, for instance, that are just sitting in a floodway which we really would hope would go away, be bought up or removed. If it...if they were taken down by natural causes, they could still be rebuilt and once again come back up in these floodways, correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator Topinka, only if they were damaged or destroyed

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3rd Reading

by causes other than flooding. If they were done in by a flood, they wouldn't have any recourse and...and if they were damaged or destroyed by causes other than flooding, it would have to have happened after January 1 of 1987.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR BARKHAUSEN:

I'd solicit an Aye vote, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 1868 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are 2, none voting Present. Senate Bill 1868 having received the required constitutional majority is declared passed. 1870, Senator Barkhausen. Senate bills 3rd reading is Senate Bill 1870, Madam Secretary. Read the bill, please.

SECRETARY:

Senate Bill 1870.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, Senate Bill 1870 would have the prohibition against operating a car dealership on Sunday extended slightly to make it clear that it applies also to car leasing operations. Leasing is defined as the lease or rental of an automobile for a period of greater than one year. As a practical matter, many car dealers are also in the leasing business and many of the large leasing companies are also dealers. There has been, as I understand it, some

confusion in the interpretation of the law passed here a few years ago as to whether the Sunday closing law also applies to lessors. This clarification is requested both by the National Vehicle Leasing Association representing leasing companies as well as the Illinois New Car and Truck Dealers Association. I'd be happy to answer any questions and would otherwise ask for your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1870 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 51, the Nays are 5, none voting Present. Senate Bill 1870 having received the required constitutional majority is declared passed. 1871, Senator Barkhausen. Senate bills 3rd reading is Senate Bill 1871, Madam Secretary.

SECRETARY:

Senate Bill 1871.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, Senate Bill 1871 is similar to Senate Bill 476 that passed in the Senate unanimously last year and it again was approved in the Senate Judiciary Committee on an attendance roll call this year. It amends the Small Liens Act to provide that one who performs a service in the form of labor or some other form of service has a lien on a chattel, meaning essentially tangible personal property, for the value of that service up to an amount of two thousand dollars. It also provides for a public or a private sale and the procedures for such a sale and a notice

prior to a sale and...and the disposition of any surplus of the property after the...after the person providing that service is compensated for the value of such service. As I say, it's identical virtually to legislation passed unanimously here previously, and I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1871 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1871 having received the constitutional majority is declared passed. With leave of the Body, we'll go back up to the top of the page for Senate Bill 1835 and Senate Bill 1836. Senate Bill 1835. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1835.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1835 is the ordinary and contingent expenses for the Office of the Attorney General at some twenty-five million five hundred forty-five thousand dollars. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1835 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that

question, the Ayes are 59, the Nays are none, none voting Present. Senate Bill 1835 having received the constitutional majority is declared passed. Senate Bill 1836. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1836.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1836 is the appropriation of 2.7 million in the Office of the Attorney General for the Violent Crime Victims' Assistance Grants, appropriated from both the Crime Victims' Assistance Fund, the Attorney General's Grant Fund and the Illinois Gaming Law Enforcement Fund. I would move...I would ask for a favorable roll call and passage.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1836 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 1836 having received the constitutional majority is declared passed. Senate Bill 1875 is on Order of Recall. Senate Bill 1886, Senator Karpziel. Senate Bill 1888, Senator Karpziel. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1888.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. Senate Bill 1888 allows the...or authorizes the director of CMS to convey the Singer Mansion in Cook County by quitclaim deed for one dollar to a not-for-profit organization which is able to demonstrate its ability to renovate or use the property for public purposes. At the present time, it's really not too usable for anything because it's been pretty well demolished during the years, and the state is now paying about sixty thousand dollars a year just for security on the building and they would like to get rid of it, it's considered surplus property. There are...I don't think it has been quite decided yet who it's going to be sold to but there are several interested buyers.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1888 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are 1, none voting Present. Senate Bill 1888 having received the constitutional majority is declared passed. Senate Bill 1893, Senator Zito. Senate Bill 1897, Senator Weaver. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1897.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President and members of the Senate. This is the annual appropriation for the State Universities Civil Service System in the amount of seven hundred and sixty-eight thousand five hundred dollars. Appreciate a favorable roll

call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1897 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. Senate Bill 1897 having received the constitutional majority is declared passed. Senate Bill 1902, Senator Rock. Senate Bill 1913, Senator...Welch. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1913.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch.

SENATOR WELCH:

(Machine cutoff)...President, what this bill does, it establishes procedures whereby a corporation may be held...criminally liable for violations of the Environmental Protection Act. Regardless of the dissolution merger or other consolidation of a particular corporation, it will not bar future criminal or civil liability incurred by the initial corporations. This particular bill became necessary when a court held in the case of People versus Boyce that after the Attorney General initiated a lawsuit against this corporation, the corporation then dissolved. The court then threw the Attorney General's case out of court saying that the corporation was...was dissolved prior to an indictment and they could not proceed against the individuals in the corporation. We put an amendment on this bill on 2nd reading to limit the Statute of Limitations on misdemeanors to one and a half years. We are continuing negotiations at this

time with other interested parties, particular lobbyists representing corporations and their other representatives, and we are working on an additional amendment that may be and will be placed on in the House. That amendment will clarify that new corporations resulting from a merger are not criminally liable, the new individuals, but they will remain liable for criminal fines and civil penalties if they absorb or merge with the prior corporation. And, further, we are discussing but have not come to a specific time agreement on a Statute of Limitations on the felony. The Statute of Limitations will run from the date the criminal offense is discovered however is what we have agreed to. So I'd ask for a favorable vote to move this over to the House...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1913 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1913 having received the constitutional majority is declared passed. Senate Bill 1915, Senator Joyce. Senate Bill 1923, Senator Geo-Karis. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1923.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, the bill just does...does exactly that. It amends the Controlled Substance Act to increase the penalty for distributing or acquiring controlled substance by misrepresentation,

fraud...forgery or deceit. There have been cases, for instance, in the Chicago area where drug like...people who don't need it really...say, they need it, they go to a drugist...or go to a doctor and get the drug and then they sell it for a great profit. I move for the favorable...consideration of this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1923 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. Senate Bill 1923 having received the constitutional majority is declared passed. Senate Bill 1926, Senator Holmberg. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1926.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Holmberg.

SENATOR HOLMBERG:

Under Senate Bill 1926, the State Board of Education may award grants to school districts and not-for-profit agencies to offer coordinated services to infants and toddlers who are at risk of academic failure and to their families. This is part of the State Board of Education's 1988 legislative package and implements part of the Governor's Class of 1999 Initiative. The State Board of Education intends to transfer one million dollars of general revenue funds currently being used for a similar program for handicapped children ages zero to three to fund Senate Bill 1926. The birth to three program will be transferred to federal funding available for the handicapped infant and toddlers intervention programs. At

the Elementary and Secondary Education Committee's request, I have worked with Gail Lieberman and Jonah Deppe from the State Board of Education and folded into the bill the other births to three pilot program which passed out of committee. That program provides birth to three grants from private and federal sources to school districts wishing to reach parents in the general population. It's the same program tried in Missouri which was able to increase the learning skills of children entering kindergarten to the eighty-fifth percentile from the fifty-sixth percentile. At-risk children identified by this program could be channeled into existing three to five programs. Springfield has just approved one of these programs through the MacArthur Foundation; the Bethal...Foundation and Sears Foundation have made offers of funding as well and the State Board of Education will monitor these programs.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. It's not often that I rise to give members information that might help them to vote against my bill but I am in a difficult position here. I was the sponsor of the original piece of legislation, and I should point out that the reason I agreed to cosponsor that with Senator Holmberg is because the one million dollars in GRF funds were...they were there already. Those...those dollars were used, as I understand it, in previous years and we were simply moving this program forward with the use of funds that were already there. It is my understanding, and the sponsor can correct me if I'm wrong, that Senate Amendment No. 1 adds the provisions of Senate Bill 1557 to this bill. That presents a problem for me and it...and it should present a problem for...for some of you. Again, as the sponsor of the bill, I want to vote for it but,

on the other hand, I should point out to you that this new grant program in what was Senate Bill 1557 is a mandate. It's a mandate on the State Board of Education to provide grant programs to local school districts to do something which they are authorized to do now. As I understand it, each of those programs would cost about twenty thousand dollars per year and what this really does, as I see it, is simply put the dollars that we have not funded for education reform...how many times have we heard cries that the Legislature is irresponsible because we have not yet to date funded the reforms of 1985? What we're doing is putting those dollars that we haven't even been able to come up with in competition now with brand new dollars, this new program in 1557. It's almost like if you vote for this, you're voting against education reform funding, because there's no way we can begin to go back and pay for programs we don't have the money to pay for now and at the same time pass new programs which require even additional dollars. So it's...it's with some reluctance that I pass along this information to you. As the sponsor of this bill, I want to see the first part of it passed. I suppose the Governor could deal appropriately with the rest of it but I leave you to...all to your imaginations.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR HOLMBERG:

May I first respond to my cosponsor on the bill?

PRESIDING OFFICER: (SENATOR SAVICKAS)

In closing.

SENATOR HOLMBERG:

That we have added language into the bill that the board shall award annual grants on a competitive basis provided that an annual appropriation is made for this purpose from state,

federal or private funds; and the reason that I've been working carefully with Gail Lieberman and Jonah Deppe and the State Board is to have access to these private funds that are being offered to the State Board and to individual school districts so that they may be in a position to accept this money. In no way does this add an extra financial burden to any general revenue funds that we have here in the state at this time. I would like to add in closing that the program is supported by the Minority Access to Education Group, that we are supported in this...in both sections of this bill by the independent colleges of Illinois, by the Illinois PTA. If you remember, when I challenged Secretary Bennett as to the viability of programs like this and cited the research from about ten different places in the United States, he said, he agreed that this was the best place to focus our attention, that this is the area that we will...that will end up saving us dollars in the long-run, that as we teach learning skills to children from birth to three, the research has shown that the three-year-old...the competent three-year-old never loses that competency. He has it at six years, nine years, twelve years, all the way through school; you cannot take it away from him. That's why the foundations are turning to these kinds of programs for the majority of their funding. It is a very important birth to three program, I ask for your favorable support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 1926 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 42, the Nays are 12, none voting Present. Senate Bill 1926 having received the constitutional majority is declared passed. Senate Bill 1937, Senator Schaffer. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1937.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and members of the Senate, this bill simply extends the Solid Waste Disposal Act till December 31st, 1989. The bill was originally timed to phase out before that but because of the problems created by the court challenge...a successful court challenge to the tipping fee, the Act needs to be continued. The bill might also very likely become a possible vehicle for language to be agreed upon later to address that constitutional problem to come up with some new language that's both constitutional and rational.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1937 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, 1 voting Present. Senate Bill 1937 having received the constitutional majority is declared passed. Senate Bill 1943, Senator Madigan. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1943.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President and members of the Senate. With leave of the Body, I'd like to refer this bill back to

committee and address this problem through Senate Joint Resolution 111, and on that resolution, I would like to add Senator Smith, Senator Maitland and Senator Jerome Joyce as co-sponsors.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Hearing no objection, leave is granted. Senate Bill 1965, Senator Luft. Senate Bill 1972, Senator Holmberg. Read the bill, Madam Secretary.

SECRETARY:

(Machine cutoff)...Bill 1972.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. Senate Bill 1972 includes three downstate park districts in the definition of the museums to which four-sevenths of the monies paid into the Horse Racing Tax Allocation Fund shall be allocated. Current law now states that one percent of the parimutuel handle wagered at intertrack wagering parlors be deposited into this fund; of this, two-sevenths goes to DCCA to promote horse racing and breeding; one-seventh to the Ag. Premium Fund to be used for home economic extension councils and four-sevenths to the Chicago Park District for museum and aquarium purposes. This bill only alters the portion currently going to the museums and aquariums and includes those districts which already have an OTB parlor. They are now paying that entire amount and this bill proposes that it be shared. Technically, the bill will really not affect the Chicago area in any real dollar amount because they will be opening their own OTB parlor shortly, and so the money coming in now from Rockford and from Peoria will fund them until January, and beginning in July, their own monies will be

added as will all new OTB parlors that come on line.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Dunn.

SENATOR THOMAS DUNN:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

She indicates she'll yield.

SENATOR THOMAS DUNN:

Senator, the City of Joliet is about to receive an OTB facility. Is that facility going to be included or excluded in your bill?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Holmberg.

SENATOR HOLMBERG:

That facility would not be part of the language of this bill. That doesn't mean that someday that couldn't be done, but it is not part of this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Dunn.

SENATOR THOMAS DUNN:

Would you have an objection to amending your bill to add the City of Joliet?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Holmberg.

SENATOR HOLMBERG:

I think once it...once it comes on line and it would...fit the language, I think there might be other cities as well in another year that might want...we might want to do something for. My guess is that this language is...if you take...if you take the amount of money available and divide it,...we are...we would probably be spreading it too thin to add all of the districts at this time without expanding the portion of the allocation tax that is available.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Brookins.

SENATOR BROOKINS:

Question to the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

She indicate she'll yield.

SENATOR BROOKINS:

Am I to understand that this...this bill will take money from the museums in the City of Chicago?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Holmberg.

SENATOR HOLMBERG:

Well, technically, yes, but, realistically, no, because the Chicago museums are already getting the money from Rockford and from Peoria and beginning right now from...from Springfield. They will continue to get that until January '87 and money will kick in from your own OTB parlor and you'll see a continuing upsurge of money amounting to probably millions of dollars in Chicago, and with this small amount to these other three major museum areas, my guess is the loss would not be highly felt.

PRESIDENT:

Senator Brookins.

SENATOR BROOKINS:

Would...when Chicago do opens up OT...off track betting, would that monies from those tracks also be filtered into the rest of the districts and rest of the area of the State of Illinois?

PRESIDENT:

Senator Holmberg.

SENATOR HOLMBERG:

Absolutely not. That money belongs entirely to you as does the suburban OTB parlors and any other parlors that are created. We're only talking about money remaining in the three cities that as of the date of this bill have an OTB

parlor; in other words, the money they're generating would stay there, it would not affect Chicago's earnings.

PRESIDENT:

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, I rise in support of this bill. What it amounts to is that which is generated in our jurisdiction would have an opportunity to do for us what it's already doing for the City of Chicago through the museum and I have no problem with this. I also would like permission to be a hyphenated cosponsor of 1972.

