

85TH GENERAL ASSEMBLY

REGULAR SESSION

May 19, 1988

PRESIDENT:

The hour of ten having arrived, the Senate will please come to order. Will the members be at their desks, will our guests in the gallery please rise. Prayer this morning by the Reverend Bill Schroeder, Trinity Lutheran Church, Springfield, Illinois. Reverend.

REVEREND BILL SCHROEDER:

(Prayer given by Reverend Schroeder)

PRESIDENT:

Thank you, Reverend. Reading of the Journal. Senator Demuzio.

SENATOR DEMUZIO:

Mr. President, I move that reading and approval of the Journals of Tuesday, May the 10th; Wednesday, May 11th; Thursday, May 12th; Tuesday, May 17th and Wednesday, May 18th, in the year of 1988, be postponed pending the arrival of the printed Journals.

PRESIDENT:

You've heard the motion as placed by Senator Demuzio. 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.

SECRETARY:

The Rules Committee met at 9:00 a.m. on Thursday, May 19, 1988. The attached list of Senate bills were unanimously recommended for referral to the Committee on Assignment of Bills.

House Bill 952, 1485, 2755, 3099, 3135, 3216, 3261, 3262, 3264, 3448, 3492, 3539, 3540, 3542, 3543, 3573, 3636 and 3888.

(Machine cutoff)...Savickas, chairman of the Committee on Assignment of Bills, reports the assignment of the following bills to committees.

Appropriations I - House Bill 3542 and 3543; Appropria-

tions II - House Bills 3539 and 3540; Elementary and Secondary Education - House Bill 3216; Energy and Environment - House Bill 3135; Executive - House Bills 1485, 3448, 3492, 3573 and 3636; Insurance, Pensions and Licensed Activities reports House Bills 2755 and 3264; Judiciary - House Bill 3099; Local Government - House Bills 952, 3261, 3262 and 3888.

PRESIDENT:

Messages from the House, Madam Secretary.

SECRETARY:

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

Mr. President - I'm 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 Bill 1729, House Bills 2422, 3104, 3105, 3267, 3273, 3349, 3354, 3389, 3447, 2525, 3468, 3548, 3549, 3582, 3612, 3878, 3024 and 3289. Passed the House May 17, 1988. John F. O'Brien, Clerk of the House.

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 refused to adopt the First Conference Committee Report on Senate Bill 124 and request a second...Committee of Conference to consider the differences between the two Houses in regards to amendments...Amendment No. 1.

PRESIDENT:

Madam Secretary, let's take that out of the record for a moment till Senator Hawkinson returns. With leave of the Body, we'll move to the Order of House Bills 1st Reading. The Chair would direct your attention to page 8 on the Calendar and ask those members who have been requested to pick up a House bill to please let the Secretary know. House bills 1st reading, page 8 on the Calendar, Madam Secretary.

SECRETARY:

House Bill 253 offered by Senator Jones.

(Secretary reads title of bill)

House Bill 1491 offered by Senator Jones.

(Secretary reads title of bill)

House Bill 1652 offered by Senator Schaffer.

(Secretary reads title of bill)

House Bill 1669 offered by Senator Zito.

(Secretary reads title of bill)

House Bill 2535 offered by Senator Luft.

(Secretary reads title of bill)

House Bill 2794 offered by Senator Keats.

(Secretary reads title of bill)

House Bill 2925 offered by Senators Holmberg and Weaver.

(Secretary reads title of bill)

House Bill 2942 offered by Senators Smith, D'Arco and
Brookins.

(Secretary reads title of bill)

House Bill 2968 offered by Senators Thomas Dunn and
Severns.

(Secretary reads title of bill)

House Bill 3060 offered by Senator O'Daniel.

(Secretary reads title of bill)

House Bill 3085 offered by Senator Savickas.

(Secretary reads title of bill)

House Bill 3108 offered by Senator Collins.

(Secretary reads title of bill)

House Bill 3109 offered by Senator Savickas.

(Secretary reads title of bill)

House Bill 3142 offered by Senator O'Daniel.

(Secretary reads title of bill)

House Bill 3268 offered by Senator Jacobs.

(Secretary reads title of bill)

House Bill 3303 offered by Senators Schuneman and

Carroll.

(Secretary reads title of bill)

House Bill 3335 offered by Senator Poshard.

(Secretary reads title of bill)

House Bill 3337 offered by Senator Poshard.

(Secretary reads title of bill)

House Bill 3418 offered by Senator Woodyard.

(Secretary reads title of bill)

House Bill 3442 offered by Senator Madigan.

(Secretary reads title of bill)

House Bill 3469 offered by Senator Jones.

(Secretary reads title of bill)

House Bill 3524 offered by Senator Netsch.

(Secretary reads title of bill)

House Bill 3545 offered by Senator Topinka.

(Secretary reads title of bill)

House Bill 3607 offered by Senator Schuneman.

(Secretary reads title of bill)

House Bill 3705 offered by Senator Savickas.

(Secretary reads title of bill)

House Bill 3719 offered by Senator Kustra.

(Secretary reads title of bill)

House Bill 3720 offered by Senator Demuzio.

(Secretary reads title of bill)

House Bill 3758 offered by Senator Madigan.

(Secretary reads title of bill)

House Bill 3770 offered by Senators Topinka and Brookins.

(Secretary reads title of bill)

House Bill 3821 offered by Senator Schaffer.

(Secretary reads title of bill)

House Bill 3826 offered by Senator DeAngelis.

(Secretary reads title of bill)

House Bill...pardon me, 3841 offered by Senator O'Daniel.

(Secretary reads title of bill)

House Bill 3891 offered by Senator Marovitz.

(Secretary reads title of bill)

House Bill 3990 offered by Senator Zito.

(Secretary reads title of bill)

House Bill 4011 offered by Senator Mahar.

(Secretary reads title of bill)

House Bill 4028 offered by Senator...Topinka.

(Secretary reads title of bill)

House Bill 4045 offered by Senator Weaver.

(Secretary reads title of bill)

House Bill 4108 offered by Senator Collins.

(Secretary reads title of bill)

House Bill...4114 offered by Senator O'Daniel.

(Secretary reads title of bill)

House Bill 4115 offered by Senator O'Daniel.

(Secretary reads title of bill)

House Bill 4171 offered by Senator DeAngelis.

(Secretary reads title of bill)

House Bill 4197 offered by Senator O'Daniel.

(Secretary reads title of bill)

House Bill 4213 offered by Senator Jones.

(Secretary reads title of bill)

House Bill 4214 offered by Senator Jones.

(Secretary reads title of bill)

1st reading of the bills.

PRESIDENT:

(Machine cutoff)...Topinka, for what purpose do you arise?

SENATOR TOPINKA:

Yes, Mr. President, if...in this little hiatus here, might I ask that House Bill 3606, of which I am the sponsor, be transferred to Senate del Valle as the primary sponsor and then I would be the hyphenated joint sponsor, and also if I might...

PRESIDENT:

House Bill 3606.

SENATOR TOPINKA:

3606.

PRESIDENT:

The lady seeks leave of this Body to show Senator del Valle as the chief Senate sponsor and Senator Topinka as the hyphenated sponsor...

SENATOR TOPINKA:

And also if I might be added as a cosponsor to Senate Bill 1943.

PRESIDENT:

All right. The lady seeks leave to be added as a cosponsor on Senate Bill 1943. Without objection, leave is granted. Senator Severns, for what purpose do you arise?

SENATOR SEVERNS:

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

PRESIDENT:

State your point, ma'am.

SENATOR SEVERNS:

It's my honor today to have joining us in the visitors' gallery three second grade classes from Lincoln Grammar...from Lincoln Grammar School from Pana, Illinois, and it's my pleasure to introduce future leaders of this state in the visitors' gallery.

PRESIDENT:

Will our guests in the gallery please rise and be recognized. Welcome to Springfield. (Machine cutoff)...I can have your attention, ladies and gentlemen, if you'll see...as you see on the Calendar, we have seventy-four bills on the Order of 3rd Reading. A number of members have indicated their desire to recall those bills for the purpose of an amendment, the list is being added to and...being reprepared

SB 1558
3rd reading

at this moment. So what we will do we...we will begin on the Order of Senate Bills 3rd Reading and go through the Calendar skipping those that members have indicated they wish to recall, and at the conclusion of the Calendar, we will go to the Order of Recall. I would advise the members, tomorrow is the deadline, and I don't know how many times we're going to be able to get through this Calendar again, so I would ask the members if they wish to proceed to please do so. (Machine cutoff)...the Order of Senate Bills 3rd Reading. This is final action, ladies and gentlemen, and may well be the last time we get through this Calendar. So I'd ask the members to please be alert. Senate Bill 1167, Senator Netsch. 1532, the sponsor indicates he wishes that to be recalled. 1557, Senator Holmberg. 1558, Senator del Valle. On the Order of Senate Bills 3rd Reading is Senate Bill 1558. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1558.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator del Valle.

SENATOR del VALLE:

Thank you, Mr. President. Senate Bill 1558 is a first step at addressing a very serious problem which plagues thousands of students each year. That problem is the continuing existence and operation of unscrupulous business, vocational and cosmetology schools. These schools entice poor, undereducated people into their programs, provide them with no training or schooling, keep their money which is usually taxpayers' grants or loans and dash their dreams. We have worked very hard on Senate Bill 1558. We have talked to all the parties involved, I think we've come up with a bill that everyone can...can live with and, yet, a bill that protects

the students which is what we set out to do originally. Proponents of the bill include the Cook County State's Attorney's Office, the Illinois Association of Accredited Colleges and Schools, the Illinois Attorney General, the Illinois State Chamber of Commerce, the Legal Assistance Foundation, the Federation of Independent Colleges and Universities and the State Board of Education. I ask for a favorable roll call.

PRESIDENT:

Discussion? Senator Friedland.

SENATOR FRIEDLAND:

...thank you, Mr. President, Ladies and Gentlemen of the Senate. This...I want to compliment the sponsor. He has worked diligently on this bill and this is an excellent bill and I'd recommend that you support it.

PRESIDENT:

Further discussion? Senator Kustra.

SENATOR KUSTRA:

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

PRESIDENT:

Sponsor indicates he will yield, Senator Kustra.

SENATOR KUSTRA:

Senator del Valle, when you were on 2nd reading with this bill, as I understand it, there was some...there was an amendment which dealt with the reimbursement policy, the issue of prorata. Could you explain what agreement was finally reached and whether you're comfortable with that agreement?

PRESIDENT:

Senator del Valle.

SENATOR del VALLE:

The agreement that was reached with...with the industry was that there would be two refund policies; one that would

apply to the accredited schools and that refund policy is the policy that the association...the Accrediting Association has established, and the other refund policy which is the one that I originally had in the bill will remain and will apply to those nonaccredited schools where we feel that there are some abuses. So an agreement was reached on that.