PRESIDENT:

All right...you've heard the request. The gentleman seeks leave to be added as the hyphenated cosponsor. Without objection, leave is granted. Is there any further discussion? Further discussion? If not, Senator Holmberg, you wish to close?

SENATOR HOLMBERG:

Thank you, Mr. President. I...just like to add that we worked very carefully with Larry Suferden, lobbyist for the Chicago Museums, with this compromise version of the bill. It will be a good bill I think for downstate as well as still generating some monies for Chicago, and I ask for your favorable support.

PRESIDENT:

The question is, shall Senate Bill 1972 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 45 Ayes, 10 Nays, none voting Present. Senate Bill 1972 having received the required constitutional majority is declared passed. 1994. 1996, Senator Marovitz, top of page 12. On the Order of Senate Bills 3rd Reading, Senate Bill 1996. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1996.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Senate Bill 1996 deals with the question of minors and delinquents and alcohol and substance abuse, and it says that, "If minors are found to be delinquent for acts which violate either Cannabis or Substance Control Act and are made a ward of the court, the court shall order minors to undergo a program of counseling or treatment for substance abuse and minors found to have committed an act that is punishable by a Class X felony must at a minimum be placed on probation." It also goes further by amendment and says that...that, "Treatment is not an alternative for a third DUI conviction," and this has been the law right now that no matter what your conviction rate is on DUI's, even on a third one, they could...they could opt out for...for treatment as an alternative for a...for a minor and we take that...we take that option out of it. The Department of Alcohol and Substance Abuse requested several amendments regarding satellite facilities and...and other technicalities, and I think it's an excellent piece of legislation. DASA supports it and I would...JCAR also supports it and I would ask your support.

PRESIDENT:

Discussion on 1996? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDENT:

He indicates he will yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, in committee I asked this question but I want to ask it again on the Floor for legislative record. In your description as to the third time DUI offenders, you mentioned that they could not opt out in order to take advantage of this program. My question in committee was, this does not allow juvenile serious offenders to opt out of corrections or other dispositions, does it, to take this program but rather is an...is...is something that will happen to them in addition to the rest of their sentence such as being incarcerated in the Department of Corrections?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

That is correct.

PRESIDENT:

Further discussion? Any further discussion? If not, the question is, shall Senate Bill 1996 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 1996 having received the required constitutional majority is declared passed. 2002 is on the recall, I understand. 2003. On the Order of Senate Bills 3rd Reading, the middle of page 12, is Senate Bill 2003. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2003. ✓

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. This piece of legislation

SB 2009
3rd reading

allows the Department of Transportation, the rail freight program, gives them the ability to enter into contracts to purchase railroad materials and supplies and also to contract directly with contractors for track rehabilitation and new track construction. It was amended to also allow for the department's rail passenger program to enter into contracts directly with units of local government for architectural engineering firms for capital improvements to railroad passenger stations. Legislation such as this, if it's passed and signed, will actually be cost-effective and will create a...a positive thing for the Department of Transportation. Be glad to answer any questions.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall Senate Bill 2003 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 2003 having received the required constitutional majority, declared passed. 2009, Senator Luft. On the Order of Senate Bills 3rd Reading, the middle of page 12, is Senate Bill 2009. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2009.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Senate Bill 2009 is very lengthy and complicated, it amends the Illinois Health Facilities Authority Act. I'll read basically what it does from the Digest and if there's any questions, I will attempt

to...answer them. It makes public institutions subject to the Illinois Health Facility Authority Act. It adds new facilities to the Act, redefines project to...include certain refinancing programs or other financial affairs or facilities, clarifies the provisions concerning the financial interest of members of the Illinois Health Facilities Authority, modifies definitions relating to finances, make appointment of a technical committee on health facility project costs and cost containment permissive rather than mandatory, and modifies the authority's power concerning financing or refinancing...facilities including the issuance of bonds and investment of funds and adds a provision to the Act concerning the indebtedness of the facilities. I would try to answer any questions at this time; if not, I would ask for a favorable roll call.

PRESIDENT:

Discussion? Senator Topinka.

SENATOR TOPINKA:

Question of the sponsor, if I may.

PRESIDENT:

He indicates he will yield, Senator Topinka.

SENATOR TOPINKA:

Is there anything in this bill which would prevent the Illinois Health Facilities Authority Board from giving a loan to, let's say, a...hospital or a medical institution that's going under or is failing or would probably not be a good credit risk in a normal business transaction?

PRESIDENT:

Senator Luft.

SENATOR LUFT:

No. I think you will find in this bill that the same requirements for any other type loan and any other type of institution would have to be met before you could get a loan.

PRESIDENT:

Further discussion? If not, the question is, shall Senate Bill 2009 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 2009 having received the required constitutional majority is declared passed. 2010, Senator Geo-Karis. 2012, Senator Donahue. On the Order of Senate Bills 3rd Reading, Senate Bill 2012. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2012.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. This legislation amends the Fish Code to define a resident commercial mussel and it requires a license and establishes various regulations concerning the commercial taking of mussels. In committee, we were concerned about the increase in cost of the license fees, and after doing some checking, the increase from fifty to three hundred dollars is for a commercial buyer and there are only two in the State of Illinois, and the other license fee increase only increases those that harvest mussels to...increases it fifteen dollars. Also, we have a problem with nonresident people coming into Illinois and harvesting our mussels. So we have made the cost of that license fee equal to that of the States of Iowa and Wisconsin which happens to be twenty-five hundred dollars but that is only for nonresidents. I think this is a good piece of legislation and is needed and I would move for its passage.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall Senate Bill 2012 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 2012 having received the required constitutional majority is declared passed. 2013, Senator Geo-Karis. On the Order of Senate Bills 3rd Reading, Senate Bill 2013. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2013.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this bill provides that a person who...commits theft when he obtains control over property represented him as stolen by any law enforcement officer and that it is no defense that such officer was under cover or used deception. This is a bill to go after some of these offenses, individuals who purchase and resell stolen property and frequently these criminals are organized crime and so...so...only deal with the...small select group. I move for its favorable passage.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall Senate Bill 2013 pass. Those in favor vote Aye. Opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 2013 having received the required constitutional majority is declared passed. 2014,

Senator Topinka. On the Order of Senate Bills 3rd Reading, Senate Bill 2014. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2014.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate, this bill amends the Revenue Act to require that boards of appeal and boards of review give notice to affected taxing districts before granting property tax exemptions other than homesteads. By virtue of...amendment, we have created a threshold of one hundred thousand dollars assessment. We've also added an effective date and we've also added the option of taxing districts and tax exempt properties of having the ability to work with each other to...to buy services from one another. This bill still has some discussion going on on the county level. I have been in touch with Cook County, they have no aversion to this. There will probably be some work still done on this in the House, but at this moment in time, they are not averse. It also is supported by the Illinois Municipal League, ED-RED West Central Municipal Conference, North Central Municipal Conference and DuPage mayors and managers.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall Senate Bill 2014 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, 1 voting Present. Senate Bill 2014 having received the required constitutional majority is declared passed. Senator

Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

For a point of personal privilege.

PRESIDENT:

State your point, ma'am.

SENATOR GEO-KARIS:

Mr. President and...Ladies and Gentlemen of the Senate, the Lieutenant Governor presented awards to twenty-seven poster...contest winners from all over the state. About four...forty-three hundred public and private school children were invited to participate. I have the pleasure of introducing to you today young Allison Allred, A-l-l-r-e-d, from West Elementary School in Zion, her parents are here, Bob and Dory Allred, D-o-r-y. She was one of the...one of the three finalists in the third grade and I'd like us all to welcome Allison Allred. I'm very proud of you and your mother and dad, they're in the President's Gallery.

PRESIDENT:

Will our guests please stand and be recognized. Welcome to Springfield. Bottom of page 12, Senator Etheredge,...on the Order of Senate Bills 3rd Reading, Senate Bill 2021. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2021.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President and members. This is the reappropriation bill for the CDB. The level of this appropriation is five hundred and twenty-seven million two hundred and seventy-five thousand dollars. I would ask for a favorable roll call.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall Senate Bill 2021 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 2021 having received the required constitutional majority is declared passed. Senator Newhouse, for what purpose do you arise, sir?

SENATOR NEWHOUSE:

Thank you, Mr. President. Seated to the rear of me is the class from Saint Thomas School in my district, and I'd like them to stand and be recognized.

PRESIDENT:

Will our guests please stand and be recognized. Welcome to Springfield. 2022. On the Order of Senate Bills 3rd Reading, the bottom of page 12, is Senate Bill 2022. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2022.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President. This is the bill that makes appropriations totaling a hundred and eighty-six million five hundred and eighty thousand dollars to the CDB. I would ask for a favorable roll call.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall Senate Bill 2022 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the

record. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 2022 having received the required constitutional majority is declared passed. Top of page 13, Senator Welch. On the Order of Senate Bills 3rd Reading is Senate Bill 2023. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2023.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. The purpose of this bill is to put into the Statute a statement that says, "Regardless of any other provision in this Section, no school board member shall serve as the treasurer to the school board who is an employee, owner or officer of any bank or savings and loan association having a contract of deposit of monies, loans or other financial services with that school district." I'd be glad to answer any questions.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall Senate Bill 2023 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 2023 having received the required constitutional majority is declared passed. Senator Poshard. On the Order of Senate Bills 3rd Reading, Senate Bill 2035. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2035.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Poshard.

SENATOR POSHARD:

Yes, thank you, Mr. President, Ladies and Gentlemen of the Senate. Fort Defiance is a historic site at the very tip of Illinois at the confluence of the Ohio and Mississippi Rivers. It has considerable historical value in that it was the site of a civil war fort, it was General Grant's headquarters during the Civil War. It's located in Alexander County. The property is not on the National Historic Register. It doesn't receive any federal money, but when we formed the Department of Historic Sites and Preservation, we put this site into that particular department. They haven't had the money to maintain the site and now both departments, Historic Sites and Preservation and Conservation, agree that this site should be in the Department of Conservation so they can maintain the rip-rapping along the shoreline and the other maintenance that's due to the park and the historic site there. So what this does is transfer this site over into the Department of Conservation, and I would ask for a favorable vote.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall Senate Bill 2035 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 2035 having received the required constitutional majority is declared passed. (Machine cutoff)...2042, Senator Woodyard. On the Order of Senate Bills 3rd Reading is Senate Bill 2042. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2042.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President and members of the Senate. Senate Bill 2042 is actually the amendment that we adopted yesterday afternoon and it allows a licensee to transport a junk car or vehicle to another licensee with...when they have the proper certification. The second part of the bill actually says if a...if a salvage dealer is also an auto recycler, they don't have to keep a double set of records, that the one set of records...does suffice. It was introduced at the request of the salvagers and auto recyclers. It is supported by the Secretary of State's Office and I'd be glad to answer any questions or would move for its passage.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall Senate Bill 2042 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 2042 having received the required constitutional majority is declared passed. 2043. On the Order of Senate Bills 3rd Reading, Senate Bill 2043. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2043.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. This amends the Code of Civil Procedure with respect to publication of notices of mortgage foreclosure sale. It provides that in counties over three million, the notice in the legal section of a newspaper and the notice in the real estate section of a newspaper may not be in the same newspaper. I don't know of any opposition. I would ask for a favorable vote.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall Senate Bill 2043 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. All voted who wish? All voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting...1 voting Present. Senate Bill 2043 having received the required constitutional majority is declared passed. 2049, Senator Jones. On the Order of Senate Bills 3rd Reading, Senate Bill 2049. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2049.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Jones.

SENATOR JONES:

Yeah, thank you, Mr. President and members of the Senate. Senate Bill 2049 allows an applicant for a life care facility to furnish a and maintain a letter of credit as well as the escrow account either...either one of the two if he so desire if the Department of Public Health approves it. I know if no opposition to the bill. I ask for a favorable vote.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall Senate Bill 2049 pass. Those in favor will vote Aye.

Opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. Senate Bill 2049 having received the required constitutional majority is declared passed. 2050, Senator Schuneman. On the Order of Senate Bills 3rd Reading, Senate Bill 2050. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2050.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President, members of the Senate. Senate Bill 2050 is an outgrowth of management audits that were conducted by the Illinois Auditor General. Those audits found that certain state agencies and state universities failed to earn the maximum interest income that they could have earned because some of the times the state funds were not deposited promptly. This bill sets up guidelines by which those funds must be deposited on a prompt basis. Originally, the Department of Revenue had some problems with this bill but their objections have been worked out by the amendment that was adopted on the Floor. It's estimated that the prompt deposit required by this bill could earn the state up to an additional fourteen million dollars per year. I would ask for your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I'm just looking for my notes, Senator Schuneman. I think that there was a...an amendment that dealt with the cost-effectiveness of the prompt deposit

procedure, am I correct about that, and that that did take care of the Department of Revenue's concerns?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

You are correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? The question is, shall Senate Bill 2050 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 2-0-5-0 having received the required constitutional majority is declared passed. 2066. On the Order of 3rd Reading, Senate Bill 2-0-6-6, Mr. Secretary. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2066.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. No matter where we all stand on the subject of trying to do something about our state's airports, whether we support a regional airport authority or not, there's one thing that I think we can all agree on and that's the need to provide soundproofing for the schools and hospitals which are located near the airport. In my area around O'Hare, that is a particularly difficult problem. This bill as it is amended, and actually the amendment becomes the bill, creates a school and hospital soundproofing program. It gives the Division of Aeronautics of the Department of Transportation the power to

make grants to school districts in the affected areas and to hospitals licensed by the State of Illinois. The funds which would be used to finance these programs would come from a tax...an enplaning tax...a dollar enplaning fee that would be levied on each commercial airline passenger at O'Hare, Midway and Meigs. All the monies raised from that fee then would then be disbursed through grants by the Department of Transportation. I might point out that the original intention of the cities around the airports and the City of Chicago was an agreement that they had reached whereby the City of Chicago would...provide the soundproofing dollars to deal with this problem. Commissioner Horde met with me a couple of weeks ago and explained that a problem had developed in that the O'Hare bonds which they had intended to use for soundproofing funding could not be used for this purpose because the O'Hare bonds cannot be used for off-site airport activities. Thus, the need for an alternative financing mechanism until the City of Chicago can come up with a solution. Commissioner Horde assured me he was going off to Washington last week where he was going to try to find some federal dollars; until those federal dollars appear or federal...or dollars from any other source, we feel the need to move ahead. That's the reason why Senator Philip and I have offered the amendment which provides for the dollar enplaning fee. We are more than willing to remove that fee at the appropriate time that dollars are freed up by the City of Chicago from some other source. I'd be glad to answer any questions and I would solicit an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in strong opposition to Senate Bill 2066 as amended and I don't know...I...I don't think it's fair to say

that any one of us is opposed to soundproofing schools and hospitals, and I think that the City of Chicago and the affected schools and hospitals are working toward that end to receive what they rightfully deserve from the federal government. This, as I'm sure you're aware, and all of us have received, I hope, the very lucid explanation from the Chicago Association of Commerce and Industry, which says very simply and very pointedly, "The funding device now attached to Senate Bill 2066 is prohibited by controlling federal legislation." This bill as amended would impose a tax that is illegal under federal law and I...I don't know who were trying to kid. I, too, met with Commissioner Horde at some length and there was an honest mistake made, I am told, he was not the commissioner at that point, when the agreement was made, there was an intent to use the bond proceeds for that purpose. The fact of the matter is, there was later litigation which pointed out that it couldn't be used for that purpose. Now they are working with the federal government to provide money and fully intend to live up to the agreement, but what in the world are we doing here attempting to usurp, I suppose, or get around federal law? This is illegal and we really ought not kid all the people from the Suburban O'Hare Commission and all the people they represent that we are doing something meaningful. This is meaningless and illegal and I suggest that we had better look for another source. I urge opposition to 2066.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Kustra may close.

SENATOR KUSTRA:

Thank you, Mr. President, members of the Senate. We do a lot of things around here which we're told as we're doing them are unconstitutional. The usual argument that I give back to people like that is it is not our job in the legislative branch at the same time we're passing laws to be

declaring them...

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR ROCK:

Senator Kustra, I...I...I don't mean to interrupt, but as a point of order, I did not question the constitutionality at all. What I said was is Mr. Mitchell from the CACI has said very plainly the federal Statute is absolutely clear. It says no state "shall levy or collect a tax, fee, head charge or other charge directly or indirectly on persons traveling on air commerce or on the carriage of persons traveling on air commerce or on the sale of air transportation or on the gross receipts derived therefrom." This is a federal Statute which has preempted the state activity, and the imposition of this is illegal, not unconstitutional, illegal.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Kustra, you may close.

SENATOR KUSTRA:

Thank you, Mr. President. Senator Rock, I didn't say that you said it was unconstitutional, but you'll notice how good I'm getting at slowing up as I see the gentleman rise. The point remains that there are a number of communities across this country which have attempted to deal with various problems at airports by levying enplaning fees and what we're doing here is the same thing. Now if on down the road the courts want to deal with this, that's one thing; but, in the meantime, we need to come up with an alternative funding source and, again, I can't agree more with Senator Rock, the City of Chicago assured me they're doing their best. They have not talked to me in three weeks or two weeks, whatever it's been since the last time we've met, so I have no idea whether any federal funds are being freed up for this. In the meantime, we can't soundproof schools without dollars.

This seems to me the...the most sensible way to do that and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The question is, shall Senate Bill 2066 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 25, the Nays are 28, none voting Present. Senate Bill 2066 having failed to receive the required constitutional majority is declared lost. 2097, Senator Philip. Senate bills 3rd reading is Senate Bill 2-0-9-7, Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2097.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 2097 as amended would provide that when you run...run as a write-in candidate, you'd need as many write-ins as you do signatures on the ballot. In other words, if you would run for precinct committeeman, as you know, it takes ten signatures; if you would run as a write-in, it would also take ten write-ins. Under the present law you could have one write-in for a public office whether it was State Representative, congress and be on the ballot as a candidate. I'll be happy to ask any questions and ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 2097 pass. Those in favor will vote Aye. Those opposed Nay.

SB 2098
3rd Reading

The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 2097 having received the required constitutional majority is declared passed. Senate Bill 2098, Mr. Secretary. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2098.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 2098 as amended...and let me explain what the law is now. There are a hundred and two counties in the State of Illinois, if you would want to use the name Republican or Democrat in your organizational name, all you'd have to have is one of those small counties allow to use that name statewide. What this does, it says simply you have to go to the State Central Committee; in other words, the state party...on either party you would have to go to and ask to use the name Republican or Democrat in the name of your organizational. Be happy to ask any questions. It would seem to me the responsibility is with a statewide organization, not with a small county downstate.

PRESIDENT:

Discussion? Senator Demuzio.

SENATOR DEMUZIO:

(Machine cutoff)...you, Mr. President. I rise in support of 2098. I think it is proper for those that use the party labels to ask their respective parties for...for either permission or for at least recognition, and I would rise in support of Senator Philip's legislation and would ask other

members to vote Aye also. Thank you.

PRESIDENT:

Further discussion? If not, the question is, shall Senate Bill 2098 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, no Nays, none voting Present. Senate Bill 2098 having received the required constitutional majority is declared passed. 2101 was on the recall. 2102, Senator Watson. On the...bottom of page 13, on the Order of Senate Bills 3rd Reading, Senate Bill 2102. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2102.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. Several years ago, in fact, 1984 to be exact, we passed legislation called the New Car Buyer Protection Act. We referred it to the lemon law and this legislation would put pickup trucks, trucks of eight thousand pounds or less, under the same provisions of that particular Act. The...what would happen is if the manufacturer is unable to conform to new truck warranties, after a reasonable number of attempts by the...by the manufacturer or the dealer to conform to the warranties, then the individual would be either given a new truck or a price refund. The legislation has no opposition that I'm aware of. The New Car and Truck Dealers of Illinois have no problem with the legislation and I'd be glad to answer any questions if you have...

PRESIDENT:

Discussion? Any discussion? If not, the question is,

shall Senate Bill 2102 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 2102 having received the required constitutional majority is declared passed. 2110, Senator Schuneman. Top of page 14, on the Order of Senate Bills 3rd Reading, Senate Bill 2110. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2110.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President and members of the Senate. Senate Bill 2110 basically does two things. First of all, it would prohibit an insurance company from issuing an insurance policy on a vehicle written on a so-called stated value basis and then trying to settle the loss on something less than that value. The second thing that it does is provide that persons who rent motor vehicles for thirty days or less shall not be liable for damages exceeding one hundred dollars. Now this is an attempt to get at the problem of automobile rental agencies that advertise a low daily rental and then when you show up to rent the car, they require that you sign a waiver making yourself responsible for the full value of the car and offering to sell you a collision deductible waiver which in some cases is equal to or exceeds the cost of renting the car. I think basically what we have here is a problem of false advertising on the part of a lot of automobile rental agencies, but this is a situation that's being addressed by the National Association of Insurance Commissioners. The

idea came out of the Department of Insurance. I would urge your support of the bill.

PRESIDENT:

Discussion? Any discussion? Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. This is a very important bill if you...if you rent a car. I don't know if any of you have ever rented a car, but if you have, you might be interested in this bill and, believe me, this bill is a bad bill and the reason it's a bad bill is because it's going to raise rent-a-car rates across the board, and I've got an article here from the Wall Street Journal on rent-a-car firms change stance on collision waiver. The big rent-a-car firms, Hertz Budget, Avis, all wanted originally to keep this collision damage waiver intact in the law. Now they've said, no, we will eliminate this collision damage waiver but I'm going to tell you what the president of Hertz Rent-A-Car said. Mr. President, can I get some order, please.

PRESIDENT:

Yes, sir.

SENATOR D'ARCO:

Now this is the president of Hertz who says, yeah, go ahead, get rid of this collision damage waiver. He said, I will have to increase rates in California where the bill is presently pending across the board by eight or nine percent. All the rent-a-car companies agree they're going to have to raise their rates by eight or nine percent. Now...when you rent a car today you don't have to get this coverage, it costs ten dollars a day extra, but all of you if not most of you are covered under your own insurance policies for your automobiles. So you don't need this coverage. You...when you rent a car, if you're involved in an automobile accident, you are covered for collision damage and you don't have to pay a cent under your own policy. So leave the law the way

it is. If you change the law, when you rent that same car, you're going to have to pay another ten percent extra in the rates that the insurance...that the rent-a-car companies are going to charge. This is a terrible bill. Now the director of Insurance wants this bill because it's going to make him look good in the National Association. Well, that's not a reason to pass a terrible bill. There is no problem in Illinois. If there is a problem, it's in the States of California and maybe Florida, but in Illinois, we don't have any problems. Let's not raise our rates, don't vote for this bill.

PRESIDENT:

Further discussion? Senator Jones.

END OF REEL

REEL #5

SENATOR JONES:

Thank you, Mr. President and members of the Senate. I rise in support of the bill, and listening to the previous speakers speak as it relate to this issue, if you have your own insurance, as he pointed out, and you rent a car and let's say you were involved in just a minor accident. When you rent that car, they take two prints of your credit card, when you return that car and if there is any damage on there, they decide right there on the spot as to how much it's going to be. He pointed out to you that it's only about ten dollars a day for collision insurance. Ten dollars dollars a day, if you annualize that figure, it comes to almost four thousand dollars a year for collision insurance. That's a awful lot of money, but if you carry your own insurance and you go and rent a car, not only do they take a print on your credit card for the...for the rental, they also take a print in the event you have an accident and if you have an accident, they decide on the spot and they will...they will take that print, make that adjustment right there without the...you having the opportunity to take that car and see how much the damage actually cost. This is a good bill. It...is a bill that was long overdue. It's called truth in advertising. If you're going to advertise a product, tell the people what the actual cost is and I urge a Yes vote on this bill.

PRESIDENT:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I fully concur with Senators Schuneman and Jones. This bill is a good bill and I'm sick and tired of these schlotzy compa-

nies cheating the public. There's a man who had...gave his credit card, the car was smashed, he ended up with six thousand dollars on his credit card against him...on his car rather. So, I urge you to vote for it. I think it's a good consumer's bill.

PRESIDENT:

Further discussion? Any further discussion? Senator Schuneman, you wish to close?

SENATOR SCHUNEMAN:

Yes. Thank you, Mr. President. Only to respond to a couple of points. One of the previous speakers said that you're covered under your own insurance. Don't believe that. You may be partially covered for some of the problems that might result, but if you want to know for sure whether you're covered or not, you got to go back to your insurance agent and find out how your particular company and your particular policy applies. So, don't...don't buy that idea or you might find that you have problems when you rent a car. As far as the issue of raising costs, I think that, in fact, passage of this bill will cause an increase in the car rental costs, but you got to remember that it's going to eliminate the cost for the collision deductible waiver and that's really what we're getting at here. If...if these rental companies are going to advertise fairly, they ought to all be advertising to provide the same service and that's what we're after here. I think this is a good approach. I would urge your support.

PRESIDENT:

Question is, shall Senate Bill 2110 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 38 Ayes, 13 Nays, 3 voting Present. Senate Bill 2110 having received the required constitutional majority is declared passed. 2112, Senator Watson. On the Order of Senate Bills

3rd Reading, Senate Bill 2112. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2112.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. This is a appropriation bill of fourteen million four hundred and fifteen thousand dollars for the gifted and remedial summer school program that our schools are going to be conducting in just a...a few short weeks. This is the same appropriation that was passed last year and the reason that we're doing this...or that I've introduced the legislation is because several of the school districts in my area came to me and said, well, we're planning for our summer school now and the summer school is going be during the month of June. The concern that we have is that if, in fact, you don't pass that appropriation and give the money back to the schools, we...we may not have...summer school program. So, the decision was being made locally and still being made now whether to go ahead with the...with the summer school. The idea of this legislation is just to give them some assurance that there's going to be some dollars, at least at the level that...that we funded last year, coming to them, hopefully. Be glad to answer any questions.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall Senate Bill 2112 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 2112 having received the

required constitutional majority is declared passed. 2115.
On the Order of Senate Bills 3rd Reading is Senate Bill 2115.
Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2115.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. This bill, 2115, just recreates the Joint Committee on the Oversight of Education Reform. When we passed the school reform package in 1985, this committee was established. It had a sunset of 1-1-88. We passed a bill to extend the life. It was not moved in the House. This would extend the life of this committee. I solicit your Aye vote.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall Senate Bill 2115 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 2115 having received the required constitutional majority is declared passed. 2117, Senator Kustra. On the Order of Senate Bills 3rd Reading is Senate Bill 2117. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2117.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. The committee amendment to this bill becomes the bill. This is an...an attempt to deal with the issue of who pays for the educational services of children who are committed to institutions for the rehabilitation of alcohol and controlled substances. What this bill does is require the State Board of Education together with the Department of Alcohol and Substance abuse to prescribe uniform statewide policies and procedures for the placement of minors in such institutions. They must do that by January 1st, 1989. All parties who have been trying to work this out have agreed to this particular language as a way to work toward the problem and I would solicit an Aye vote.

PRESIDENT:

Any discussion? If not, the question is, shall Senate Bill...Senator Kustra blew a fuse...on the board...okay. Question is, shall Senate Bill 2117 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 2117 having received the required constitutional majority is declared passed. 2124, Senator Poshard. 2136, Senator Barkhausen. On the Order of Senate Bills 3rd Reading, middle of page 14, is Senate Bill 2136. The others that we skipped are on the recall. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2136.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, Senate Bill 2136 expands some-

what on House Bill 1218 passed by the General Assembly last year which provides for a uniform method of registering federal liens against personal property; tax liens, environmental liens and the like. The bill in its original form this year adopts the provisions of the Uniform Federal Lien Registration Act so as to require registration of liens affecting personal property as well as real property such as was accomplished in the legislation last year. That was the original bill. Then the bill was amended to add a somewhat related provision dealing with the creation...or the ability to create trust accounts by title companies to satisfy state tax liens. I know of no objection to the bill and would be happy to answer any questions and would, otherwise, ask for your support.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall Senate Bill 2136 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. Senate Bill 2136 having received the required constitutional majority is declared passed. 2141, Senator Jones. 2151, Senator Carroll. 2167, Senator Marovitz. Senator Carroll, you wish to proceed? On the Order of Senate Bills 3rd Reading, Senate Bill 2151. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2151.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

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

Senate. Senate Bill 2151 is the appropriation, now annual, of four million one hundred and seventy-two thousand dollars for the...Asbestos Abatement Authority. It is their ordinary and contingent budget. I would ask for a favorable roll call.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall Senate Bill 2151 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 2151 having received the required constitutional majority is declared passed. Senator Jones, for what purpose do you arise, sir?