PRESIDENT:

Senator Kustra.

SENATOR KUSTRA:

...when you say the other refund policy, is that a prorata refund policy?

PRESIDENT:

Senator del Valle.

SENATOR del VALLE:

Yes, it is.

PRESIDENT:

Senator Kustra.

SENATOR KUSTRA:

May I speak to the bill?

PRESIDENT:

You may, yes.

SENATOR KUSTRA:

Senator del Valle, I...I, too, want to reform the schools. I...I do have a very serious concern about the amendment which you accepted. By allowing...or by accepting a refund policy which is the language of the trade schools themselves, I don't really think you're doing service or justice to the students; for example, it is my understanding, that the refund policy for the Association of Independent Colleges and Schools, in other words, for the schools accredited by that association is seventy-percent of the total charges. So if...if a student goes to that school for two or three weeks and all of a sudden...and then leaves, the student gets stuck with seventy percent of the bill. Under

your original proposal, which I think was a good one, on a prorata basis the student pays only for the days he attended the school. So I wonder if you could...if you could explain how...how this is going to work. I don't think you've done much for the students who are supposedly aggrieved by these...some of these fly-by-night schools, and for that reason, unless you can convince me otherwise, I...I don't really think this is reform. You ought to hold it, take it back to 2nd reading again and get that out of there so we can vote on some real reform.

PRESIDENT:

Further discussion? Senator Geo-Karis. (Machine cut-off)...Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, will the sponsor yield for a question?

PRESIDENT:

Indicates he will yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

Senator, there was an Amendment 2. Is that still on the bill?

PRESIDENT:

Senator del Valle.

SENATOR del VALLE:

Could...could you repeat the question?

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Amendment 2, is it still on the bill?

PRESIDENT:

Senator del Valle.

SENATOR del VALLE:

The...the Floor amendment is the bill. That would be Amendment 2, yes, Senator.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

In...under that bill, when a student gives cancellation notice within six days of enrollment and prior to the first day of class, all fees, tuition, other charges shall be refunded to that student. Is that correct?

PRESIDENT:

Senator del Valle.

SENATOR del VALLE:

That's correct and...and...Senator, let me add that that is...that was the area of our greatest concern. Usually the abuses occur at the beginning and that's why we felt that that was important, that that refund be there during that first week.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

So that in...in that...in that regard, the student has some protection if it's taken in by...if he's taken in by one of these fly-by-night schools, and these...when a school is accredited under your bill it has to follow the...it may follow the accreditation agency refund policy. Is that right?

PRESIDENT:

Senator del Valle.

SENATOR del VALLE:

That's correct, but also in the bill, we do have a minimum that has to be followed so that the bill does and the law will indicate a minimum and if the national accrediting group is not at that minimum, then they have to respond to that concern.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I rise to speak in favor of this bill because I know in my community there have been a number of students who could hardly afford it and were taken in by some of these schmos, so to speak, who took advantage of them through their little money to sign them up for schools that either didn't exist or didn't offer them a darn thing. So I speak in favor of the bill.

PRESIDENT:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. When Senator del Valle brought his bill to the committee, there was quite a bit of concern about some of the provisions that were in that bill, but it was decided to let the bill out with the understanding that he would work with all the groups and try to work out an...an accommodation with everyone, and I think he's done an admirable job of doing that. I think the bill is in pretty good shape now and that we should pass it out of here, and I would urge this side of the aisle to support it.

PRESIDENT:

Further discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Will the sponsor yield, Mr. President.

PRESIDENT:

He indicates he will yield, Senator Etheredge.

SENATOR ETHEREDGE:

Senator del Valle, I wish to compliment you on your willingness to...to take up this very difficult but very important task, and I...I would very much like to...to help in this effort. I...I must tell you, in all honesty, I'm a little confused at...at the present time in regard to what I have heard in the questions and answer...answers that have taken place. I'm particularly concerned about the refund

policy because I think that is the key to the solution to this problem that students of these institutions have had and...and the taxpayers too that foot the bill on guaranteed loans on...which are defaulted upon. As I understand it right now, your amendment did away with the prorata refund policy and you are accepting the refund policy of the National Accrediting Association for proprietary schools, is that correct?

PRESIDENT:

Senator del Valle.

SENATOR del VALLE:

Yes, that is provided that they meet the minimum that is in the bill that has just been handed to you.

PRESIDENT:

Senator Etheredge.

SENATOR ETHEREDGE:

Help me understand that minimum then. Right now, as I understand it, a student could attend as little as twenty-six percent of the classes and it would cost...and if the student stayed in class that long, then seventy percent of the tuition that he had paid would be retained by the institution, is that correct?

PRESIDENT:

Senator del Valle.

SENATOR del VALLE:

I think, and you have the bill, that they would have to refund fifty-five percent.

PRESIDENT:

Further discussion? Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President, I rise to congratulate and support Senator del Valle on his effort. Not only has he recognized the problem of schools that have...use our children to their own benefit but he has also recognized the problem of those

accredited schools that are providing a proper service to our community. Those that are accredited should be lauded for their effort to maintain a higher standard, in fact, a higher standard in our own public school systems have of recognizing the student's ability in working with them. Senator del Valle did a very important...a very important service to our communities and I would urge your support of this legislation at this time.

PRESIDENT:

Further discussion? Senator Jones.

SENATOR JONES:

Yeah, thank you, Mr. President and members of the Senate. I rise in support of Senate Bill 1558. When the bill was in committee, as Senator Schuneman pointed out, it was not in good working order. It did not address the many needs that the bill actually...that the sponsor really wanted to do. So he agreed to work with all those concerned to come up with a better bill to take care of the students who attend this...these schools; but the question has come up consistently about the refund policy, and looking at this legislation and looking at the refund policies of these proprietary schools and what is in this bill, I...I would suggest to Senator Etheredge and Senator Kustra that you should look at the refund policy of the private colleges. This refund policy here is far greater than that of the colleges in the State of Illinois. You go to a private college...college or one of the public institutions of higher learning and that refund policy is not as good as this is for the proprietary schools. This is a very good bill and it should have a...a vote of one hundred percent of the members of this Body.

PRESIDENT:

Further discussion? Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. I rise in support of this

bill. I, too, have a lot of proprietary schools in my district and I attended...had the opportunity to attend a proprietary school. I see this bill as a step forward. I'd like to commend Senator del Valle for his work which he had put into this bill, and I rise in support of it and I ask for an Aye vote.

PRESIDENT:

Further discussion? Senator del Valle may close.

SENATOR del VALLE:

I ask for a favorable roll call.

PRESIDENT:

The question is, shall Senate Bill 1558 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 51 Ayes, 1 Nay, 4 voting Present. Senate Bill 1558 having received the required constitutional majority is declared passed. Senator Netsch on 1167. Madam Secretary, top...middle...top of the order...middle of page 2. On the Order of Senate Bills 3rd Reading, Senate Bill 1167. Read the bill.

SECRETARY:

Senate Bill 1167.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President...Senate Bill 1167 is the Legislature's current enactment of a bill which deals with the subject of private activity bond caps imposed on us by congressional action, most recently by the 1986 Federal Tax Reform Act as it still purports to be called. What we have done in this bill as amended is simply take the law that the

Legislature passed two years ago, which essentially says that if...if we any difficult...well, first of all, it essentially allocates the bond cap fifty percent to state agencies, fifty percent to local governments and there is built into the federal law a...a particular provision protecting home rule communities which we can't control at all, and then it's essentially on a first-come first-served basis after that. This reenacts that law with updated references, and, to the best of my knowledge and I think it's been looked at by staff, tracks the...the Governor's Executive Order which he issued after the enactment of the '86 Federal Tax Act. That Executive Order by its terms expired December 31, 1987, and right now, we have no law that is up to date that sets out the procedures. We must do that or we are governed by federal law and I don't think any of us want to be in that position. This is totally consistent with the Governor's Executive Order. The Legislature, I suspect, will have to look at this again maybe later this year or next year but this should get us through this period of time. If...I'd be happy to answer any questions.

PRESIDENT:

...any discussion? If not, the question is, shall Senate Bill 1167 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...no voting Present. Senate Bill 1167 having received the required constitutional majority is declared passed. Senator Macdonald, for what purpose do you arise, ma'am?

SENATOR MACDONALD:

Mr. President, I had asked for recognition so that I could have been...could have requested to be added as a hyphenated cosponsor to Senate Bill 1562.

PRESIDENT:

All right. The...the lady seeks leave to be added as the cosponsor on Senate Bill 1562. Without objection, leave is granted. 1562 is on the recall list. 1581. On the Order of Senate Bills 3rd Reading, Senate Bill 1581. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1581.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. This is...it creates the Kankakee River Valley Airport Authority, that's just all it does. I'm sure we'll see it back and deal with it later on. There are a lot of studies going on currently and we'd like to just move this bill over to the House and keep it going.

PRESIDENT:

Discussion? If not, the question is, shall Senate Bill 1581 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 1581 having received the required constitutional majority is declared passed. 1584, Senator Smith. On the Order of Senate Bills 3rd Reading is Senate Bill 1584. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1584.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1584 establishes a special nutrition supplement program for pregnant or lactating mothers or students who are permitted by the school board to participate in this program. Welfare centers and other sponsors are to operate this program and receive...reimbursement under the School Code. The purpose of this bill is to improve the health care of pregnant teens and their children. As a result, infant mortality would be reduced, and 1584 is similar to a program that we have in California. Illinois ranks forty-third among the states in preventing infant mortality; only six states, Mississippi, South Carolina, Louisiana, Georgia, North Carolina, Alabama and Tennessee have higher incidents of infant mortality. During our Governor's recent Message...State of the State's Message...Budget Message, he indicated that he would increase the funding for infant mortality reduction. This bill is permissive rather than mandatory and would not commence until Fiscal Year 1990. I'm asking for your support in the passage of this bill because it is sorely needed because these young women who are bringing babies into the world, they're eating French fried potatoes and diets that are not conducive to healthy babies, and it would be a saving on our state if we can provide this program which is volunteer for these young women.

PRESIDENT:

Discussion? Senator Davidson.

SENATOR DAVIDSON:

Question of the sponsor.

PRESIDENT:

Indicates she will yield, Senator Davidson.

SENATOR DAVIDSON:

Senator Smith, has the School Board Association and the State Board of Education withdrawn their opposition to this bill?

PRESIDENT:

Senator Smith.

SENATOR SMITH:

Yes, they are in accord with this bill.

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

No one has informed me that they have withdrawn their opposition. What did you do to make them change their position, 'cause my indication is that they opposed this bill very vigorously 'cause it's a duplicate of the federal duplication program known as WIC.

PRESIDENT:

Senator Smith.

SENATOR SMITH:

Thank you. 1584 does not duplicate any current program. The Women's, Infant and Children's Program, which is WIC's program, administered by the Department of Public Health is federally funded. The Reagan Administration has cut funding for this program this year and the...Senate Bill...1584 is needed to supplement the loss of the federal dollars.

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Well, Senator Smith, I don't want to argue the point with you, but there's no indication you amended this bill. My indication was that the State Board of Education and the School Board of...Illinois School Board Association opposed this bill in...in committee and still have their opposition. You've done nothing to remove that and that's a pretty formidable opposition for whatever reason, and I would urge people to take a look at this bill before you put a Yes vote up there 'cause I intend to vote No.

PRESIDENT:

Further discussion? Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is good legislation. If you remember, the Governor in his Message stated that he would increase the funding for infant mortality reduction and that's what this is all about. As Senator Smith has told you, we rank forty-three...or forty-third among the states in preventing infant mortality, and only six states, Mississippi, South Carolina and Louisiana have higher. So what we're saying is by doing this you are giving a chance for a life to maintain...to sustain this thing. This is good legislation and I urge your most favorable vote for this.

PRESIDENT:

Further discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. First of all, to reiterate what Senator Davidson said, the State Board of Education nor the Illinois Association of School Boards has changed their position on this. They are opposed to this legislation, we have memos to that effect from the State Board and there is simply no evidence to the contrary. Usually, when programs like this which have good intentions are offered here in the Senate, we're told that it's because there has been a decline in federal funding and in some areas that may be true. This isn't one of them, Senator Smith, this is not one of them. The WIC Program, with which I'm sure you're very familiar, which offers services like this has a budget in 1984 of fifty-four million dollars and it has increased to seventy-six million dollars in 1989. So the federal dollars into the State of Illinois to deal with the problem you're trying to address has increased rather dramatically, I think, considering some of the other cuts you usually tell us about. There is also a

fiscal note to this bill, so it's going to cost 1.7 million dollars according to the State Board to implement this bill. When you stop and think of all of those unfunded reforms left over from 1985 that we haven't funded yet, to add this on now, you're simply making it more difficult for this General Assembly to fund the existing reforms. When you combine the federal dollars available for this program with the fact that local school districts can do this right now if they want to on their own, combined with this fact that's it a 1.7 million dollar impact and it takes away from the dollars we need to fund the reforms, I suggest this isn't the time to be passing a bill like this and I urge a No vote.

PRESIDENT:

Further discussion? Senator Smith may close.

SENATOR SMITH:

Thank you, Mr. President. Senator Kustra, you may think in terms of money, the federal government has reduced the funding that they had for WIC's program. This is a volunteer program to help these young people to help themselves. They will go to school...this is voluntary now, but they will go to school and this is given to us by the department...the State Board of Education and their thinking in...as far as the...the financing of this. This single revision and the cost estimated would reduce the total by one-half from 1.8 million to nine hundred thousand dollars annually. The State Board used the following as a estimate for the cost of providing this supplement; three ounces of protein which is about forty-five cents, two...plus slices of bread at twenty cents would come to sixty-five cents, labor to produce the supplement would come to fifty cents. A total price per supplement is only a dollar and fifteen cents. If the State Board is overestimating by as little as twenty-five cents, which they might be considering that they would estimate two slices of bread would cost twenty cents, the total cost of

the program would drop by four hundred and fifty-eight thousand seven hundred dollars. If both points, one and two, were applied, the total annual cost of the program would drop to four hundred and forty-one thousand three hundred dollars, and it also should be noted that the reimbursement authority by the State Board for 1584 especially does not take effect until 1990. We need this program for these young people and it's not in all areas but some areas are worse than other areas and we need this in our particular area. Across this state you have pockets of young people who do not have correct food and proper food to go to school and they want to go to school; yet, they are caught behind a Catch-22 of being pregnant and they have no one at home to...to give them directions as what type of food that they should eat. Here you have a school program seeking out and reaching out to help these young people so that they can bring healthy babies into this world. This would save the state money because you'll be saving babies from dying under infant mortality and you would have healthier mothers, and to talk about the...the...about how much money, you don't pay all of it anyway, the federal government pays part of this and you only pay half of this. And I think that is...would be insensitive if we did not consider this bill so that we can help these young girls help themselves.

PRESIDENT:

The question is, shall Senate Bill 1584 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 29 Ayes, 24 Nays, 2 voting Present. The sponsor wishes that further consideration be postponed. Without objection, so ordered. 1587, Senator Smith. On the Order of Senate Bills 3rd Reading is Senate Bill 1587. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1587.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President. Senate Bill 1587 is regarding to the Young Parents Program. Beginning in Fiscal '90, authorizes the State Board of Education to award grants to school districts for young parents' education program. This bill is identical to the 1987 Senate...1197 bill that was vetoed. The Governor cited a five hundred thousand price tag at the reason for his veto. Now the purpose of this bill is to provide incentives for student parents to remain in school and then complete their...high school education by allowing districts to operate day-care centers and implement educational programs for student parents. Student parents education programs were components of the Senate Democratic Caucus Teen Initiative Packet which was in the 84th General Assembly but it was defeated, and so I'm asking that we reconsider this year and let this program go through because it's going to help our young people to get off of welfare rolls if they have to go there, if we can help to educate them and make them individual taxpayers. Now their grants are...only requires the grant to be funded from the State Board of Education, appropriation for such purpose...only limited to ten across the state, and the amount of each grant shall not exceed fifty percent of the program's cost. Requires grant recipients to comply with the State Board of Education rules in order for their funding. It will permit day-care centers operated under this program to serve the children of persons employed at the location housing the center; however, student parents must be given priority for

day-care placement. It permits school districts to allow students to work in a day-care center for academic credit and it also will require that the State Board of Education to be...to report to our General Assembly annually by January the 1st the number and use of grants awarded during this preceding year. This is a program that will help across the State of Illinois, only ten grants, and I'm asking that you consider this when you think in terms of the large rolls that we have for general assistance, when we think in terms of the large rolls that we have people that are on public aid and young people who are desirous to want to help themselves. We are merely asking that you consider this program and permit them this opportunity.

PRESIDENT:

Discussion? Senator Davidson.

SENATOR DAVIDSON:

Two questions as I look at this bill. One is...it says the school that this is going to be empowered in if they desire, where's the space going to come from? I don't know what your school districts are but all I'm hearing from the school districts in this area is that they don't have enough space available now, and you're saying the school district must make space available for this day-care center within the area that's there and I...I think that's difficult. This is an added expense for the local school board. Secondly, what happens if there is no funds appropriated by the General Assembly for this grant and someone sues under this existing Statute, who's going to pay?

PRESIDENT:

Senator Smith.

SENATOR SMITH:

Senator Davidson, it states here that the availability of professional paraprofessionals...on other program staff with interest in the ability to provide a young parent program in

the districts and communities. The availability of space in a school building to accommodate the program, it will be provided there...they will have that. It will be supported by the administrative personnel, teaching staff in collaboration with members of the local regional health agencies. Who will...half of it is funded by the federal government and the other will be by the state.

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Senator Smith, I don't want to split the issue with you, but you didn't answer my question. My question was, most school boards that I'm aware...or school facilities are being used today, there is no vacant space in them, and this bill calls for the local school district to make this space available if they're going to participate in this program. Now, all I want to know, one, is who's going to pay for the cost of the space and the utilities et cetera, and if the space is not available due to those classrooms all being full and someone asks for it, what happens to that local school board?

PRESIDENT:

Senator Smith.

SENATOR SMITH:

Thank you. Senator Davidson, the award would be the criteria and shall be included. It will give...makes...it will go to the school that has the space.

PRESIDENT:

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Well, then I would urge everyone who just voted on 1584, let's give this bill the same vote because the school board administrators absolutely oppose this bill because, one, you're going...if you don't fund it, they could be liable; two, they would have to make space available in classrooms

that's already overcrowded and this is not a good idea. The...the...the thought is great and I concur with that but you're not accomplishing this, you're just laying another mandate and all of you beat us to death about mandates on school districts. This is a good vote to vote No on.

PRESIDENT:

Further...any further discussion? Senator Hall.

SENATOR HALL:

Well, Hit Davidson is on the prowl again. I can't understand you, Doc, I'm...you appall me for you to say that you would fight a bill that would encourage people to further their education. One of the big change of America today is we're falling behind. We have students that do not complete their education. We're discussing all this stuff right here today and for you...you need to hit that thing. You know what gets me is these guys who sleep in red, white and blue pajamas and salute the flag all during the night, then they grab their chest and say, where does the money come from? The money is going to come from where the money comes from for everything else we do around here. We find monies for every other thing, but when it comes chance for the time that you can educate and the great thing that you hear every day, we've got to do something about education, we've got to do something about education. This is a chance to give people and encourage them to stay in school, and I'm just ashamed to stand here and see you Doc Davidson, Hit Davidson. This is a good bill and I hope support and I hope you vote Aye.

PRESIDENT:

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

SENATOR SMITH:

Thank you, Mr. President. I merely want to state that the State Board of Education estimates the annual operating cost per program will be about fifty thousand dollars. This

is based upon a center with twenty-five youngsters, a five-to-one staff ratio, that's the Department of Children and Family Service requirement; an eight dollar per hour wage, a seven hour school day and a hundred and eighty day schedule. Since the bill provides for fifty percent state reimbursement, the state reimbursement per center is estimated only to be twenty-five thousand dollars, and the maximum number of centers is only ten which brings the estimated reimbursement to two hundred and fifty thousand dollars a year. I appeal to you, please, show that you are interested in the welfare of young people who want to better themselves and not remain in a welfare atmosphere. Please give me your Aye vote.

PRESIDENT:

The question is, shall Senate Bill 1587 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 29 Ayes, 24 Nays, none voting Present. The sponsor again requests that further consideration be postponed. Without objection, so ordered. Top of page 3, on the Order of Senate Bills 3rd Reading, 1600, Senator Jones, is Senate Bill 1600. Madam Secretary, read the bill, please.

SECRETARY:

Senate Bill 1600.

(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 1600 creates the Lake Calumet Area Environmental Enhancement Authority. It would consist of eleven members, seven appointed by the Mayor of the City of Chicago and four

appointed by the mayors of the municipalities within the territory of the authority. This legislation is the result of the extensive hearings we had last fall in the Lake Calumet area as it relates to the toxic and pollutants that exist in that community. There is no area like this area in the entire State of Illinois. It is an area that has been inundated by...by pollution...long before EPA and...and...and the Pollution Control Board came into existence. The...the doings of the authority will be to monitor the effective land use including the intervening with the local units of government in zoning matters, to coordinate and finance and obtain financial support for the necessary environmental cleanup and establish a Lake Calumet Area Coordinating Committee consisting of representatives of the Pollution Control Board, EPA, the Department of Energy, Attorney General and the U.S. EPA and area business and community groups. The City of Chicago has expressed some concern as it relate to the taxing authority of...of the...the authority and I had already agreed to take that out. They drafted an amendment but that amendment was drafted in error and they agreed to work on this necessary language in the House to take that out, and as it relate to the land use, they expressed concern but they said they want the legislation to pass and we will continue to work on it when it gets over to the House, and I ask for a favorable vote.