SENATOR JONES:

Yeah, thank you, Mr. President. On...on a point of personal privilege.

PRESIDENT:

State your point, sir.

SENATOR JONES:

I'd like to welcome to the Illinois Senate the students from the Whistler Elementary School in the 17th District along with their parents and teachers. Let's give them a hearty welcome to the Illinois Senate.

PRESIDENT:

Will our guests please rise and be...recognized. Welcome to Springfield. 2167, Senator Marovitz. 2174, Senator...on the Order of Senate Bills 3rd Reading, Senate Bill 2167. Read the bill, Madam...Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2167.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Senate Bill 2167 provides that any third party prescription program must annually provide a thirty-day period during which any licensed pharmacy can elect to participate in the program for at least one year. The...the purpose of this bill...what is going on around the State of Illinois, for those of you who may not know but you may have gotten calls from some of your pharmacists, we are on the...the edge of putting almost every pharmacy in the State of Illinois out of business. We have situations where HMO's are contracting with one particular pharmacy and one pharmacy only, and people who get their drugs must not go across the street to their neighborhood pharmacy as they have for years and years and years, developed a...a good responsible, reliable relationship; if they're handicapped, if they're senior citizens, if they're disabled, the...the normal consumer, they have to find this one particular pharmacy, get on a bus or an EL, if there is one, travel oftentimes across town, fill that prescription at that one pharmacy, get back on a bus or EL and travel back home because they can't go to their neighborhood pharmacy to fill this one particular prescription because of the exclusive contract. This has presented a tremendous problem to constituents across the State of Illinois and will, in effect, help to put almost every neighborhood pharmacy out of business in the State of Illinois. This is the situation that deals with health care of people, necessities of people and the fact is, yes, one particular pharmacy will contract at a particular price with a health maintenance organization or another health organization, but the fact is, that allowing somebody to opt in...a pharmacy to opt in for a thirty-day period so that that...anyone can go to that drug-store and fill that prescription at that same price at that

drugstore means convenience for the individual, the maintenance of their health and their standard of reliability and the relationship that they have worked on for years and years with their pharmacist. Now the pharmacist is the neighborhood health provider and we...continually try and encourage people to find a neighborhood pharmacist that you have trust in, develop a neighborhood pharmacist that you have trust in. We passed generic drugs so people could shop around and find the best pharmacy, find somebody that will give you good advice, provide you with the best medication; and now, all of sudden, we're saying, forget all those rules, you can't go to your neighborhood pharmacy, you can't maintain this relationship with somebody that you've developed trust with. You can only go across town, find this pharmacy if exists in your...in your area, and you must fill your prescription there. You're not going to have the opportunity to do it in your neighborhood, in your community. That seems to me to be the antithesis of everything that we're trying to do and that we've taught people. This is not like, well, somebody...somebody goes into a bidding process and they're bidding for a construction of a building and they win the bid and then you say, well, okay, now we're going to open up to other people and say, you get the opportunity to do the same thing. We're talking about the health and welfare and safety of people here. That's what we're talking about. We're talking about people who can't get on a bus, who can't afford to pay a buck each way...two bucks when the...to...to fill a prescription when they have a drugstore across the street. That's what this is all about. It's a very important bill, ladies and gentlemen, and it really talks about the priorities of where we're at. I know there's a lot of well-funded lobbyists out in the corridors passing out a lot of stuff and...and telling you a lot of stories, but the fact is, there's a lot of people back home who would like to continue

to go to their neighborhood pharmacies just as they have been and fill their prescriptions at the reasonable prices that they've been getting. The prices have been negotiated by one pharmacy, that's true, but the fact is, those prices are still going to be there. If...if the volume is down because people are allowed to go to other pharmacies, if the volume is down, the fact is, the price isn't going to change and if the price changes a miniscule amount, it's not going to cover the two dollars or three dollars it takes people to try and go across town to find a new pharmacist. This is an important bill, ladies and gentlemen; I'll be happy to answer your questions and I solicit your Aye...

PRESIDENT:

Discussion? Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, Senator Marovitz even admitted that by bringing down the volume and that is how these prices are negotiated on volume basis, by bringing down that volume with the one supplier, prices will go up and that's what is going to happen. You're going to have every little store now competing and they can't provide these drugs at the cost...in huge volumes. He alludes to a fact that by walking across the street to your neighborhood drugstore. Well, I don't know where he lives, but I know in my neighborhood I don't have a drugstore across every street and every person's house. We...we'd have to walk a half a mile or a mile anyway. These drugstores just don't exist across the street of everybody's house. The important thing is that we are fooling the senior citizens and the public. We're fooling them into thinking that they're going to get the same low prices and same benefits without the competitive negotiation between the HMO and the large drug manufacturers that can supply them on huge volumes at cost saving prices, and that's basically what it is. I think it's wrong to say

that...oh, sure it might go up a few pennies and that doesn't cover the...the cost of your carfare or busfare, realizing that it is going to go up, realizing that he's just...just fooling us into believing that there is no great added cost...that there will be a great added cost because once the HMO's refuse to negotiate with the drug companies and just let it go out, that means those people are going to pay the standard, basic price that they paid before without any availability of quantity purchasing. I think it's a bad concept to get involved in between two private entities contracting to do the best they can for our elderly, our sick and trying to just sneak in there and get...advantage of that competitive pricing.

PRESIDENT:

Further discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDENT:

Indicates he will yield, Senator Fawell.

SENATOR FAWELL:

Can you tell me, Senator, approximately how many people...what the percentage of people are that belong to the HMO's?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

No, I can't.

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

I asked that question to the lobbyists who've approached me to...to vote for your bill. I happen to be one of those that belong to an HMO and I will tell you before this HMO,

and it happened to be the same doctor that I was going to anyway and he just happened to join an HMO, I was paying thirty-five to fifty dollars a month for medication that I have to have. After the HMO thing went in, I ended up paying five dollars at a local drugstore that I was using anyway; and it seems to me that if that experience is carried out that indeed the people who belong to these HMO's who have made that choice knowing that they have to go to a particular drugstore but in the process manage to save a great deal of money by doing so are entitled to continue that service without interference from the Senate who, in our great wisdom, has decided that these contracts should not be, as the gentleman on your side mentioned before, between two businesses...businesses who have set that contract up. I think this is a bad bill and I think we all ought to think twice before we vote Yes for it.

PRESIDENT:

Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, continuing in the same vein as the last two speakers and...and being brief, I hope. I think we all have to realize that attempts to control health care costs across the board, whether we're talking about prices of pharmaceutical products or the cost of hospitalization or the cost of physicians, are in many cases dependent upon the ability of providers to provide services on a high volume basis. That is the principle that is...that is at stake here, the ability of...of an HMO or an insurance company or someone paying the cost of providing health care on a widespread basis to channel that service or product to a limited number of providers thereby encouraging the provider to provide that cost at a reduced rate. In the absence of the ability to contract on this basis, it is highly unlikely, probably impossible, to conceive that the...that the provider of the

service or product will offer the same low rate. Those who enter into an HMO or a...whether it's an HMO or...preferred provider arrangement or hospitals who contract with the Department of Public Aid based on...on a guarantee of a certain number of...of hospital days realize that they're going to have this...this high volume and individual patients who take advantage of this service realize that the number of providers may be limited but in exchange for that, they may be...have available to them a broader number of benefits or a...lower level of copayment or perhaps both. To enact legislation of this kind will frustrate what has already proven to be very difficult, that is our efforts to control health care costs across the board.

PRESIDENT:

Further discussion? Senator Alexander.

SENATOR ALEXANDER:

Thank you, Mr. President. To the sponsor. Will there be any joining, initiation fees incurred by those persons who would be joining during this period that...if this bill passes and become law that they would have to put up in order to become a part of it?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

No, there'll be no additional fees to anybody as a result of this.

PRESIDENT:

Senator Alexander.

SENATOR ALEXANDER:

I'm through. Thank you.

PRESIDENT:

Okay. Further discussion? Senator Watson.

SENATOR WATSON:

Yes, sir, and thank you, Mr. President. I...I'd like to

talk to the legislation and, naturally, I have a conflict of interest but I'm going to vote my conscience, but I...just to tell you a little bit about what happens. In a small-town drugstore, such as the one we have in Greenville and Pocahontas, a lot of the individuals come in with their card...the growth of the third-party payment provisions of...of health care is...is considerable and is growing very rapidly both from HMO and...insurances and what happens is most people get a plastic card and they bring this card in and they present it and they say, Frank, please...here's my prescription, fill my prescription, here's my card, this is the insurance program I'm on, I'd appreciate you taking care of this; and what happens, then we say, oh, I'm sorry, we're not a provider of this particular coverage, you're going to have to drive to XYZ drugstore some forty, fifty, sixty miles away because the exclusive agreement that the HMO has with some of the pharmacies simply aren't available in the rural area and we're shut out, we don't get an opportunity to participate in the program because of that exclusive agreement. And what happens then? Well, the little guy that brings in...that's covered with the HMO or the insurance comes in and he says, well, I can't drive to Edwardsville or I can't drive to Centralia or Carbondale or St. Louis; go ahead, fill the prescription, I'll just pay for it. Well, then he is denied the coverage in which he is paying and...and naturally some of these HMO's...they like that because there's a situation in which they don't have to be...they don't have to reimburse the pharmacy for the prescription. So the little guy gets shut out also and his...his program and his benefits are curtailed and...and effective negatively. All we're asking here is for any pharmacy or drugstore who wishes...and it is...you don't have to, if the drugstore doesn't want to participate, they don't have to, the HMO can still negotiate with the...the big retailer or whatever they want to do, they

can negotiate with them, but it just gives that little drug-store that window of opportunity to participate in the program and it could be that...it isn't cost...like Senator Savickas mentioned, maybe they can't afford it, maybe they can't afford to participate but at least they're given that opportunity and then that opportunity then can be given to the...to the insured who comes in and asks...to have his prescription filled. I...I think this is good legislation. And he's...and Senator Marovitz is right, with the growth of the third-party providers in this...in this country and this state, this...without legislation such as this, it's going to have a real negative impact on the success of retail pharmacy in the local areas and especially in the rural areas. So, I think legislation such as this is good. I support it and I certainly will hope most of you will also. Thank you.

PRESIDENT:

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the...of the Senate, I have a very elderly district and in many cases my people do not drive anymore because they're so old they can't hack it and they cannot get public transportation. In some of my municipalities, the...the evidence of walkers on the street is something that someone driving through would notice. They...and many of them are old ethnic types, they have a hard time with English and I just don't how I can explain to them that they can't go to a neighborhood drug-store that they can walk to and have dealt with for many years in order to get their maintenance medication which they need to just stay afloat and out of nursing homes and costing us beaucoupbucks on that front. I think this is very good legislation. Yes, it has some downsides. Yes, there may...there might be some extra cost, but the convenience factor of allowing the very people who need this the most, I

think, far and away outweighs the other consideration and I would urge its passage.

PRESIDENT:

Further discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I stand firmly in support of this legislation because I see...something that we're about to lose here in this America, that we're going to lose the sense of small businesses and the sense of...of individual participation in our society, and I also see that we would be losing freedom of choice. We might as well say that we would be going...moving...back toward a socialistic type of a government that you cannot only get your medicine, you cannot have a doctor except you come through this particular organization. I think this is a good piece of legislation and I think that if we want to maintain our freedom of choice, we will vote for this piece of legislation. Thank you.

PRESIDENT:

Further discussion? Any further discussion? Senator Marovitz may close.

SENATOR MAROVITZ:

Thank you, very much. In talking with some of the lobbyists who oppose the bill, I asked them what...what...what impact...what effect do you think this is going to have? They said, well, we really don't know. We don't know if this is going to have any impact whatsoever on costs...ultimate cost to...to the people. I said, well, if you don't know, then why oppose it? He says, because we don't know. So, I offered, I said, what if I put a sunset provision in here? How 'bout if I put a sunset provision...a two-year sunset provision so that this will go out of...it...it will not be in effect any more after two years? Well, they oppose that. Well, I offer it to everybody on this Floor that if this bill

passes, I will make sure that the sunset provision is put in, and I want to notify all of my colleagues that a sunset provision is put in in the House and that the bill will not be moved until a sunset provision for two years is put in so that we can see what the impact is. If people can get convenience and not get increased costs, my gosh, that's what we're all about and that's what this bill is all about. We don't want to have one pharmacy in this state. Where's the competition going to be if you have one pharmacy because there's third-party providers making exclusive contracts so no one else can get involved? Then you're going to have one pharmacy throughout the State of Illinois. That's what's happening. Then what's going to happen to your competition and your prices? What's going to happen to your convenience and your disabled and your senior citizens who can't go, maybe not across the street but maybe three or four blocks? And I think most of us live in areas where there's some kind of a pharmacy, a drugstore, within three or four blocks or at least a mile of our house. That's what this bill is all about. I really do solicit an Aye vote. It is an important health care bill for seniors and constituents and disabled throughout the State of Illinois. Thank you.

PRESIDENT:

Question is, shall Senate Bill 2167 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? Have all voted who wish? Take the record. On that question, there are 26 Ayes, 29 Nays, none voting Present. The sponsor requests that further consideration be postponed. Without objection, so ordered. 2174, Senator Demuzio. On the Order of Senate Bills 3rd Reading, bottom of page 14, is Senate Bill 2174. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2174.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This started out as a real good voter...registration bill but it now only contains two...two provisions and it's...they are discretionary...discretionary...it gives the discretionary power to the election authority to allow the deputy registrars to accept registrations up to twenty-eight days rather than thirty-five days before the election and requires phone numbers to be included on voter registration forms. That's all it does.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall Senate Bill 2174 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 2174 having received the required constitutional majority is declared passed. 2181, Senator Schuneman. On the Order of Senate Bills 3rd Reading, bottom of page 14, is Senate Bill 2181. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2181.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. This bill stems from a problem

in my district that has to do with school consolidation. Five schools in Carroll County are considering consolidation but they've run into a problem. Before some of the interested communities will support consolidation, they want to make sure that they have some representation on the new unit school board. Currently, there's no way for them to be sure of that under state law. This bill simply provides that a petition for the establishment of a new community unit school district may include a proposition for the members of the new board to be elected by school board district rather than at large and that that question can be submitted to the electorate at the same time they vote on the question of consolidation. I think it's a reasonable approach and I would ask for your support.