PRESIDENT:

Discussion? Senator Welch.

SENATOR WELCH:

Question of the sponsor, Mr. President.

PRESIDENT:

Sponsor indicates he'll yield, Senator Welch.

SENATOR WELCH:

Senator Jones, are you using any money from the Environmental Protection Agency to fund this program?

PRESIDENT:

Senator Jones.

SENATOR JONES:

Fifty percent of those funds collected within the district...within the authority district will be maintained in the district for use in that area.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

These are fifty percent of the funds from the Hazardous Waste Fund?

PRESIDENT:

Senator Jones.

SENATOR JONES:

From the Hazardous Waste Fund in that district.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

Well, part of the Hazardous Waste Fund is used to...to help fund Super Fund projects. There's already a list of priorities for the Super Fund listed throughout the State of Illinois. What you're going to do then by this amendment is eliminate the ability of the state to use money to match Super Fund site money because there's going to be, number one, less in the pool to match and, number two, you're rearranging the categories based on how much money is raised locally. So it seems to me what you're ending up doing is reducing the ability of the state to acquire a ninety percent match on...on these funds.

PRESIDENT:

Further discussion? Is that a question? I'm sorry.
Senator Jones.

SENATOR JONES:

Yes. Well, in response to that, the EPA estimated it

would be approximately one hundred and eighty thousand dollars but these funds will come out of the district, and if you're...you're familiar with the U.S. EPA regulations...the U.S. EPA regulations as it relate to priority...prioritized ground water as a top priority. In the area of Lake Calumet area we have pollution that is not the top priority even though Lake Calumet area in the recent study just came out from the Department of Energy show that Lake Calumet...River is polluted which drains into Lake Michigan which in turn affect the drinking water of the citizens of the City of Chicago and the suburbs as well. But when you're talking about a hundred and eighty thousand dollars collected within the district from the Super to maintain and do the work in the district. As I indicated to you, Senator, you sat on the committee, there is no other district or area like this in the entire State of Illinois and this will not...will not hurt the EPA Super Fund for...their ability to get funds and new projects throughout the State of Illinois.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

Well, Senator Jones, I was on that committee and when the committee was meeting, the money was going to come from local sources, basically on a abatement of the real estate taxes to fund the program. What you're doing now is basically taking money from all sources...all...all...yes you are, all potential projects throughout the State of Illinois are now reprioritized to put the Lake Calumet region first, and the reason why this area is different than any other site and why it's not on the Super Fund site is because you don't use drinking water directly from the aquifers in that area, and those aquifers whether they are polluted or not are not used for drinking water. That's why you're not on the Super Fund list. It seems to me that there is a better way to do this

and it's not by...by cannibalizing an existing fund because...because what you're going to end up with here is a...is a bulcanization of little districts taking money within their districts to take care of their own problems while the majority of the State of Illinois with the larger problems end up somewhere down...down the list without the ability to match federal funds that are available. I think this is the wrong way to go. I think that we're...we're going to end up hurting the entire State of Illinois and we're going to end up getting less money. These are ninety percent matching funds that we're not going to be able to match.

PRESIDENT:

Further discussion? Senator Macdonald.

SENATOR MACDONALD:

Will the sponsor yield?

PRESIDENT:

Indicates he will yield, Senator Macdonald.

SENATOR MACDONALD:

Is it true that this authority has the power to intervene in zoning and land use decisions of Cook County and municipalities?

PRESIDENT:

Senator Jones.

SENATOR JONES:

In my opening remarks, as I pointed out, Senator Macdonald, the City of Chicago and the local units of government, be it Dalton, Riverdale or Calumet City and...the City of Chicago is the only one that expressed some interest in this area as it relate to zoning. So they said they want to continue to work with the legislation to see if it can come to a...an agreement as it relate to land use. So we have discussed this particular issue, they have not came up with any language thus far but they want to be involved in the

aspect.

PRESIDENT:

Senator Macdonald.

SENATOR MACDONALD:

Well, having had that answer, I would like to...ruling from the Chair. How many votes will this piece of legislation take? Is this is a preemption of home rule power?

PRESIDENT:

We...we will...I will ask the Parliamentarian to take a look, Senator Macdonald.

SENATOR MACDONALD:

Then I would like to speak to the bill, Mr. President. This legislation creates more than an oversight committee. It certainly creates a Super Fund type agency that will initiate its own cleanup. The state and federal government should have complete jurisdiction over these clean-up activities. This bill allows a fifty percent diversion of fees paid into the Hazardous Waste Fund by industries in the area...and I just...I have to rise in strong opposition to this piece of legislation and hope that it will be defeated.

PRESIDENT:

Further discussion? Senator Karpiel. Further discussion? Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. Incorporated in this bill is a feasibility study that was recommended from our task force. As you know, my district encompasses most of this area we're talking about and it's the worst site in the State of Illinois, and we need to know or have some input and have the citizens of that portion of our state know that we are doing something to aid them in their plight. I recommend that this bill pass. It will be the first step in starting a positive way to go.

PRESIDENT:

Senator...Senator Macdonald had an inquiry of the Chair. The Chair will rule that the subject under discussion, the authority created by Senate Bill 1600, is not preemptive. So only an ordinary constitutional majority will be required. Senator Jones may close.

SENATOR JONES:

Thank you, Mr. President and members of the Senate, and let me say this as it relate to the Super Fund, Vernon Currier from the EPA and I had discussed this issue. There are no funds taken from any part of the State of Illinois, only the funds for this authority will be collected within the...the authority, and then we're only talking about ten percent...I mean, fifty percent of those funds. We intend to continue to work with the EPA and the City of Chicago on this issue, but if you read the series that was done by the Chicago Sun-Times and documented on Channel 2, Channel 5 and Channel 7 in the Chicago area, this is a terrible, terrible situation for the people to live in in the Lake Calumet area. It should have a unanimous support of each individual in this Body. I ask for a favorable vote.

PRESIDENT:

The question is, shall Senate Bill 1600 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? Have all voted who wish? Take the record. On that question, there are 28 Ayes, 25 Nays, 1 voting Present. The sponsor wishes its further consideration be postponed. Without objection, so ordered. 1615, Senator Welch. All right. 1615, I'm informed, is on the recall. 1622, 1625 are both on the recall. 1626, Senator D'Arco. On the Order of Senate Bills 3rd Reading, middle of page 3, is Senate Bill 1626. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1626.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Ladies and Gentlemen of the Senate. We debated this bill yesterday and since...since yesterday and today the utilities have been working very hard against this bill. And why they're working against it is because they want absolute assurances, I guess, that when the Exxon money runs out the program will terminate. And I've said on this Floor yesterday and I will say it again, we are trying to find a permanent source of funding for this program once the Exxon money runs out. It will not be included in the rate base of the utilities. I don't know how many times I said it before but I say it again, it will not be an expense of the taxpayers of the State of Illinois. The money is available from the federal government court order that these Exxon funds be made available for low income people for energy usage. There's no denying these facts. We bent over backwards to accommodate the utilities. We kept an above average usage as it...as a conservation measure that was in the original bill. We left in the provision that they have to pay the arrearages prior to coming onto the program. We put a sunset in the bill of 1991. We defined income to include everyone in a household that is on general assistance as a measure of income. We bent over backwards to accommodate these people. Ladies and gentlemen, there's nothing left to do but to vote Aye on this bill.

PRESIDENT:

Further discussion? Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. Well, one of my questions was going to be to Senate D'Arco, what are we going to pay

for...or what are we going to use to pay for this program when the money runs out but, of course, he's just addressed that except that all is pretty vague in that that language is not in the bill, and so we still really don't know what we're going to pay for this program with...after we run out and we're going to run out a lot faster with this...with this bill. So let me just say that I'm rising in...in very strong opposition to this bill for several reasons. This is not a bill that's between the utilities and the...and low income families. This is a bill that...that we really don't need right now. I mean, we have the bill in place to take care of these people during the winter months when they need heat. We've got the money to pay for it. We're in a situation in this state where we're not paying for a whole lot of things that we already have on the books and that we should be paying for, that we should be paying for education and mental health and public aid and all of these things that we're...we're really not funding to the...to the degree that we should be, and here we're looking at a new program...a new program that I don't see as an emergency program. We're taking care of the...the winter months. This is going to extend it year-round and it's going to also take out the provision of the above average consumption. Now, that provision in the original bill was put there to have people not overuse this program so that we don't run out of money. That's been taken out. Nobody can estimate what this bill is going to cost and how much faster we're going to run out of money, and we don't have a definite revenue source to pick up...pick this up after the money runs out. I'm very strongly opposed to this bill and I urge a No vote.

PRESIDENT:

Further discussion? Senator Macdonald.

SENATOR MACDONALD:

Well, I think that Senator Karpziel has fairly well cov-

ered...my objection to this bill as well. While the amendment that was put on yesterday certainly does improve the bill to some extent, I think that we have to keep in mind that we now are expanding this program. We are including cooling as well as heating and the...the funds that are...are predictably going to be out before...we have the...any monies to pay for this at all, the Exxon funds will not be there...for this two-year annualized program; and I think to extend this to the year-round program and...include the cooling as well as the heating is totally unaffordable at this time and with the state's economy being in...crisis state that it is, so I urge a No vote on this bill.

PRESIDENT:

Further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I'd like to correct one thing that was said by one of the previous speakers and that is that the program is now in place and will continue as is. Well, it won't continue as is because there's a sunset date that we're changing and right now the program dies January 1, 1989. So we have to have some legislation to continue this program beyond the end of this year. And, secondly, there's a great deal of concern about where the money will go to continue this program should the Exxon Oil overcharge money run out. Well, let me read paragraph 8, Section 1308 of the Chapter 111 and 2/3, it says here, "The Department of Public Aid shall receive all funds appropriated to it by the General Assembly for energy assistance and shall take all necessary steps to obtain federal funds to match such appropriations." So if we don't appropriate any money, the program is dead. Once the Exxon money runs out, that's the end of the program. So at that point, if the money is gone, then the program ends. There is no ability of this program to dip into the General Revenue Fund. So to use these arguments that we

don't have money for this program and we need it for education, while being perhaps true, you're mixing apples and oranges. This program doesn't automatically shift over to the General Revenue Fund. Once the Exxon money is gone, the program is gone. So it's not an automatic shift to the General Revenue Fund; the General Revenue Fund is not involved in this program. That's why Senator D'Arco has proposed forming a task force to determine, number one, how to continue funding the program itself and, number two, how to fund the administration of the program. That is a future fight...that's a future argument and right now that argument is premature. I think that we need to continue this program, extend the deadline so that these people can continue to have heat, and I don't think it's so bad that people stay cool in the summer. Certainly, I think all of us have air-conditioning and you know on those ninety degree days and above it's just as important for your health to remain cool as it is in the winter to remain warm. So I think this is a good bill and it should be supported.

PRESIDENT:

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President and members of the Senate. Again, Senator D'Arco, as I did yesterday I commend you for the efforts on...on...on this issue. You've worked hard and...and long and it's...it's a tough issue to deal with and we all know that. But as I said yesterday and has been mentioned here already this morning, you know, this program started in the winter of '85 and already half of the money is gone. I think the critical issue, obviously, is how we deal with...with the winter bill, without question. That's extremely important. There is the chance, and I would mentioned this to Senator Welch as well, that we could extend this perhaps one more year if there's not new available

revenue and continue to provide the relief for one more year possibly the current rate with the available revenue. I hope, too, one day soon, I hope the task force addresses this problem, that we find a revenue stream for this and are able to resolve it, but right now we haven't done it and let's deal with what we have today, stay on the five-month program and...and defeat this effort.

PRESIDENT:

Further discussion? Senator Poshard.

SENATOR POSHARD:

Yes, thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in strong support of Senator D'Arco's bill. I don't think any program was fought more vociferously on the Floor of this Senate and outside the Floor of this House a couple of years ago when this program was first enacted, but it has proven to be a highly successful program in helping those people who need help desperately to keep their heat on during the winter. The price tag on this program has come from the Exxon Oil overcharge funds, it hasn't cost the utility companies, it has not cost the consumers of the state and we've got enough money now to, in my judgment, the way I look at the figures, to run the program for another two years considering that it would be a full-time program and I don't...I don't see that as a major problem. In the meantime, the commission study that Senator D'Arco will put together will look at the program and see if there will be other additional revenues that we can gather to support the program. So I think it makes sense to extend it through the...throughout the entire year. There are many people that suffer very terrible health problems from excessive heat through the summer, senior citizens need to be helped with this program and I stand in full support of it.

PRESIDENT:

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Lady and Gentlemen of the Senate. Let me just...first of all, I...I'd like to compliment Senator D'Arco because I was one of those who have been opposed to the...the payment of this...out of the rate base, and it was a good compromise that was given in regards to settling that problem as far as I was concerned. I...I don't know how much clearer Senator D'Arco can make it; when the program runs out of money, the program is over. Now if it's a good program, then we should look for a permanent funding source; if it isn't, let's get rid of the program altogether. I think where we're kidding ourselves whenever we try to argue that...that this is not a utility bill or an anti- or pro-utility bill. I think the utilities are working this very diligently and I would...I don't blame them for doing so but yet at the same time Senator D'Arco has made his point and he's made it very clear that this bill is not going to be in the rate base, and inasmuch as it's not going to be in the rate base, I strongly support this legislation.

PRESIDENT:

Further discussion? Senator Hall.

END OF REEL

REEL #2

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I'll be brief and I'm just sitting here thinking that, my dear Senator Karpel, that to say...and others, to say that you don't need to eat now because you're going to die in six months so, therefore, why eat now? It's sad and just think to the day, suppose you had the air-conditioning cut off right in here right now, just imagine that what would happen around here. You wouldn't hear me and all the others up on this Floor wasting all this time in here either 'cause everybody would be trying to get out of here. The point about it is this, you complimenting Senator D'Arco, telling him what a wonderful job he's done, it's great, we appreciate what you have done but let it die. This is a good bill and how could you vote against it?

PRESIDENT:

Further discussion? Senator Karpel for the second time.

SENATOR KARPIEL:

Well, thank you, Mr. President. My name was used in debate and I...and I...and I...my good friend, Senator Hall, I am really surprised that you would say such a thing. I did not say that...eat now because you're going to die in six months or anything such like...such nonsense. What I did say is that this program is going to be over, as Senator Welch said, we've got the program...we're extending the program but we're not just extending the program, we're adding to it. So the program is going to be over a lot sooner than it would have been if we kept out the summer months. So for some people to be cool now in summer, a whole lot of people are going to be cold later because they're not going to have the

program and that sounds to me like what they're saying.

PRESIDENT:

Further discussion? Senator D'Arco, you wish to close?

SENATOR D'ARCO:

Thank you. I'm sorry I missed Senator Karpziel's comments, maybe it's better that way, I don't know. Anyway, I think what he said was, eat now 'cause you're going to die later; but the point I'm trying to make is that I will form...we...we are going to form a task force and come back next Session and determine if we can continue this program or not. If we can't continue the program, the program will be terminated. If we can continue it, we will do so. I don't know what else I can say about that...that's not good enough for the utilities, the utilities want it in writing that if the Exxon money runs out, this program will terminate. Well, that's not what this program is all about. This program is giving hope to people that are on the lower end of the income scale. This program isn't telling people, look, you know, we're going to fund it this year but next year you can't be on the program because there won't be any money available. I think the Illinois Senate is more positive than that. I think the Illinois Senate has the attitude, we're going to fund it this year and we're going to do everything like hell to fund it next year. We want to be positive about this program not negative. The utilities are on the wrong side of the issue, make no mistake about it. Vote your conscience and vote for this bill.

PRESIDENT:

The question is, shall Senate Bill 1626 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 34 Ayes, 22 Nays, none voting Present. Senate Bill 1626 having received the required constitutional majority is

declared passed. 1628. On the Order of Senate Bills 3rd Reading, the middle of page 3, is Senate Bill 1628. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1628.

(Secretary starts to read title of bill)

PRESIDENT:

I beg your pardon. Sorry,...I...I truly didn't pay attention. You wish to have a verification of that roll? You're certainly entitled to it. I...I'm...I just missed you, I was preoccupied over here. All right. Senator Hawkinson has a request that a verification of the roll call on Senate Bill 1626. Will the members be in their seats. Madam Secretary, please read the affirmative roll.

SECRETARY

Alexander, Berman, Brookins, Carroll, Collins, D'Arco, Degnan, del Valle, Demuzio, Dudycz, Thomas Dunn, Geo-Karis, Hall, Holmberg, Jacobs, Jones, Jeremiah Joyce, Jerome Joyce, Kelly, Lechowicz, Luft, Marovitz, Netsch, Newhouse, O'Daniel, Poshard, Raica, Savickas, Severns, Smith, Vadalabene, Welch, Zito and Mr. President.

PRESIDENT:

All right. The Senator indicates he does not wish to question the presence of any member. The roll has been verified. On that question, there are 34 Ayes, 22 Nays. Senate Bill 1626 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 1628. Read the bill, Madam Secretary.

SECRETARY

Senate Bill 1628.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Dunn.

SENATOR DUNN:

Thank you, Mr. President. This bill represents an agreement between the Governor's Office and myself. I am waiting for approval from IDOT to state the agreement between us. If the agreement is stated correctly, I will kill the bill in the House. I ask for a favorable vote.

PRESIDENT:

Discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in opposition to this bill. It seems to me that we already have in place a...a procedure...a process for identifying road improvement priorities. Does this bill mean that each year...each...there will be fifty-nine bills introduced in the Senate each with our own individual district road programs in them? I think that this is...is unnecessary and we should not support this bill. Thank you.

PRESIDENT:

Further discussion? Any further discussion? If not, the question is, shall Senate Bill 1628 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? Have all voted who wish? Take the record. On that question, there are 30 Ayes, 25 Nays, none voting Present. Senate Bill 1628 having received the required constitutional majority is declared passed. Senator Etheredge, for what purpose do you seek recognition?

SENATOR ETHEREDGE:

Mr. President, I would ask for a verification of the affirmative vote.

PRESIDENT:

That request is in order. Senator Etheredge has requested a verification. Will the members again be in their seats. Madam Secretary, please read the affirmative role.

SECRETARY

Alexander, Berman, Brookins, Carroll, Collins, D'Arco, Degnan, del Valle, Demuzio, Thomas Dunn, Hall, Holmberg, Jacobs, Jones, Jeremiah Joyce, Jerome Joyce, Kelly, Lechowicz, Luft, Marovitz, Netsch, Newhouse, O'Daniel, Poshard, Savickas, Smith, Vadalabene, Welch, Zito and Mr. President.

PRESIDENT:

Senator Etheredge, do you question the presence of any member?

SENATOR ETHEREDGE:

Yes, Senator Carroll.

PRESIDENT:

Senator Carroll. Is Senator Carroll on the Floor? Senator Carroll is in the phone booth, Senator Etheredge.

SENATOR ETHEREDGE:

Marovitz.

PRESIDENT:

Senator Marovitz.

SENATOR ETHEREDGE:

...Senator...

PRESIDENT:

Senator Marovitz is on the Floor.

SENATOR ETHEREDGE:

...Senator Jones.

PRESIDENT:

Senator Jones. Senator Jones on the Floor? Senator Jones on the Floor? Strike his name, Madam Secretary. You question the presence of any other member, Senator Etheredge? Madam Secretary, on that question, there are then 29 Ayes and 25 Nays, and the sponsor requests that further consideration be postponed. Without objection, so ordered. 1634, Senator Vadalabene. It's on the recall. 1669 is on the recall. 1672, Senator Savickas. On the Order of Senate Bills 3rd

Reading is Senate Bill 1672. Read the bill, Madam Secretary.

SECRETARY

Senate Bill 1672.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members, it does basically what the synopsis says on the Calendar. It would prohibit the discharge or suspension or disciplining of or discrimination against an employee who makes public a public record of a public body if the record is available under the Act. It was brought to my attention through the news articles on the CTA employees that were being disciplined for allowing those public records to be put out for public use. Simple bill, I would seek your support.

PRESIDENT:

Any discussion? Discussion? If not, the question is, shall Senate Bill 1672 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 1672 having received the required constitutional majority is declared passed. 1673, Senator Etheredge. On the Order of Senate Bills 3rd Reading is Senate Bill 1673. Read the bill, Madam Secretary.