PRESIDENT:

Discussion? Any discussion? Senator Berman.

SENATOR BERMAN:

Thank you. Let me make a suggestion and he can respond in closing to the sponsor. Some people have expressed concern about the long-term question of amending these petitions after they're filed, and I want to be able to suggest to help your situation but not create a precedent that would cause problems down the line, would you mind adding in the House a sunset provision so that after you're taken care of we won't have this ongoing amendment process?

PRESIDENT:

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, Senator Berman, as...as you know, that particular section was put into the bill and was written in such a way that we thought it...we defined it narrowly enough that it only applied to this particular situation and that language also refers to petitions that were filed prior to the passage of this Act, but I'd be perfectly willing to work with you to

satisfy you about that language. We think we've done it, but we have no objection to working with you if...if you're dissatisfied with it.

PRESIDENT:

All right, Senator Schuneman, you wish to close?

SENATOR SCHUNEMAN:

To ask for a favorable roll call.

PRESIDENT:

Question is, shall Senate Bill 2181 pass. Those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 2181 having received the required constitutional majority is declared passed. 2185. On top of page 15 is Senate Bill 2185. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2185.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you. This bill does one simple thing. There are funds that are presently sitting in several accounts, the Chicago Board of Education which are proceeds of bond sales. The existing law says that they can shift these monies into the Working Cash Fund. That fund doesn't exist anymore. This would allow it to be shifted into the Education Fund. I solicit your Aye vote.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall Senate Bill 2185 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who

wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 2185 having received the required constitutional majority is declared passed. All right, ladies and gentlemen, if I can have your attention, I have discussed with Senator Philip, in order to try to expedite, we will move to the Order of Senate Bills 2nd Reading. A number of members have bills still remaining in there and they wish to move them with the understanding that one or another may well be recalled tomorrow, but to save a legislative day, we will go to that order. Senator Philip has requested consideration of the Conference Committee Report found on page 28 on Senate Bill 1416. I am told that copies have been distributed earlier this afternoon, so you might get ready for that one. First we...we'll go to the Order of Senate Bills 2nd Reading to move those bills that the sponsors wish moved, then we will do the Conference Committee Reports requested by Senator Philip and Luft and then if time remains, we will get back to 3rd reading where we left off. The idea is that we will adjourn until ten o'clock tomorrow morning and the Democratic Party will have a caucus and Senator Philip indicated he may also have one...at any rate, rather than tie us up all night, we're going to try to get all this done by six o'clock. All right, on the Order...with leave of the Body, Madam Secretary, we'll move to the Order of Senate Bills 2nd Reading. 1167,...read the bill, Madam Secretary, please.

SECRETARY:

Senate Bill 1167.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Revenue offers one committee amendment.

PRESIDENT:

Senator Netsch on Committee Amendment No. 1.

*SB 1558
2nd reading*

SENATOR NETSCH:

Thank you, Mr. President. I would move the adoption of Committee Amendment No. 1. This was intended to take the private activity bond cap bill that we passed a few years ago and simply update it with references to the 1986 Code and also to incorporate that which was in the Governor's most recent Executive Order which, in fact, expired on December 31st, so we do need to have some legislation. As best we know, it fully tracks the Governor's Executive Order along the lines of the bill that we originally passed. It does not change anything substantively in that respect. So, I would move the adoption of Amendment No. 1 to Senate Bill 1167.

PRESIDENT:

All right, Senator Netsch has moved the adoption of Committee Amendment No. 1 to Senate Bill 1167. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further committee amendments.

PRESIDENT:

Any amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDENT:

3rd reading. 1558. On the Order of Senate Bills 2nd Reading is Senate Bill 1558. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1558.

(Secretary reads title of bill)

2nd reading of the bill. Committee on Insurance, Pensions and Licensed Activities offers one committee amendment.

PRESIDENT:

Senator del Valle on Committee Amendment No. 1.

SENATOR del VALLE:

Thank you, Mr. President. I...I move to Table Committee Amendment No. 1.

PRESIDENT:

All right, Senator del Valle has moved to Table Committee Amendment No. 1 to Senate Bill 1558. Any discussion? If not, all in favor of the motion to Table indicate by saying Aye. All opposed. The Ayes have it. The motion carries. Amendment No. 1 is Tabled. Further amendments?

SECRETARY:

No further committee amendments.

PRESIDENT:

Any amendments from the Floor?

SECRETARY:

Senator del Valle offers Amendment No. 2.

PRESIDENT:

Senator del Valle, Amendment No. 2.

SENATOR del VALLE:

Thank you, Mr. President. Amendment No. 2 is the product of negotiations between the industry, the Cook County State's Attorney's Office, Attorney General's Office, the State Board of Education and the Legal Assistance Foundation. It addresses the concerns raised by the members of the Insurance Committee and all parties involved in the negotiations and it maintains the strong protections against abuse of unscrupulous schools while addressing legitimate concerns of the...industry. I move the adoption of Floor Amendment No. 2.

PRESIDENT:

All right, Senator del Valle has moved the adoption of Amendment No. 2 to Senate Bill 1558. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1600, Senator Jones. On the Order of Senate Bills 2nd Reading, Senate Bill 1600. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1600 ✓

(Secretary reads title of bill)

2nd reading of the bill. The Committee on...Energy and Environment offers two committee amendments.

PRESIDENT:

Senator Jones on Committee Amendment No. 1.

SENATOR JONES:

Thank you, Mr. President and members of the Senate. Senate Amendment No. 1 authorizes a ten percent surcharge on environmental permit fees and I move its adoption.

PRESIDENT:

Senator Jones has moved the adoption of Committee Amendment No. 1 to Senate Bill 1600. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

...Committee Amendment No. 2.

PRESIDENT:

Senator Jones on Amendment No. 2.

SENATOR JONES:

Yeah, thank you, Mr. President. Amendment No. 2 deletes the provisions of giving the authority to...the provisions to abate property tax up to fifteen percent and I move its adoption.

PRESIDENT:

All right, Senator Jones has moved the adoption of Committee Amendment No. 2 to Senate Bill 1600. Any discussion? If not, all in favor indicate by saying Aye. All

AB 1615
2nd Reading

opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further committee amendments.

PRESIDENT:

Any amendments from the Floor?

SECRETARY:

Senator Brookins offers Amendment No. 3.

PRESIDENT:

Senator Brookins on Amendment No. 3.

SENATOR BROOKINS:

Yes, thank you, Mr. President. Amendment No. 1 creates a ecological park...Amendment No. 3, and it's just for...for a study.

PRESIDENT:

All right, Senator Brookins has moved the adoption of Amendment No. 3 to Senate Bill 1600. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1615, Senator Welch. On the Order of Senate Bills 2nd Reading, Senate Bill 1615. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1615.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Energy and Environment offers one committee amendment.

PRESIDENT:

Senator Welch on Committee Amendment No. 1.

SENATOR WELCH:

Thank you, Mr. President. What Committee Amendment No. 1

did was change this bill so that it would end up being a census count by the Environmental Protection Agency. There was a fiscal note requested, that's why this bill was held on 2nd. The fiscal note came back stating that it's not going to cost the state any money to do this. The census is going to enable the Environmental Protection Agency to identify on-site disposal of waste that we...we don't know what has been disposed or where it's been disposed of. I'd be glad to answer any questions.

PRESIDENT:

Senator Welch has moved the adoption of Committee Amendment No. 1 to Senate Bill 1615. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further committee amendment.

PRESIDENT:

Any amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDENT:

3rd reading. 1626. On the Order of Senate Bills 2nd Reading, Senate Bill 1626, Madam Secretary. Read the bill, please.

SECRETARY:

Senate Bill 1626.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Energy and Environment offers one committee amendment.

PRESIDENT:

Senator D'Arco on Amendment No. 1.

SENATOR D'ARCO:

We're going to Table Amendment No. 1, Mr. President.

PRESIDENT:

All right, Senator D'Arco has moved to Table Committee Amendment No. 1 to Senate Bill 1626. Discussion? If not, all in favor of the motion to Table indicate by saying Aye. All opposed. The Ayes have it. The motion carries. Amendment No. 1 is Tabled. Further amendments?

SECRETARY:

No further committee amendments.

PRESIDENT:

Any amendments from the Floor?

SECRETARY:

Amendment No. 1 offered by Senator...

PRESIDENT:

2.

SECRETARY:

2...pardon me, offered by Senator Maitland.

PRESIDENT:

Senator Maitland on Amendment No. 2.

SENATOR MAITLAND:

Thank you, very much, Mr. President and members of the Senate. Amendment No. 2 to Senate Bill 1626 radically changes, admittedly, the bill. We've had a long and...and heated debate on this issue and it's always difficult to stand and oppose the...the real intent of...of the legislation. Senator D'Arco has worked long and hard on this issue, but the fact of the matter is, extending this to a year-long program which brings into...to the...to the concept of the legislation the entire summer months makes the bill an extremely expensive task and it's absolutely unaffordable and I think we all know that. There simply isn't in place today the money to accommodate the merits of the bill. Amendment No. 2 does really three things. It...it does extend the current IRAP Program from January 1 of '89, which is the current sunset, to January 1, 1991. Secondly, it provides a disbursement mechanism for the funds set aside to pay for the

IRAP shortfall and it also...determines what is meant by monthly household income, and...Mr. President, I would move for the adoption of Amendment No. 2.

PRESIDENT:

All right, Senator Maitland has moved the adoption of Amendment No. 2 to Senate Bill 1626. Discussion? Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. Senator Maitland is correct that we've been in long discussions and negotiations with the consumers and the utilities. Now, the point is, and...and I want everybody here to understand this. The utilities aren't going to pay a dime for this program. The money for this program has already been dedicated by the federal government and the State of Illinois and that's Exxon overcharge refund money that's due the State of Illinois. That money is dedicated to this program. It doesn't come out of GRF. It doesn't come out of the utilities. It doesn't come from anywhere but the oil companies for the purpose of...energy assistance for low-income families, and that's according to a federal court order by a federal judge. Now, our point of disagreement is as to whether this should be a five-month program or a year-round program, and I am in the process of forming a task force to determine a permanent funding source for this program so that the...nobody has to pay for it other than a new funding source that will be determined sometime in the Spring Session of 1989. The problem is that these low-income people get off the program because their bills in the summertime are too high for them to stay on the program and then they have to reapply to get back on the program in the wintertime. This is causing tremendous administrative problems at DCCA and the ICC and they are in full agreement that it should be a year-round program. The point I'm trying to make is, ladies and gentlemen, these people need the energy

assistance that is affordable from the money that is available, and John's idea is the wrong idea at this time and this amendment should be defeated.

PRESIDENT:

Further discussion? Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. As Senator D'Arco has told you, there's been long and hard work in trying to get this thing into the shape it's in and we certainly ought to defeat this amendment.

PRESIDENT:

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. First of all, let me state in the Energy Committee I was the one who raised the question of permanent source...funding and I think that's the concern in this bill. I'm not really sure whether we're talking a five-month program or a year-round program is really the issue here. I think the issue here is funding. Senator...Senator D'Arco has indicated to me that it will be funded strictly out of the Exxon monies. If those monies run out, the program ceases; and during that period of time, the Senator has indicated that he will go for a task force that will try to decide a permanent funding source and proceed from there. I think that under those circumstances, I know that the...the intent of the request for amendment in the committee has been upheld and I would ask that this amendment be defeated.

PRESIDENT:

Further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. Senator Maitland, when offering this amendment, stated that he had radically changed the bill. The bill at the point it is at right now is radically

changed from when it was introduced. Senator D'Arco has been involved in negotiations with several utility companies and, quite frankly, I have the opinion that he's been hoodwinked, and the reason for that is this. When he started out, this bill was going to have an unlimited date on it, there was no sunset date, but in the spirit of compromise, Senator D'Arco agreed to put in a sunset date of about 1991, I believe. He went further than that. There was also a provision in there that was going to forgive past due debts by paying those off. He took that out as well in the spirit of compromise. And it was my understanding that there was an agreement with the utility industry to support or at least not oppose this particular legislation, so I'm quite surprised that this amendment has come up on the Floor, and it seems to me that the objection to a twelve-month program by saying that the money isn't there, this program is going to go until the money is out. So, if it's twelve months and it's depleted in two years, these same people that we're helping are going to be the ones that will be hurt by the very bill that they're pushing. If they want to take that upon themselves, that's a risk they're going to take, but nonetheless, they're willing to do so. And I think that this amendment should be defeated. I think, quite frankly, it's not bad faith on the part of Senator Maitland and I don't want to impute that, but I certainly think it is bad faith that the utility industry is supporting your amendment, and I would certainly urge its defeat.

PRESIDENT:

All right, the question is, the adoption of Amendment No. 2 to Senate Bill 1626. Further discussion? Senator Maitland, you wish to close, sir?

SENATOR MAITLAND:

Thank you, very much, Mr. President and members of the Senate. Once again, I appreciate very much the efforts that

have been put forth by Senator D'Arco and others, but I don't want to mislead people. I don't think we ought to do that. The critical part of this program is for the winter rates, that's the critical part. That's the part of this effort that really helps these people and I want to continue that, but let me tell you something, folks, that forty million dollars available for this program, you know how much we've spent already? We've spent twenty-two million dollars. There just isn't that much more to go. I will support totally, Senator D'Arco, the program when there's a funding mechanism in place, but to tell these people one thing...today and then deny them access to the program when they really need it is an unconscionable act, and I would urge support of this amendment.

PRESIDENT:

Question is the adoption of Amendment No. 2 to Senate Bill 1626. Those in favor of the amendment will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 23 Ayes, 33 Nays, none voting Present. Amendment No. 2 fails. Further amendments?

SECRETARY:

Amendment No. 3 offered by Senator D'Arco.

PRESIDENT:

Senator D'Arco on Amendment No. 3.