SECRETARY

Senate Bill 1673.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1673 is the latest in a series of SSC bills, the super cool superconducting collider that we are trying to attract to the State of Illinois. And as everyone knows, we have been fortunate enough, based upon the high quality of our proposal, that we...our site has been identified as among the seven finalists here in this...in this country. The...our site...or as a consequence of that designation, a series of hearings have been held up in the area of the proposed site. And these hearings, I think, have been very helpful in clarifying some of the concerns that have been raised by the people who will be the...the future neighbors of the SSC, at least we all hope they will be the future neighbors of the SSC. One of the questions...one of the concerns which has been raised by property owners in the area is whether or not their...their farmland or their homes would suffer a...decrease in value as a consequence of the construction of the super collider. I think that it is the hope and expectation of everyone that there will be, in fact, no decline in property values as a consequence of the construction of the collider. But,...although that is our hope and expectation, I believe it is...desirable that we provide some assurance that if there does prove to be some decline in property values that their...that the owner's equity would be protected. That's one of the things that this bill does. It also...contains provisions to hold harmless taxing districts in the area that would suffer a decline in assessed evaluation as a consequence of property being taken off the tax rolls. That's the second important provision of the...of the bill. The third provision sets up an insurance fund so that if there is some damage done during the construction of the tunnel by property, and here once again, we really don't expect that at all, but should it happen, there would be a fund from which those damages could be paid. That is

the...the thrust of the legislation. I would be very happy to respond to any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further...or discussion? Senator Carroll.

SENATOR CARROLL:

Question of the sponsor, if he would yield, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Carroll.

SENATOR CARROLL:

Senator Etheredge, I,...you know, I personally have no problem with your home equity mortgage concept similar to one that has been floating around for Chicago. Is there a tax assessment like there is in Chicago to fund that policy?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

No, Senator. This...this provision, the...the equity provision is...is specific to the SSC project alone and there is...there are no taxing provisions related to this at all.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

I think that's defect number one. To do it as...as was done with the home equity plan makes some sense or some other type of voluntary contribution to assure value. I would assume you've got a concomitant that if the values go up because of SSC that that would, in order...to the benefit of the state?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

No, Senator, I...for...it must be an oversight, that provision is not included in the legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Are you giving us your assurances on the Floor that you'll correct that in the House? And before you answer that, let me ask also the same comment on the increase in taxes that units of local government will receive as the incremental benefit of an SSC, if, in fact, it's supposed to be a six million dollar project and there's a nine-fold economic benefit for every dollar spent, there would be huge tax growth in those communities. Will those be sent back to general revenue?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

...no, Senator, their...I think...I'm answering no to both of those questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Well, I think this corridor of opportunity has become a one-way street, and I would therefore suggest it is not a good idea.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Zito.

SENATOR ZITO:

Yes. Will the sponsor yield for a question, please?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Zito.

SENATOR ZITO:

Senator Etheredge, I really don't have a problem with the legislation, I'd just like to ask a question. Aren't we, in fact, possibly by adopting this prior to the decision made to bring the superconductor super collider to Illinois

sending out a negative signal to that committee or selection process?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

No, Senator, I don't believe that we are. I think that the concerns which have been raised in the hearings and that which this bill tries to address rather than send a negative signal, think they...rather they send a positive signal. They indicate...the signal that we send is that we are very interested in securing this project for the State of Illinois and that we're serious about addressing the legitimate concerns which are brought forward. So I think it's...it's a...positive signal, Senator.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Senator, what...what selection process...what kind of committee or who is making the decision as to the state that this is going to be located in?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

The...the selection committee is made up of scientific experts and others who will be making a recommendation to the Department of Energy and then the announcement ultimately will be made by the President. Right now, the schedule calls for a...the preliminary decision to be made to the Department of Energy in November.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Zito.

SENATOR ZITO:

Just...just one other question, Senator. The...of the remaining states that are in the running to have this located

in their state, do any of the other states...are any of the other General Assemblies' state legislators introduced legislation of this nature or passed legislation of this nature, do you know?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

I'm sorry, Senator, I...I cannot answer that question. I do not know.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

I just wanted to rise in support of this piece of legislation and the several other bills that will be before us. They are all part and parcel of Illinois' drive to become the site for the superconductor super collider. We do have stiff competition from other states and...and to in part answer one of the questions that was asked, the other legislators...Legislatures of those several states have been coming up with their own programs and their own incentives, many of which are designed to match or exceed that which we, in Illinois, are prepared to do. This is a very intense competition and one of the things that that committee of experts which is, as we speak, touring Illinois, as we vote on this bill today, is going to look for is support from the political leaders and the leadership of both political parties to make sure that that support will be there to sustain this program through its...from its beginning to its completion. The benefits to this...for this program will be state-wide. I think it is, however, fair to say that there will be some negative impact on a small locale as there is with any major program like a highway improvement or...a landfill location or anything else that serves the public interest. This bill attempts to mollify and to negate those negative

aspects to the absolute degree possible. I think it's important not only that the bill pass but as a sign of support that it pass by a large majority. And I urge a large green vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Etheredge may close.

SENATOR ETHEREDGE:

Well, I believe that Senator Schaffer just delivered my closing...remarks, I think he did it very well. I think this...this project is extraordinarily important, not just to the northeastern Illinois but to the entire economy of this state in helping to retain its eminent position in the area of high energy physics research. I would strongly urge a very large positive vote. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 1673 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 49, the Nays are 2, 5 voting Present. Senate Bill 1673 having received the required constitutional majority is declared passed. 1676, Senator Poshard. Senate bills 3rd reading, Senate Bill...1676, Madam Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1676.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Poshard.

SENATOR POSHARD:

Yes, thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the bill that was fashioned between the Department of Commerce and Community Affairs and the regional

labor management councils to continue the existence of these councils with DCCA's support over the next few years after which time they will become self-supporting. They've done a good job in providing a forum for labor management negotiations and perceptively to increase the...good feelings between labor and management across the state. And I just stand in support of the bill and would ask for your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1676 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? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 1676 having received the required constitutional majority is declared passed. Page 3. 1703, Senator Karpziel. Senator Karpziel, 1703. 1721, Senator Zito. Senate bills 3rd reading,...1723? All right, Senate Bill 1723. Mr. Secretary, read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1723.

(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 1723 makes some changes to legislation that we passed last year. Last year we changed the fee structure and loaning limits for banks. This bill places the banks for savings and loans on equal footing with other banks. The bank for savings and loans...is an administrative bank for the savings and loan associations of this state. Now throughout the past we have always treated this bank and all other banks in the

same light. Also, Senate Bill 1723 requires fees to be paid on a fiscal year basis rather than a calendar year basis. I don't know of any opposition and would ask for favorable consideration of Senate Bill 1723.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Question is, shall Senate Bill 1723 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 1723 having received the required constitutional majority is declared passed. 1761, Senator Jacobs. Senate bills 3rd reading, Senate Bill 1761, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1761.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill as amended adds a new division to the Municipal Code relating to consolidations and provides a new method of consolidating two or more municipalities and counties with less than two hundred thousand inhabitants. We've hashed this over pretty much during the past few months and if there's any question, I would be more than happy to answer.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Maitland. Oh, I beg your pardon. Discussion? Discussion? If not, the question is, shall Senate Bill 1761 pass. Those in favor will...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 53, the Nays are none, 2 voting Present. Senate Bill...1761 having received the required constitutional majority is declared passed. Senator Maitland, for what purpose do you arise?

SENATOR MAITLAND:

Thank you, Mr. President, members of the Senate, on a point of personal privilege, sir.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point.

SENATOR MAITLAND:

In the gallery on the Democratic side are a group of students...award winning history students from Melvin Sibley High School and their teacher, Marilyn Ames. I'd like for them to stand and be recognized by the Senate, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Will our guests on the Democratic side please stand and be recognized by the Senate. Welcome. 1795, Senator Savickas. On the Order of Senate Bills 3rd Reading, Senate Bill 1795, Mr. Secretary. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1795.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President, members of the Senate, Senate Bill 1795 restores the Chicago Board of Education's bonding authority which was repealed in 1979 during the district's funding crisis. And the board has sixty-five million dollars of statutory bonding authority remaining and it has voted to seek the restoration of this so that we can at least maintain the schools. We talk about school reform and the...problems

and the funding for the educational purpose. The one major component of...of our education system is the buildings themselves and as we all know most of the buildings in Chicago are many, many, many years old and need the proper maintenance and restoration. So, I would at this time seek your support for the bonding authority...for the reinstatement of the bonding authority.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. Just to clarify this issue for my members, there were a number of bills which came before our committee, some of which we, over here on this side, decided to hold up because we really thought that we should consider the reform proposals first. In looking more carefully at this one, since it does deal with bonding authority and, more importantly, because there is this Chicago School Finance Authority which oversees this, we did see the...the merits of this legislation and the need for it and most of us in committee passed on this. And I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall Senate Bill 1795 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 50, the Nays are 5, none voting Present. Senate Bill 1795 having received the required constitutional majority is declared passed. 1739, Senator Berman. 1840, Senator Berman. 1860, Senator Welch. You want recall? Okay. 1869, Senator Barkhausen. Senate bills 3rd reading, Senate Bill 1869, Mr. Secretary. 1869, Mr. Secretary. Read the bill.

ACTING SECRETARY: (MR. HARRY)

*S.B. 1869
3rd reading*

Senate Bill 1869.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, this bill, Senate Bill 1869, I virtually explained yesterday in the process of adopting...an amendment...it's a rather technical bill, it permits a...a...an alien, a...a foreign based insurance company to use Illinois as a port of entry from which to transact insurance business...to market insurance in Illinois and throughout the country. In addition, it...it requires...for such a company that adopts this approach, it requires them to set up a trust account within the state containing assets sufficient to satisfy any claims that might arise in the state. It further permits the domestication of an alien company and its merger with a...a domestic branch, an...an Illinois branch. And in most cases, companies that are based outside of Illinois already have subsidiaries based in Illinois and it permits a...a foreign based company to adopt this same approach. I know of no opposition, I would be happy, at least, to try to answer any questions and would otherwise ask for passage.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1869 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, none voting Present. Senate Bill 1869 having received the required constitutional majority is declared passed. 1886, Senator Karpel. Senator Karpel, 1886. Senate Bill...1893, Senator Zito. Senator Zito, 1893. Bottom of page...all right, Senate bills 3rd reading, Senate Bill 1893,

Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1893.

(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 1893 has come to me via the Catholic Conference of Illinois which represents the diocese of Belleville, Chicago, Joliet, Peoria, Rockford and the Springfield area. Basically what has happened is when that the Department of Revenue files for non-for-profit...non-for-profit tax exempt status for old people's homes, there seems...there seems to be a discrepancy or a vagueness in the legislation that we passed several years ago. So Senate Bill 1893 will further clarify that legislation so that the Department of Revenue, who has no position on this legislation, can make a better evaluation. Senate Bill 1893 does basically two things. Number one, it says that when presentation of the federal exemption, 501C3 exemption, is already recognized by the federal government that we here in Illinois would recognize that organization as non-for-profit. The second thing it does is very important, and...and, again, to address the vagueness of the legislation we passed several years ago, is to say that if, in fact, the Department of Revenue here in Illinois denies a tax exempt status, that they have to provide clear and convincing evidence that that old people's home is not, in fact, a non-for-profit agency. I don't know of any opposition, the bill had no opposition in committee and would ask for favorable consideration on Senate Bill 1893.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill

1893 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 54, the Nays are 2, none voting Present. Senate Bill 1893 having received the required constitutional majority is declared passed. 1902, Senator Rock. On the Order of Senate Bills 3rd Reading, top of page 5, Senate Bill 1902, Mr. Secretary. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1902.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1902 is the FY '89 appropriation for the ordinary and contingent expenses of the Judicial Inquiry Board in the amount of three hundred and eighty-five thousand dollars. It has been subjected to the Senate guidelines and I would appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1902 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 1902 having received the required constitutional majority is declared passed. 1903, Senator Schaffer. Senate bills 3rd reading is Senate Bill 2903, Mr. Secretary. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1903.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, members of the Senate, this is a fairly simple bill. Apparently the fire protection districts got a legal opinion that their current Statute did not allow them to procure equipment and provide training for emergencies...involving hazardous substances. All this bill does is authorize that they can, in fact, use their tax revenue for that type of training and to acquire that type of equipment. Obviously, if a truckload of acid spills in a community, one of the first things that's going to happen is the fire department is going to be sent for and they would like to be able to train their personnel and have the necessary equipment around...available in case of an emergency. The amendment that we put on simply provides that this Act does not allow them to charge any fee. Some of the people in the business community were a little concerned that that might be an interpretation, although I didn't think it was, but to convince them that there was no chance of that, we did put an amendment on to clarify the language. I am unaware of anyone in opposition to the Act and would appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there any discussion? Discussion? If not, the question is, shall Senate Bill 1903 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 1903 having received the required constitutional majority is declared passed. Point of personal privilege. The Chair would like to acknowledge some people from my district that

SB 1914
2nd Reading

are on the Democratic side, the Future Farmers of America from...from Pike and...and Scott Counties. If they would rise and please be recognized by the Senate. Welcome to Springfield. Senate bills 3rd...3rd reading, Senate Bill 1914, Mr. Secretary. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1914.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President. Senate Bill 1914 is...is a bill that complements House Bill 748 that passed out of the General Assembly and was signed into law last year. Last year that bill required phone companies that...planned to implement major service to offer customers an option of a flat rate, an untimed calling zone or a lifeline service. In my district and in any district throughout the state in primarily rural areas that are served by General Tel. or Con. Tel. there has been problems with the service that have been offered. My office has been inundated by complaints, primarily from senior...senior citizens that the high phone bills that have taken place since major service was implemented. This bill will give Illinois phone companies the same...phone customers the same options enjoyed in other states. It had no registered opposition in committee. It is something that has been addressed by General Tel. by filing...filing a request with the Illinois Commerce Commission after the legislation was introduced. If it is worked out through the Illinois Commerce Commission, this bill will probably be a moot point. But I would urge adoption today and I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

SB 1915
2nd Reading

Discussion? If not, the question is, shall Senate Bill 1914 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? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill...1914 having received the required constitutional majority is declared passed. Senate Bill 1915, Mr. Secretary. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1915.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. Senate Bill 1915 addresses the fact that currently landfill developers are attempting to circumvent SB 172's siting provisions by targeting landfills for unincorporated land adjacent to municipalities and convincing the municipalities to annex the land so that the siting hearings is held before that governing body rather than the county board. The developers are promising these small towns economic benefits in return for siting the landfills. Additionally, most of these smaller units of government are not able to obtain the necessary technical expertise nor the funding cost for...for the siting hearings which usually run between a hundred and two hundred thousand dollars. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? Senator Keats.

SENATOR KEATS:

I rise on this bill. It doesn't particularly affect me individually because of the way we're operating, but I'm

rising on a public policy question. Right now...right now, as we make it harder and harder to site these landfills, we have to realize what it's going to do to the rest of the state. This is a voluntary action being taken by elected officials who've been studying an issue for several years. You'll notice no one has called you asking you to support this bill, this is not a statewide initiative by any particular environmental group. What it is is a potential landfill or incinerator, doesn't matter, I mean, they're the same thing in this case, that the Village of Marseilles...Town of Marseilles is thinking of siting what will receive Chicago waste. The City of Chicago in reality is the one who will be hurt by this bill. They have according to the EPA roughly two years of time left on their landfills. It takes about three years to bring a landfill on line. Chicago somewhere is about to get hung. According to the EPA, 5.3 years for the entire state. If it takes three years to bring landfill, incinerator or anything else on line, the entire state is in danger. To make matters worse, the federal...Subtitle D guidelines are coming on and everyone knows, they're already out, this is not some big secret, it will be on line probably in '90, they will close, not by my guess but by the guess of most environmental groups, over half the landfills in the entire state. If the state has 5.3 years of landfill life now and they're corrected, half of these landfills will be closed. Now they don't represent half the volume because they're the smaller ones, but that gives the state about four years. It takes that long to bring a landfill or an incinerator on line, period. The prices will skyrocket. Right now we're paying anywhere from five to thirty-five dollars a ton in Illinois. When they ran into this crisis in New Jersey, the prices skyrocketed from seven to anywhere from a hundred to a hundred and forty dollars a ton. And if our small municipalities, right now, can't even afford the waste

water treatment facilities, what are they going to do when the refuse problem, the prices increase anywhere from twenty to forty times? Think about that in terms of what would happen to your municipal officials. Remember, these are municipal officials who are acting voluntarily after years of studies. Illinois generally has, it's accepted, the toughest siting for landfills, incinerators or anything else, standards, in America. Waste Age, the trade publication for solid waste management, just last month wrote an article using Illinois as an example of the worst example in America of someone causing their own problems and offering no solutions. This bill does nothing to upgrade the quality, only makes it...makes the siting standards that are the toughest in the entire nation even tougher. It is not like municipal officials have rolled over and played dead. In the almost ten years since we put this law in, only two medium-size landfills and one incinerator have been sited in the entire state. It's not like the solid waste industry has succeeded in convincing any of these people to do it at all. Now what we're doing is saying these municipal officials will be excluded. To say this circumvents Senate Bill 172 is totally inaccurate, 'cause as the sponsor of Senate Bill 172, who's in the Chair, Senator Demuzio will remind you, it specifically says municipalities, the units closest to home are probably the ones who ought to do it. For the good of the state, for the good of public policy, I think it would be necessary that we at least allow ourselves and allow these local officials the latitude of action.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Karpziel.

SENATOR KARPIEL:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Karpziel.

SENATOR KARPIEL:

All right. Under this bill a municipality that wants to site a landfill in property that they have annexed in the past fifteen years...is it, or five? It's difficult to read in my book. In the...in the previous fifteen...five years...must go to referendum.

PRESIDENT:

Senator Joyce.

SENATOR KARPIEL:

What happens...what happens if another governing body wants to site a landfill in property...I don't know whether...wants to site a landfill there, does the municipality still have to have a referendum or can they still have a referendum? How does that work?

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

Only if the municipality annexes the property. If the county wants to site one by that municipality and the municipality doesn't annex it, nothing changes.

PRESIDENT:

Senator Karpriel.

SENATOR KARPIEL:

If there is a proposal, as there is, by the way, in my district...if there is a proposal to site a landfill in property contiguous to a municipality but it is not annexed yet, and that municipality would now annex that property or after this bill is signed before the actual landfill is built or...or has a permit...would this kick in then, would that municipality then have to have a referendum?

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

Only if the...municipality had annexed the land.

PRESIDENT:

Senator Karpziel. Senator Joyce.

SENATOR JEROME JOYCE:

Not until the bill is signed.

PRESIDENT:

Senator Karpziel.

SENATOR KARPIEL:

What I am saying is...is if the municipality annexes the land now or right after the bill is signed or about, you know, now, and the bill is signed and before the permit for the landfill is given by the Pollution Control Board, would they then have to...would this...it would...they'd have to have it, right? It's anytime within the past five years, up until the time of the permit is...is given by the Pollution Control Board.

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

Yes.

PRESIDENT:

Further discussion? Senator Donahue.

SENATOR DONAHUE:

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

PRESIDENT:

Indicates he'll yield, Senator Donahue.

SENATOR DONAHUE:

Just...just to go a little step further from what Senator Karpziel was talking. I've got a situation in my district where it has been annexed, it is ready to go for a permit. Will this still affect them for referendum if this bill is signed before the permit is issued?

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

Well, I...I...I really don't know how they would interpret that. I would hope they would say, yes, but then, you know, they might not.

PRESIDENT:

Senator Donahue.

SENATOR DONAHUE:

Well, I...I would too. I mean, I hope that what we are accomplishing here because of the retroactive part of this legislation, if we can get it signed before the permit is issued, and I understand that is the significant part. Thank you.

PRESIDENT:

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Two questions. Being in a county that is the only...only site for two counties who just got a fifty percent dumping fee laid on us last week or ten days ago, does this bill not make it more difficult for a future landfill site to be accomplished by going to a referendum vote?

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

Well, to...answer you in the negative as your question was put, I think, it doesn't make it more difficult unless the landfill company comes to some community and tells them, look, we'll give you a deal...we'll make you a deal you can't refuse; will you annex six hundred acres next to this...little town of two hundred people, and you have five board members on that...that town board and if three...if I can convince three of those members to go along with this and site this...agree to site this landfill, then, no, I suppose that it...it would make it more difficult. But why do we want to put the burden of siting a landfill on a local com-

munity where you could get three members of a town board to agree to this to...annex property that could be fifteen times or twenty times bigger than the municipality is right now, set it in a county somewhere where the county board would have the capability and have the resources to go through the process, the 172 siting process, to see if this, indeed, should be a good location, why should we let that kind of political pressure be put on a town board, a little community that...that really can't defend itself? I think that's just totally wrong. I think that we need to let this siting process remain as it is and let the...the county board who has the resources and who has the capabilities to deal with it,...municipalities don't. So, I suppose, Doc, that it...it would make it harder.

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Well, follow-up question. If a county has a county zoning ordinance and this is an unapproved area or if it's in a village that small, 99.99 out of a hundred they're not going to have a zoning ordinance, so therefore the county zoning ordinance will be germane and unless things are changed since I left the county board, the county...the county board or the county zoning committee would have to make a recommendation of a zoning change for that to be a landfill. Is that not correct?

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

Well, I'm not sure if it is or not, but I know there's a lot of counties that don't have zoning. LaSalle County, a big county in this state, right now is dealing with this problem in Marseilles, Illinois and they don't have zoning.