SENATOR D'ARCO:

Thank you, Mr. President. Amendment No. 3 makes it a year-round program. It also incorporates the provisions that were in Amendment No. 1 offered by Senator Maitland that we agreed to when we had our discussions with the utilities, and, John, I don't want to hoodwink anybody either and I don't want to kid people and make them think they're getting something they're not getting, because I want everybody to

know that when the Exxon money does run out and a task force is appointed and we search for a permanent funding source, hopefully, we will be able to find a solution to the problem and if we don't find a solution, I don't want people to think the program is going to continue, so I want that on the record as well. This is the amendment that should be incorporated into the bill and I move for its adoption.

PRESIDENT:

Senator D'Arco has moved the adoption of Amendment No. 3 to Senate Bill 1626. Discussion? Senator Collins.

SENATOR COLLINS:

Thank you. I rise in support of Amendment No. 3. I think it has already been said by Senator D'Arco in his statements against the resolution just previously failed the necessity of expanding this program to go year around. I'm sure that many of you have...had experiences with the existing winter shutoff program even before this program and the difficulty of those persons being able to catch up and pay their bills during the summer months. If, in fact, the cost of utilities goes up, in many cases the rates changes during the summer and these people are unable to...many of the people are unable to pay their utilities during the summer, catch up the back bills and then be ready to go on this program when the winter start again, so you have to try and start all over, but also on this you have to make that commitment to pay that twelve percent and keep that bill up, keep it current. Well, we've found that they just can't do it that way. So, what...what else can we do but extend this program year around if we're really going to provide the kind of support that those persons who at least able to afford utility costs if we are doing what we're saying that we are going to do is provide that assistance, then we have no choice but to make this program year around. I, too, agree with Senator D'Arco that if, in fact, we don't find the

money...we always find money for whatever else we want to do around here and I'm confident that we can find the money for this program. So, I say we extend it, if we don't find the money, then we can say that the program...we can't operate it if you don't have the money, but I'm confident that we can find the money. So, I ask for a favorable vote.

PRESIDENT:

The Chair would remind the guests that we appreciate your enthusiasm but we'd ask you not to show any signs of approbation. Senator Jacobs.

SENATOR JACOBS:

...after that word, I don't know, Mr. President. Would the...would the sponsor yield for a question, please?

PRESIDENT:

Indicates he will yield.

SENATOR JACOBS:

Senator,...first of all, let me say that you have come a long way in this...of making a...a mutual agreement. There...there were a couple of questions, however, that were raised in committee that...that I wonder if your committee...your amendment covers and one of those is the conservation criteria. Is that covered in this amendment?

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

No, it...the...the average month...the above average rate is covered in the original bill. I mean, we left it in there that if...if they...if they use energy above the...the monthly average as determined by the ICC, they have to pay their...the cost of that amount.

PRESIDENT:

Senator Jacobs.

SENATOR JACOBS:

Also, then, is the forgiveness for past bills, is that

addressed in this amendment or is that addressed in the bill?

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

Right, that's...that's another point we conceded to the utilities that we...we wanted to forgive them for the arrearages but we...we left it in the bill the way it was and we didn't remove that provision of forgiveness for arrearages.

PRESIDENT:

Senator Jacobs.

SENATOR JACOBS:

...but...but you would be open to some language in the House on that?

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

Well, we conceded to the utilities. I mean, we...you know, we're...we're not taking out the language that says that they...they are responsible for their arrearages.

PRESIDENT:

Further...I beg your pardon. Further discussion? Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. I, really, very reluctantly rise against this amendment. I think that it is unrealistic for us to give hope that we do and can find money for a year-round program. I don't think that is possible at this particular time when we are not finding money to meet our obligations in...on other areas of state government or Medicaid...payments or welfare payments; there are so many other things that we are not finding our state money for at this particular time, and without the assurance of a tax increases at this time, certainly, I...I...I think that it is just deluding ourselves and...and those that need support and

help very much in terms of this program. The shortfall is going to have to be made up by someone and I don't see how the state at this particular time can afford to pick up this amount of money. I don't know where it is coming from and I regret that Senator Maitland's amendment was not adopted and I just reluctantly have to say that I...I really do oppose this particular amendment.

PRESIDENT:

Question is the adoption of Amendment No. 3 to Senate Bill 1626. Any further discussion? Senator D'Arco, you wish to close? Senator Dudycz, I'm sorry.

SENATOR DUDYCYZ:

Mr. President, nobody on this side has seen the amendment. Has it been distributed?

PRESIDENT:

I can't answer that. These were distributed, I'm told, not universally but copies were available. Senator D'Arco, you wish to close?

SENATOR D'ARCO:

Well, if that's the best he can do, that's it. That's...I don't have to close, that's it.

PRESIDENT:

All right, question is the adoption of Amendment No. 3 to Senate Bill 1626. Those in favor will vote Aye. Opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 35 Ayes, 21 Nays, none voting Present. Amendment No. 3 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1745, Senator Maitland. 1761, Senator Jacobs. On the Order of Senate Bills 2nd Reading, Senate Bill 1761. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1761.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Local Government offers one committee amendment.

PRESIDENT:

Senator Jacobs on Committee Amendment No. 1.

SENATOR JACOBS:

Thank you, Mr. President. Committee Amendment No. 1 amends the unification of the municipalities and requires the corporate authority of each municipality that has approved the proposition to pass an ordinance within six months of the election approving the unification and specifying the name of the new municipalities, and I would ask for its approval.

PRESIDENT:

Senator Jacobs has moved the adoption of Committee Amendment No. 1 to Senate Bill 1761. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

ACTING SECRETARY: (MR. HARRY)

No further committee amendments.

PRESIDENT:

Any amendments from the Floor?

ACTING SECRETARY: (MR. HARRY)

Amendment No. 2 offered by Senator Jacobs.

PRESIDENT:

Senator Jacobs on Amendment No. 2.

SENATOR JACOBS:

Thank you, Mr. President. Amendment No. 2 rewrites the entire bill. This is a...a rewrite presented by the Municipal League attorneys to avoid a potential lawsuit and it...in effect, what it does is rewrite the bill to where it spells out more explicitly how the...the petition shall be done, how the questions shall be presented and then what happens after

the...the vote, and I would ask for favorable support.

PRESIDENT:

Senator Jacobs has moved the adoption of Amendment No. 2 to Senate Bill 1761. Discussion? Senator Fawell.

SENATOR FAWELL:

Thank you, very much. For my side, we have...as minority spokesman on this committee, we have looked at this amendment, it seems to be in good order and I would suggest we support the amendment.

PRESIDENT:

Senator Jacobs has moved the adoption of Amendment No. 2 to Senate Bill 1761. Further discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Are there further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1795, Senator Savickas. On the Order of Senate Bills 2nd Reading, Senate Bill 1795. Read the bill.

SECRETARY:

(Machine cutoff)...Bill 1795.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDENT:

Any amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDENT:

3rd reading. 1798, Senator Marovitz. On the Order of Senate Bills 2nd Reading, Senate Bill 1798. Read the bill, Madam Secretary, please.

SECRETARY:

Senate Bill 1798.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDENT:

Any amendments from the Floor?

SECRETARY:

Senator Marovitz offers Amendment No. 1.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. This is an amendment that was agreed to in committee among all the officia nota of paint pellet guns and the National Rifle Association and everyone else, and they all agree to this amendment which makes it illegal to carry or possess in an operable manner a paint pellet gun. You may operate these guns on the playing fields where they have the games and where these type of operations occur throughout the State of Illinois. There's a...seems to be a regular organization that holds tournaments and everything and this would not in any way affect that, they can still have all their games and when they leave, they would have to dismantle their guns and have them in an inoperable manner until they go back to the field. They all agreed to this. The...I talked to the National Rifle Association this morning. They totally withdrew any opposition. This does not in any way deal with replica guns at all, that's been totally taken out of the bill and I would ask for your Aye vote.

PRESIDENT:

All right, Senator Marovitz has moved the adoption of Amendment No. 1 to Senate Bill 1798. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

Amendment No. 2 offered by Senator Marovitz.

PRESIDENT:

SB 1839
2nd Reading
SB 1840
2nd Reading

Senator Marovitz on Amendment No. 2.

SENATOR MAROVITZ:

I would move to withdraw this amendment, please.

PRESIDENT:

Withdraw No. 2. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1839, Senator Berman. On the Order of Senate Bills 2nd Reading is Senate Bill 1839. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1839.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDENT:

Any amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDENT:

3rd reading. 1840, Senator Berman. On the Order of Senate Bills 2nd Reading, Senate Bill 1840. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1840.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDENT:

Any amendments from the Floor?

SECRETARY:

Senator Jones offers Amendment No. 1.

PRESIDENT:

Senator Jones on Amendment No. 1.

SENATOR JONES:

Yeah, thank you, Mr. President. I want to ask the...before I proceed with the amendment, I wondered what...what the sponsor's intention is as far as this bill is concerned. Does he intend to bring it back so we would have an opportunity to deal with it?

PRESIDENT:

He is calling it for 2nd reading at this moment, as I understand it. Your amendment is before the Body. Senator Jones on...Senator Berman.

SENATOR BERMAN:

I held...I skipped the bill yesterday. It's...it's my intention to pass the bill out unamended, keep it as a shell bill. If Senator Jones wants to proceed with his amendment, now is the time.

PRESIDENT:

All right, Senator Jones.

SENATOR JONES:

Well, in...in response to that, Senator Berman, I...reason why I asked you that question because I was waiting faithfully to see what the mayor's summit had in it as it relate to reform in the Chicago public schools. As a...as a legislator who has two-thirds of his district residing within the City of Chicago and one who serves on the Elementary and Secondary Education Committee, I felt that we legislators should have an opportunity to partake in the reform. If this bill goes out of here unamended, then the only thing we will have to deal with is a Conference Committee Report without any input far as amendments are concerned. So, what this amendment does is essentially this and it should be part of the reform. All it does is require those extra dollars generated in the State Aid Formula by low-income children that those dollars follow the students in the schools where they are enrolled. The state aid forces...the general state aid for the Chicago public schools in the formula for the

current school year comes to a total of five hundred and seventy-one million dollars; two hundred and thirty-eight million dollars are weighted by low-income students. This was put in there to meet the educational needs of poor children in the Chicago public school system. To this date...to this date, under the current law when they are supposed to target the sixty percent, they still do not follow the law. So, this amendment requires all those dollars...follow the students in the schools where they are enrolled. I offer this amendment because we are talking about reforming a system that needs reformed. I have waited patiently for a reform package that I have not seen. I have waited and I asked the sponsor what was his intention as far as this bill was concerned, but any reform measure must include the money following the children. If we are not going to take care of the children who generate the dollars, then we are wasting our time talking about school reform. So, I ask for a Aye vote on Amendment No. 1 to Senate Bill 1840; and those individuals who are concerned about education, who want some input, this is your only opportunity to do some real reform in the Chicago public school system. You vote for this amendment, then we are talking about taking care of the children and giving them the necessary resources that this thing pays for to meet their educational needs and I ask for a Aye vote.

PRESIDENT:

Senator Jones has moved the adoption of Amendment No. 1 to Senate Bill 1840. Discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I'm glad my microphone is working 'cause I want to really bring the decibels down a little bit. First of all, let me suggest to all of you, because every Senator here is concerned about Chicago school reform and its impact even beyond the borders of Chicago, I

have been in discussions with Senator Kustra, the minority spokesman on the Education Committee, and it is our intention, on both sides of the aisle, that...we are holding caucuses at approximately five o'clock, that the Democratic Caucus is going to address a proposal regarding...Chicago reform and I'm under...led to believe that the Republican Caucus is also going to look at a proposal for Chicago school reform. The question of that bill and reform will be before us tomorrow through the process of recalling a bill that I'm sponsoring and recalling a bill that Senator Kustra is...is sponsoring so that it'll be out on the Floor and it'll be in discussion in...in our caucuses this evening. What Senator Jones is attempting to do here is a different approach to reform, and let me suggest to you that the reason I stand in opposition to his amendment is because I think that the issue of targeting all the money for the poor kids was discussed in the preliminary discussions regarding the Chicago school reform and was rejected by the sponsors of the Chicago reform package. Now, that doesn't mean that Senator Jones is precluded from offering this amendment. He has got his...he is certainly entitled to...to do that and that's what he's doing, but let me point out to you what the problem is here. This bill...this amendment would take a hundred million dollars and reallocate it within the Chicago school system. Ladies and gentlemen, that would be done strictly on an entitlement basis without any meaningful program, any meaningful addressing the needs of these children. I think, and I would suggest that you will see at least in the proposal that I will have tomorrow, how the needs of poor children will, in fact, be addressed through programs, through parental involvement, through a restructuring of the school system. Just to shift the money without attaching the programs will do a great disservice not only to the poor children but to the children that are not poor in Chicago and

that represents, ladies and gentlemen, forty percent...forty percent of the population of the school children in Chicago. At this point, on May 18th, we'd be doing a great disservice to reform efforts and a great disservice to all the children in Chicago if we adopted this amendment. If there's going to be changes in the...in the formula, we ought to know whether, A, there's a tax increase; B, what's the reform package. Tonight, we don't...we haven't reached those conclusions. I urge a No vote on Senator Jones' amendment.

END OF REEL

REEL #6

PRESIDENT:

Further discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. Senator Berman has said it well, this amendment is putting the cart before the horse. There's no way given all of the rhetoric we've heard from our own membership over the last two months about the need to do something for Chicago schools before we solve the revenue situation that we can now, on this afternoon, reallocate dollars without any idea of whether anything is going to follow. Let's get down to the business of the reforms which Senator Berman has referred to, and he's absolutely right, both caucuses are going to work on that, then maybe later on at another point we may want to debate this, but I don't think this is the time for it and I would suggest a No vote on Amendment No. 1 to Senate Bill 1840.

PRESIDENT:

Further discussion? Senator Collins.

SENATOR COLLINS:

Thank you. I'm...I don't know about the timing of this particular amendment but I...I want you to understand that I...that if, in fact, that the monies and the title...Title I monies was going to those children that it was intended for, we probably wouldn't be needing school reform, you probably wouldn't even hear the...the school reform question. Because I don't care...I was not a part of the...the...the sponsor's meeting of these bills. Whatever reform that we come up with, be it now for this amendment or later, I will not be voting for any reform package until those children that this

money was intended to go to in that school system is getting their fair share of this money. And...and...and this monies are being used for all kinds of things except what the...the...the...the intent of this legislative Body when this legislation was originally passed. The federal dollars are also...was also targeted and this money ought to be targeted and used for that purpose, for bringing up and providing educational opportunities for the...educational disadvantaged student. Every dime of it should be going for that and for that alone. So, I don't care about whether or not you pass reform legislation for the Chicago public schools, because without this amendment at whatever time you wish to put it on, as far as I'm concerned, there is no reform. A lot of this reform stuff is a lot of rhetoric without substance. This amendment and targeting that money to where it's supposed to be going, the Chicago school system, the children in that school system, may be up to national standards. So, I say this is a good idea, I don't care about the timing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. I come from a district that would benefit little from this resolution, if any, but I stand in support of this amendment. Senator Jones is absolutely correct in this situation. The solution to it, Senator Berman, is don't move the bill...don't move the bill. We have sat patiently waiting and asking for the reform package, let's take a look at it, let's have some input in it, we have received nothing as of yet. So don't move the bill, that's the solution.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR JONES:

Thank you, Mr. President and members of the Senate. I'm really shocked...I'm really shocked that the sponsor...I mean the leader on the other side of the aisle, the educational spokesman there...there in the Elementary Education Committee, talk about putting the cart before the horse. I was willing to wait until...until Senator Berman presents the reform package. All he had to do was take the bill out of the record or move it to 3rd and say I will bring it back for the amendment. If the reform package includes in there the monies for the poor children that...that the Chicago Tribune talks about, the forty-eight percent drop-out rate, the poor children who come from disadvantaged families who we send millions of dollars up to the Chicago public schools to help meet their educational needs, if that's not in the reform package, then the reform package is a joke. If you really care about the children, you will vote for this amendment; but if you want to play politics with the issue, you will vote against it. If you want the poor children to have the opportunity to not drop out of school, not end up on the welfare rolls, at least have a chance to receive an education, then you will vote for this amendment. It's not putting the cart before the horse. I asked the sponsor would he bring the bill back for amendment. He said, no, he wanted to go with it now. I represent part of Chicago, no one has invited me to a meeting concerning legislation for the Chicago public schools and you expect me to vote for a pig wrapped in a blanket? I'm not going to do it. And any legislator from Chicago and...my friends downstate support this amendment. If you want to do something to help the children, you send the money up there, then the money should follow the kids for their educational needs. And I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Jones has moved adoption of Amendment

*SB 1862
2nd Reading*

No. 1 to Senate Bill 1840. Those in favor will indicate by saying Aye. Opposed Nay. Senator...there's been a roll call requested. Senator Jones has moved adoption of Amendment No. 1 to Senate Bill 1840. Those in favor of the adoption of the amendment will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question,...the...it's been a long day...on that question, there are...there are 9 Ayes, 19 Nays, 25 voting Present. Amendment No. 1 fails. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. 1857, Senator del Valle. 1862, Senator Netsch. Senate bills 2nd reading is Senate Bill 1862, Madam Secretary.

SECRETARY:

Senate Bill 1862.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Revenue offers three committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

With the concurrence of both Senator Rock and Senator Philip, we will put no amendments on 1862 today including the three committee amendments because both groups will be caucusing on this and the bill will be brought back for amendments tomorrow. So we will not even move the committee amendments onto the bill today. Just move it to 3rd reading.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Netsch.

SENATOR NETSCH:

At Senator Rock's suggestion, procedurally, apparently, I

have to do something with the committee amendments. So, for the moment, I will move to Table Committee Amendments 1, 2, and 3, and then they will be resurrected tomorrow when we actually substantively amend the bill. So it will be just in its blank form at the moment and the bill will be brought back for all of the work to be done on it tomorrow.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there discussion? Senator Dunn, for what...Senator Dunn.

SENATOR TOM DUNN:

Thank you, Mr. President. Request to ask Senator Netsch a question. That, I presume, does not preclude Floor amendments?

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator Netsch.

SENATOR NETSCH:

Absolutely not, there will be Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Okay. So, it's my understanding that there are three committee amendments that have accompanied this bill and you wish to Table each one of those three, move the bill to 3rd reading to bring it back tomorrow for additional amendments. All right. Senator Netsch has moved to Table Committee Amendment No. 1 to Senate Bill 1862. Is there discussion? If not, those in favor will indicate by saying Aye. Opposed Nay. The Ayes have it. Committee Amendment No. 1 is Tabled. Senator Netsch now moves to Table Committee Amendment No. 2. Discussion? Those in favor will indicate by saying Aye. Opposed Nay. The Ayes have it. Committee Amendment No. 2 is Tabled. Senator Netsch now moves to Table Committee Amendment No. 3 to Senate Bill 1862. Discussion? If not, those in favor will indicate by saying Aye. Opposed Nay. The Ayes have it. Committee Amendment No. 3 is Tabled. Further committee amendments?

SECRETARY:

No further committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Amendments from the Floor?

SECRETARY:

No...no Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator Netsch.

SENATOR NETSCH:

I think what we probably should do is to ask each of the sponsors of a Floor amendment to withdraw those for the moment and they will be resubmitted tomorrow just as the committee amendments will be and then we can start with a clean slate tomorrow.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Madam Clerk, how many amendments have been filed? Five? Madam Secretary, who...who...who has filed the amendments for the...will you read into the record the sponsors?

SECRETARY:

Senator...the first Floor amendment would be Luft-Hawkinson-Severns, second Floor amendment would be Luft-Hawkinson and Severns, third would be Thomas Dunn, fourth would be Thomas Dunn and the fifth would be Senator Netsch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there leave from the respective sponsors just read into the record to have those amendments with...Floor amendments withdrawn? Leave is granted. So ordered. Are there any other amendments to this?

SECRETARY:

No other amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. 1869. Senate bills 2nd reading is Senate Bill 1869, Madam Secretary. All right. 1862, no further

amendments, 3rd reading. Senate Bill 1869, Madam Secretary.

SECRETARY:

Senate Bill 1869.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY:

Senator Barkhausen offers Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members. Amendment No. 1 to Senate Bill 1869 adds more comprehensive provisions to a bill that was heard in the Senate Insurance Committee. The bill itself and the amendment permit a...an alien insurance company, meaning a company based outside the United States, to elect to have Illinois used as what is called a port of entry with which to enter the United States and from that base then to transact business. The amendment contains detailed provisions requiring that certain minimum assets be kept in trust to satisfy any claims that might be...that might arise within the state. And it further provides for the possibility that the...that the operations of the...foreign branch can be merged with a domestic Illinois company. I'd be happy to answer any questions. I know of no opposition to the amendment or the bill and would ask for the adoption of the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? Senator Barkhausen has moved adoption of Amendment No. 1 to Senate Bill 1869. Those in favor will indicate by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY:

SB 1914
2nd Reading

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. 1873, Senator Jones. 1914, Senator Severns. On the Order of Senate Bills 2nd Reading is Senate Bill 1914, Madam Secretary.

SECRETARY:

Senate Bill 1914.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Energy and Environment offers one committee amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President. Committee Amendment No. 1 becomes the bill. It deletes everything after the enacting clause, it requires telecommunication carriers that have implemented local measured service billing prior to December 10th of 1987, to offer either flat rate billing or a residential on time calling zone. Illinois is one of the few states that doesn't offer phone...customers this type of option. Illinois Bell, for the record, is neutral on this issue. I would urge its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Severns has moved the adoption of Committee Amendment No. 1 to Senate Bill 1914. Discussion? Senator Hall. Those in...those in favor of the adoption will indicate by saying Aye. Opposed Nay. The Ayes have it. Committee Amendment No. 1 is adopted. Further committee amendments?

SECRETARY:

No further committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR HALL:

I notice by the clock, the hour of five has arrived.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well...it's...it's a. m. 2030, Senator Etheredge...Senate bills 2nd...Senator Geo-Karis, what do you mean I passed you up? Senator Geo-Karis.

SENATOR GEO-KARIS:

I have a...2010 was recalled, I have an amendment to put on.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Beg pardon?

SENATOR GEO-KARIS:

..2010 is my bill and I don't believe you called it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator, where is it?

SENATOR GEO-KARIS:

It's here for a recall...second...it's on 3rd reading but...I had it recalled.

PRESIDING OFFICER: (SENATOR DEMUZIO)

We're not doing recalls. We're...we're on Senate bills on 2nd reading on the Calendar.

SENATOR GEO-KARIS:

Okay.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis,...I never pass you up. 2030, Madam Secretary, read the bill.

SECRETARY:

Senate Bill 2030.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Executive offers

one committee amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President. This amendment adds a definition of a state program for the purposes of this Act. It asks that the Auditor General compile and maintain a current inventory of state programs and then adds a list of those people that would get copies of the audits prepared by the...by the auditor. I would move for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Etheredge has moved adoption of Committee Amendment No. 1 to Senate Bill 2030...if not, those in favor will indicate by saying Aye. Opposed Nay. The Ayes have it. Committee Amendment No. 1 is adopted. Further committee amendments?

SECRETARY:

No further committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...3rd reading. 2040, Senator Savickas. Senate bills 2nd reading is Senate Bill 2040, Madam Secretary.

SECRETARY:

Senate Bill 2040.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Public Health, Welfare and Corrections offers one committee amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Yes. I think that committee amendment is a technical

amendment and then we do have a Floor amendment too. So I would move the adoption of the committee amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Savickas has moved the adoption of Committee Amendment No. 1 to Senate Bill 2040. Those in favor will indicate by saying Aye. Opposed Nay. The Ayes have it. Committee Amendment No. 1 is adopted. Further committee amendments?

SECRETARY:

No further committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Amendments from the Floor?

SECRETARY:

Senator Savickas offers Amendment No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, Committee Amendment No. 2...or Amendment No. 2 would allow the county hospital, Cook County, to enter into certain joint ventures and reciprocal agreements with the University of Illinois hospital. The purpose of the amendment is to allow Cook County Hospital to contract with the University of Illinois hospital. Under current law they are not permitted to do this but they are permitted to contract with other medical facilities for service. This is the initial...the initial vein for the Cook County Hospital to get together, see exactly what they're going to do, whether it's with Provident Hospital or with the University of Illinois or if it's going to be a joint venture. We're...want to just move this bill along, keep it alive till they can decide and can work out, if they can, some...some type of agreement. If not, obviously, the bill will not go anywhere. I would move its adoption and tomorrow passage.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, if I may ask a question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Topinka.

SENATOR TOPINKA:

You...you do kind of acknowledge that even as it has been amended on the Floor here it's still pretty much of a vehicle type bill and vehicle bills that involve Cook County Hospital which could be a...a pit, you know, a real problem. Do you have any idea maybe what the House may want to do to this when it gets over there? What their intention might be?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Well, it's not so much the intent of the House, Senator, it's the intent of the Cook County Board. And if...if they can't get together or can get together on some type of program, what they intend to do with the problem with Cook County Hospital and the thought of picking up Provident Hospital or if they will eventually just going with University of Illinois, it's the Cook County Board that we're waiting for now to see exactly what their intentions are. So, yes, it is a vehicle but we do need something moving along so we can address it if the board can get their act together on it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

I just would call the attention of the Body that Cook County Hospital...is or could be a very expensive proposition depending upon how it would go. This is a very live vehicle bill going over to the House, we don't know how it will come

back. And I would just ask the Body to keep a lookout when it does come back to see what's on there. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Savickas has moved the adoption of Amendment No. 2 to Senate Bill 2040. Those in favor will indicate by saying Aye. Opposed Nay. The Ayes have it. Amendment No.2 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. 2052, Senator Jones. Senate Bill 2052, Madam Secretary. Read the bill, please.

SECRETARY:

Senate Bill 2052.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd...3rd reading...3rd reading. Senator Jones. Senator Jones.

SENATOR JONES:

Yeah, thank you, Mr. President. There's an amendment...an agreed amendment between the department and the industry on this bill but it's not ready from the Reference Bureau, but I'd like leave to go ahead and move it to 3rd, I will be calling it back.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. 3rd reading. 2096...Senator Savickas, for what purpose do you arise?

SENATOR SAVICKAS:

For the purpose of seeking leave of the Body, as I have

talked to Senator del Valle, to be added as a cosponsor to Senate Bill 1558.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Okay,...well. Senator Savickas seeks leave of the Body to be added as a cosponsor of Senate Bill 1558. Is leave granted? Leave is granted. So ordered. Let's not start a stampede there till we get finished here. 2096, Senator Philip. On the Order of Senate Bills 2nd Reading is Senate Bill 2096, Madam Secretary. Read the bill.

SECRETARY:

Senate Bill 2096.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. 2116, Senator Kustra. Second...Senate bills 2nd reading, Senate Bill 2116,...Madam Secretary.

SECRETARY:

Senate Bill 2116. ✓

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Elementary and Secondary Education offers one committee amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President. This just has corrective language in it. I urge its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra has moved the adoption of Committee Amendment No. 1 to Senate Bill 2116. Discussion? If not, those in favor will indicate by saying Aye. Opposed Nay. The

Ayes have it. Committee Amendment No. 1 is adopted. Further committee amendments?

SECRETARY:

No further committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Amendments from the Floor?

SECRETARY:

Senator Schaffer offers Amendment No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and members of the Senate, this further amends the bill to cover a situation when there is a request for a boundary change by the regional board of trustees when the boundaries are in two different counties. This would simply say that the fear is that the larger county or the county that has the larger share of the district would control the process and might not, in fact, call...a meeting to discuss a boundary change. And this simply says if they don't, after a certain number of days the smaller area has the right to call the meeting. I don't think it's controversial.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, Senator Schaffer has moved the adoption of Amendment No...2 to Senate Bill 2116. Those in favor will indicate by saying Aye. Opposed Nay. The Ayes have it. Committee Amendment No. 2 is adopted. Further committee amendment? I'm sorry,...further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. 2122, Senator Kustra. Senate bills 2nd reading is Senate Bill 2122, Madam Secretary.

SECRETARY:

SB 2201
2nd Reading

Senate Bill 2122.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY:

Senator Kustra offers Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President, members of the Senate. This amendment deals with a topic we passed into law last year in regard to the securing of title insurance in residential real estate transactions. The language which has...has been worked out by the Illinois League of Savings Institutions, the Attorney's Title Guarantee Fund, the Illinois Land Title Association, the Illinois Association of Realtors and the Illinois Mortgage Bankers Association. What it does is clarify a section of existing law so that it is not intended to affect the situation where the lender's title evidence is based upon an abstract and an...and an attorney's title opinion. I would move for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra has moved the adoption of Amendment No. 1 to Senate Bill 2122. Discussion? If not, those in favor will indicate by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. 2161, Senator Marovitz. 2201, Senator Maitland. On the Order of Senate Bills 2nd Reading is Senate Bill 2201. Madam Secretary, read the bill.

SECRETARY:

Senate Bill 2201.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Public Health, Welfare and Corrections offers one committee amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President and members of the Senate. Senate Bill 2201 is a bill that's been the subject of a lot of negotiations for the past few weeks and just today, I believe, we have reached an agreement as to how the bill really ought to leave this Chamber. I'm going to suggest this bill go to 3rd reading today and it will be on the recall list tomorrow, but...I first have to...to move, Mr. President, to Table Committee Amendment No. 1.

PRESIDENT:

All right. Senator Maitland has moved to Table Committee Amendment No. 1 to Senate Bill 2201. Any discussion? Senator Marovitz.

SENATOR MAROVITZ:

Well,...I...I just want to clarify something that's been going on here. And when this bill came up in the Public Health Committee chaired by Senator Smith, there was some talk and some opposition talk between the health care providers...and...and talk about...from the Department of Public Health about changes in the Statutes that...that we passed several years ago. And the bill was let out under the agreement that there would be ongoing negotiations about that between all parties involved and that all of us would be involved in those negotiations and informed every step of the way. What has happened is that nobody from the Democratic side and no Senator, to my knowledge, from the Democratic side of the aisle, from the chairman on down, has been informed at any time of any meeting, invited to come to any

meeting and participate in any of the negotiations. It has been done behind closed doors, privately, by a select few and...and...and I take...I take great objection to that. And this has nothing to do with...with Senator Maitland 'cause he is not involved or at fault in any way. I want to make that very, very clear. This has to do with some of the health care providers and also with the Department of Public Health. And it was incumbent upon both of them to inform the chairman or the members of the Democratic side of the aisle that they should sit in and participate in these negotiations. Never once were they ever informed. And to come before this Body with an amendment on the last day before the...before the deadline and never to inform the chairman or anybody on the Democratic...side of the aisle after they made a commitment in committee is unforgivable and unconscionable. I just think that statement should be in the record.

PRESIDENT:

Senator Maitland has moved to Table Committee Amendment No. 1 to Senate Bill 2201. Further discussion? If not, all in favor of the motion to Table indicate by saying Aye. All opposed. The Ayes have it. The motion carries. Amendment No. 1 is Tabled. Further amendments?

SECRETARY:

No further committee amendments.

PRESIDENT:

Any amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDENT:

3rd reading. All right. Ladies and gentlemen, we have had two further requests before we break. Senator Philip has informed me that Senator Friedland on...if you'll look on the Order of Secretary's Desk Concurrence, page 26. With leave of the Body, we'll move to the Order of...Madam Secretary, of

Secretary's Desk Concurrence, Senate Bill 2202, Senator...Madam Secretary, on the Order of Secretary's Desk Concurrence is Senate Bill 2202.

SECRETARY:

House Amendment No. 1...to Senate Bill 2202.

PRESIDENT:

Senator Friedland.

SENATOR FRIEDLAND:

Thank you, Mr. President. I would request that we reject the House amendment and that a conference committee be appointed.

PRESIDENT:

All right. Senator Friedland has moved to nonconcur in House Amendment No. 1 to Senate Bill 2202. All in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. Finally, ladies and gentlemen, if you'll turn to page 28. Senators Philip and Luft have requested that we go to the Order of Conference Committee Reports for the purpose of dealing with Senate Bill 1-4-1-6, Senate Bill 1416. On the Order of Conference Committee Reports, page 28 on the Calendar, the Conference Committee Report with respect to Senate Bill 1416, Madam Secretary.

SECRETARY:

Second Conference Committee Report on Senate Bill 1416.

PRESIDENT:

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. The Conference Committee Report on Senate Bill...1416 adds language to the Illinois Finance Act authorizing the state through CMS, or the Department of Central Management Services, to issue what's called certificates of participation or a similar instrument. We also in this Conference Committee Report amend the Civil

Administrative Code by changing the interest ceiling provision in the section authorizing CMS to enter the lease purchase contract for real estate and deleting from that same section the requirement that such contracts provide for the return by the seller to the state of the state's accumulated equity interest in the event of the default of the state. I think that I'm right in stating that last year we passed legislation out of here which changed the interest rate, ceiling rate, on non-home rule units by virtue of the 1985 Tax Reform Bill. That present limit is nine percent or a hundred and twenty-five percent of the twenty-year GO bond. We're changing in this Conference Committee Report that rate to be three percent above the annual yield on the U. S. Treasury obligation of...maturity as published in the Wall Street Journal. Secondly, we are allowing the financing of property acquisitions through public tax exempt market, in other words, the issuance of bonds. I will try to answer any questions, which I am sure there may be a couple, or statements, at this time.

PRESIDENT:

All right. Senator Luft has moved the adoption of the Conference Committee Report on Senate Bill 1416. Discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I rise to oppose the Conference Committee Report on Senate Bill 1416, and the reason is not to suggest that CMS should not be permitted to attempt a new and innovative method of financing, I think that is not the problem at all. The problem which we have expressed to them from time to time rather strongly is that there really are no restrictions at all on the authorization to engage in the certificate of participation procedure. And let me just suggest a couple of things that really worry me a great deal about this. For example, there is no requirement that the

Bureau of the Budget approve certificates of participation before they could be issued and there is statutory requirement with respect to most of our other bond issues, the Civic Center bond issues, Build Illinois, GO, and so forth, that there be prior written approval and that is in the law. I think that is a mistake, because although the CMS chooses not to call this debt it kind of looks and...and acts and behaves like debt, and I think really legitimately should be called debt. Secondly, there is no cap on the amount that could be issued of the certificates. We think there ought...I think, at least, that there ought to be a cap on them. Third, the...there ought to be a reporting requirement. This is an innovative idea, it may or it may not be cheaper than the use of General Obligation Bonds. The point is that we don't know, and there is nothing built in here that would give us the opportunity to monitor it and to make sure that, indeed, it is going to be cost-effective if that turns out to be the case. I think the interest rate limit is much too high, that...that Senator Luft just described but that is, perhaps, marginal. The...we also...at least I'm very concerned about the fact that the disposition of this money is not going to go into...a particular fund in the State Treasury. It is...as I understand it, as I read it, it goes straight to the trustee and is not subject to the appropriation process beforehand; it may be afterwards when the debt service comes up on the lease arrangements but there is no prior restraint in that respect and the money is not in the State Treasury, and I think that is something to be very concerned about also. And finally, I...I really do not understand the repealing of language in the existing law that, among other things, requires that any appropriations made for purchase contracts entered into pursuant to the section in case for which appropriation is being made and...and recite the specific amount appropriated for each contract. Now that's

something that's been in the law for sometime. It allows tracking and tracing and...and recording of these arrangements and that is being repealed, and I have never heard a good reason why that should be repealed. Again, it seems to me that the real concern is that we are really writing a blank check to try a new method of financing that is not going to be subject to any oversight, any...certainly not any significant oversight either by other parts of the state administration or, most concern, by the General Assembly itself. And I think that we are...we are authorizing something that we really ought to keep an eye on before we let it just simply take over the lease and purchase of equipment and other things. So it seems to me that while most of us would be perfectly willing to authorize this that it is very dangerous to let this proceed without any restraints at all, and...at least the ones that I have mentioned should be considered. So, I strongly oppose Senate Bill...the Conference Committee Report on Senate Bill 1416.

PRESIDENT:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you, Mr. President. I supported a...this proposal when it was in...before Executive Committee and in a different bill, a bill which would have been debated on the Floor, which would have been subjected to amendments, which would then have gone to the House and gone through the normal procedures. I may very well be in support of what they're trying to do here except for some of the points that Senator Netsch made. There's no cap in this bill. CMS can sell as many of these instruments as...as they want, as I understand it. Now the sponsor is shaking his head but I...I don't think there's a cap in it as I...as I read it. I think we ought to...maybe...maybe we're going too fast here. I don't know why it is that...that we have to approve this on a

Conference Committee Report. Why can't we let the bill and the idea go through the process and get proper deliberation here and in the House? You know, the state probably has enough debt; we've got a general obligation debt of six and a half billion dollars, we've got unfunded pension liabilities of 6.2 billion dollars, we've got debt that has to be paid from dedicated revenues of 2.2 billion dollars. Do we really need to authorize more debt over which we exercise no control in the future except the appropriation process? I think we're going a little too fast here.

PRESIDENT:

Further discussion? Senator Hall.

SENATOR HALL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I begin to wonder as I look around here, after twenty-two years it looks like that we're going to abdicate our role as legislators. Every time I look, some department is trying to come up, they don't want any oversight, they want to take it on themselves, to make decisions around here that should be made by this Legislature. It's a bad thing that we're getting into. I just don't understand why it's so hard that they cannot come to the Legislature. You're elected officials in this state and they should come and clear it with you. Now, if they're going to be the legislators then we ought to all go home.

PRESIDENT:

Further discussion? Further discussion? Senator Luft, you wish to close?

SENATOR LUFT:

Thank you, Mr. President. I hope I can have everybody's attention, Senator...Schuneman, Senator Hall, and listen to what I am going to say. First of all, it's on a Conference Committee Report because it was passed over in the House a few days ago, and...the administration's desire, I under-

stand, to get this on the Governor's Desk as soon as possible, so that's why we're doing this. Secondly, the Department of Central Management Services is presently authorized by state law to finance property acquisitions, and you know what? There's absolutely no limits on the authorization. They can spend and authorize any amount that they wish at this time. CMS also enters into installment agreements with lending institutions which provide for payments by the state over a period of years and without a statutory ceiling, presently. But we feel that the General Assembly retains control because the money has to be appropriated before you can fulfill the contract. If we appropriate thirty million dollars this year for CMS for property acquisitions, then they really can't go out and finance fifty or sixty million dollars for this fiscal year. And, in Senator Netsch's question about whether the...Bureau of the Budget or the Attorney General. The Bureau of the Budget and the Attorney General presently have to okay every contract that CMS enters into. It is the intent of CMS and the Bureau of the Budget to continue on with that way...with that performance. So I would ask your support. We're simply adding another way of financing purchases and acquisitions of property for state government at a...at a way that may save us millions of dollars in financing. And I would ask, Mr...President, for the adoption of Conference Committee Report, I believe, No. 2 on Senate Bill 1416.

PRESIDENT:

The question is, shall the Senate adopt the Conference Committee Report...Second Conference Committee Report on Senate Bill 1416. Those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 44 Ayes, 7 Nays, 2 voting Present. The Senate does adopt the Conference Commit-

tee Report on Senate Bill 1416 and the bill having received the required constitutional majority is declared passed. Messages from the House, Madam Secretary.

SECRETARY:

A Message from the House by Mr. O'Brien, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

House Bills 12, 253, 1491, 1573, 2143, 2925, 2944, 2968, 2996, 3020, 3085, 3152, 3524, 3767, 3792, 3793, 3900, 3951, 4114, 4213, 3662, 3668, 3697, 3700, 3705, 3718, 3719, 3720, 3738, 3739, 3752, 3763, 3770, 3785, 3788, 3799, 3803, 3826, 3835, 3838, 3840, 3841, 3856, 3857, 3858, 3864, 3879, 3880, 3898, 3910, 3911, 3913, 3915, 3934, 3938, 3943, 3949, 3955, 3959, 3969, 3972, 3980, 3987, 3990, 3998, ...4009, ...4011, 4033, 4052, 4053, 4060, 4063, 4075, 4091, 4107, 4116, 4127, 4139, 4145, 4153, 4172, 4179, 4180, 4194, 4212, 4220, 4229, 4232, 4233, 4247, ...4258, 4279, 4280, 4282. Passed the House May 18, 1988. John F. O'Brien, Clerk of the House.

PRESIDENT:

Resolutions.

SECRETARY:

Senate Resolution 1103 offered by Senator Davidson and all members. It's a death resolution.

PRESIDENT:

Consent Calendar.

SECRETARY:

Senate Joint Resolution 133 offered by Senator Hawkinson, Senator Jacobs, Donahue and Luft. It is substantive.

PRESIDENT:

Executive.

SECRETARY:

Senate Resolution 1104 offered by Senator Berman and all members. It's a death resolution.

PRESIDENT:

All right. Hold on to...that one. All right. Senator Vadalabene, for what purpose do you arise? The last order of business, ladies and gentlemen, is a death resolution...memorializing the death of one of our beloved colleagues. So I would ask the members to please remain in their seats. Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. There will be a Democratic Caucus in Room 212 immediately after adjournment.

PRESIDENT:

Thank you. Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, there will be a Republican Caucus in Senator Philip's offices immediately after adjournment.

PRESIDENT:

All right. I'd ask the members to be in their seats. I'd ask the staff to take a seat. Ask the doorkeepers to keep the doors closed. Resolutions, Madam Secretary.

SECRETARY:

Senate Resolution 1104 offered by Senator Berman and all members.

(Secretary reads SR 1104)

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Throughout my entire political career and I think that that...that this statement stands for a number of us in Chicago in particular and for some of us throughout the state, Esther Saperstein was the epitome of a

dedicated public servant. Literally twenty-four hours a day, seven days a week, she had the concerns of her constituents and the people of the State of Illinois uppermost in her mind. She responded to the call of not only her constituents but of her party when she left this august Body and went to represent her ward in the City Council of Chicago. She loved politics, she loved the people, she has led a full life by being responsive to the needs of the people of the State of Illinois. And it's with great sorrow that I call this to our attention. Her funeral will be tomorrow and, accordingly, I ask that we unanimously adopt this Senate Resolution 1104.

PRESIDENT:

All right. Senator Berman has moved to suspend the rules for the immediate consideration and adoption of Senate Resolution 1104. All in favor of the motion to suspend indicate by saying Aye. All opposed. The Ayes have it. The rules are suspended. Senator Berman now moves the adoption of Senate Resolution 1104. All in favor please rise. The resolution is adopted. The Senate stands adjourned until ten o'clock tomorrow morning.

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