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Thank you, Mr. President. That was my next question. Now, if the county doesn't have a zoning ordinance and the people who propose this landfill go out and purchase property whether it's annexed or not annexed, there is nothing to prohibit that landfill being sited there unless the EPA would say that it's not feasible under part of the siting views that we have or siting laws we have. Is that not correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

I'm not sure that I understood the question. But...but currently, if...correct me if I am wrong, if a landfill operator comes to a unincorporated area, then it goes before the county, absolutely. But if...if...if they go to this municipality and say, if you annex this property and allow us to put a landfill there we'll give you so much money for, you know, tipping fees or what have you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

Well, apparently there's been a change...in ordinances since I left the county board, and that could very well happen. But if you go to a county...that has no zoning ordinance, are you saying that under the present State Statute they must go to the county board for this permit even when there's no county zoning ordinance that regulates the use of the land? Because the State Statute says as long as you use for agriculture you...zoning is...not needed but you're going to change its use which the landfill would be, then it's up to the individual property owner if there's no zoning ordinance. Is that not correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

I don't believe that zoning is pertinent if it's an unincorporated area, it just goes right to the county board.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

Well, Jerry, I don't want to belabor this, but the point I'm trying to ask or get an answer to, if they have no zoning ordinance which regulates land use, landfill is changed from agriculture, so, consequently, if there is no zoning ordinance to regulate any land change, why would they be going to the county board?

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Joyce.

SENATOR JEROME JOYCE:

Under current law, the 172 procedure, they have to go to the county board.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, under Senate Bill 172, which the speaker sponsored and I cosponsored, if anybody wants to get a landfill, if they don't want to go to a municipality, they go to the county, they have their choice. I don't know that this bill is going to do anything because we already have the right into the county authorities and in the municipal authorities to decide whether or not they're going to have a siting of the landfill, and, furthermore, they have to have hearings on same. So, perhaps you can tell me what is the distinguishing purpose between...Senate Bill 172 and what you're offering?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. Well, the difference is that you're talking about a...a community, it could be large or small, where you have an elected board of, say five people, five board members. They don't have the resources to go through the siting procedures that you have to do to site a landfill, it costs you a couple of hundred thousand dollars these days to go through all the steps that you need to do. You can have this little community or big community, whatever, these three people on the board can decide, this is a heck of a deal, this is going to be good for...for my town or for me or for something, and they can thwart the wishes of the whole county then, those three people, by saying we're going to site this, we don't care what happens. Now, it's sited in a township and it's sited in the county. And...the...the township board doesn't have a thing to say about it, it's probably out there right next to this little town in...in the county...or in the township. They're going to...you know, who knows what's going to happen in that area? You come in to this little community and say, well, we'll do the test borings, we'll do all this stuff and you take our word for it and we'll make it so profitable for you, we'll even put in a water system if we screw up your wells. You know, I think that that's putting too much power in too few hands. I think that politically it's not smart, and if it's a good deal for that community, let them vote on it, let them have a referendum, what's wrong with that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President, Ladies and Gentlemen of the Senate, Senate Bill 172,...which we passed and was signed into law several years ago, provides for the either...municipality or county to consider zoning for...rather acceptance of a

landfill. I don't know that it's any different. If these people who sit on a county board or sit on a municipality's board decide to have it or not have it, they're subject to the will of the people and their voters. Also,...there are open hearings, there are meetings, they can't just go ahead, blatantly ignore the voters; because if they do, they're not going to be in office again. I don't know that there is a purpose for this bill and I say so.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR JEROME JOYCE:

Well, they may not be in office anymore, Senator Geo-Karis, and they may not care because maybe that's been such a good deal that they don't care whether they get reelected again, they're probably not even going to run. You know, when these...these...come to a community and offer them jobs and...and ta da, ta da, ta da, and, you know, it just...they just...we shouldn't allow this type of a judgment to be put in that few hands. I think that it's the loophole in 172 and it's happening all over this state, not just in my district. And I...I think this is a way we can correct it. There's a lot of other ways we're going to have to deal with the landfill problem. One of them yesterday was the biodegradable plastic bags. We're going to have to do a lot of things. We're going to have to change our lifestyle, we're going to have to sort garbage and we're going to have to incinerate and all the rest of it. But let's not just continue to say, the only way to deal with this is to bury it underground and then forget about it, 'cause that's what we're doing now. There are other ways to deal with it, so...let's pass this bill and make sure that we deal with it in the correct way.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 1915 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. (Machine cutoff)...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 30, the Nays are 22, 3 voting Present. Senate Bill 1915 having received the required constitutional majority is declared passed. Senate Bill...1954, Senator Davidson. You had the light on for what? Pardon? All right. Senator...Senator Keats has sought a verification of the affirmative vote. All right. Senator...all members will be in their seats. Senator Keats has requested a verification of the affirmative...those members that voted in the affirmative. Mr. Secretary, would you please read those.

ACTING SECRETARY: (MR. HARRY)

The following voted in the affirmative: Alexander, Berman, Carroll, Collins, D'Arco, del Valle, Demuzio, Donahue, Thomas Dunn, Friedland, Hall, Hawkinson, Holmberg, Jacobs, Jones, Jerome Joyce, Luft, Marovitz, Netsch, Newhouse, O'Daniel, Poshard, Savickas, Schuneman, Severns, Smith, Vadalabene, Welch, Zito, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats, do you question the presence of any member who voted in the affirmative?

SENATOR KEATS:

Senator Berman.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman is on the Floor in the back of the Chamber.

SENATOR KEATS:

Senator Collins.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins is right behind Senator Poshard.

SENATOR KEATS:

Senator D'Arco.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco is in his seat.

SENATOR KEATS:

Senator Degnan.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Degnan. Senator Degnan. Well, it's my understanding he voted in the negative, Senator Keats, according to the Secretary.

SENATOR KEATS:

Senator Jones. I can't...I can't see through...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones is in his seat.

SENATOR KEATS:

Senator Marovitz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz is at the doorway to the phone.

SENATOR KEATS:

Okay, thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. On the verified roll, there are 30...on a verified roll there are 30...Ayes, 22 Nays, 3 voting Present. Senate Bill 1915 having received the required constitutional majority is declared passed. 1954, Senator Davidson. On the Order of Senate Bills 3rd Reading is Senate Bill 1954, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1954.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, the bill does

exactly what it says on the Calendar. Yesterday when we amended it, it was to remove a turf...possible turf war between DCCA and the Department of Conservation. What it does was allow Conservation to sell advertising like the Outdoor Life, et cetera which would save approximately a hundred and fifty thousand dollars of printing costs out of the general revenue funds. I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1954 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 55, the Nays are none, none voting Present. Senate Bill 1954 having received the required constitutional majority is declared passed. Senate bills 3rd reading is Senate Bill...I'm sorry, 1956, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1956.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, this bill is an agreed on bill from Department of Transportation to get our state law in relation to the federal regulation on the bridge formula. Also what federals had done on...in one rare instance on those car trailers that haul cars, there's a ten-foot extension. I was incorrect yesterday 'cause I had been given the wrong information and then corrected it to Senator Demuzio. It is a ten-foot length extension and...disallows us to participate in a federal match fund on highway construction. Appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? If...Senator Rock.

SENATOR ROCK:

Is...this just longer or is it also heavier, wider?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

Longer only, Senator Rock. It has to do with those trailer trucks that are hauling new cars where...it extends out over the cab, and the federal regulations have approved this, it's called a stringer and it applies only in this one rare instance of type of vehicle and them only.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall Senate Bill 1956 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 36, the Nays are 19, 1 voting Present. Senate Bill 1956 having received the required constitutional majority is declared passed. 65, 87 and 90 on the recall list. 1994, Senator Zito. Senate bills 3rd reading, Senate Bill 1994, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1994.

(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 1994 is the first in a series of two bills that are offered by the State's Attorney of Cook County. It does exactly...Senate Bill 1994, what our synopsis in the Calendar

suggests it does, it creates the offense of cannabis trafficking. Last year we passed legislation creating the offense of controlled substance trafficking. I don't know of any opposition. It's very self-explanatory and I would move for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? If not, the question is, shall Senate Bill 1994 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 56, the Nays are none, none voting Present. Senate Bill 1994 having received the required constitutional majority is declared passed. 1995. On the Order of Senate Bills 3rd Reading is Senate Bill 1995, Mr. Secretary. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1995.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Well, thank you, Mr. President. Again, members, this deals with the same subject matter. This bill was initiated once again by the State's Attorney's Office and according to that office we currently have a case there that's being litigated where the defendant alleges that he did not have the intent to deliver the drugs in Illinois. It appears to be that we need further clarification in order to charge an individual...controlled substance trafficking. The offender must have the intent to manufacture or deliver controlled or...counterfeit substance in this or any state or any country. I know of no opposition and would move and ask for favorable consideration of Senate Bill 1995.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1995 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? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 1995 having received the required constitutional majority is declared passed. Senate Bill 2030, Senator Etheredge. 2040, Senator Savickas. Page 6. 2096, Senator Philip. On the Order of Senate Bills 3rd Reading is Senate Bill 2096, Mr. Secretary. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2096.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This...2096 amends the Election Code and establish uniform filing dates for nominating petitions for all offices. As you're probably aware now, the candidates for delegate and alternate delegate file thirty days later. All this does is allow them all to file on the same date. Makes it much easier for our precinct captains and our precinct committeemen who do the work for us, circulate the petitions and hopefully file them on time. Be happy to answer any questions.

PRESIDENT:

Leave has been requested by WAND-TV Channel 17 to shoot some film. Is leave granted? Leave is granted. Discussion? Senator Demuzio.

SENATOR DEMUZIO:

...Senator Philip, as you and I have discussed, I don't have any problem with what you're attempting to do here and that is to have all of the delegates for the National Convention file at the same time as you and I and every...all the other candidates in Illinois. The problem is, I understand, there is some technicality with the rules of the Democratic National Committee with respect to the...the filing period. I don't have any difficulty with...with what you're attempting to do by concept but I would like everyone to know that we may have a problem with it and...if we can, if it gets out of here today, perhaps we could talk about it in the House and I'm sure that you'd be willing to make whatever accommodations are necessary for us to comply with the rules as they are now for our party.

PRESIDENT:

Further discussion? Further discussion? Senator Philip may close.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Hopefully, it will pass; hopefully, we can get it in a conference committee and I would certainly try to work something out that would accommodate the Democrat Party rules.

PRESIDENT:

The question is, shall Senate Bill 2096 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 2096 having received the required constitutional majority is declared passed. 2101, Senator Karpziel. On the Order of Senate Bills 3rd Reading, top of page 6, is Senate Bill 2101. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2101.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. I'd like leave to Table this bill.

PRESIDENT:

That is always in order. Senator Karpziel has moved to Table Senate Bill 2101. All in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries. 2101 is Tabled. 2116, Senator Kustra. On the Order of Senate Bills 3rd Reading is Senate Bill 2116. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2116.

(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 original provisions of this bill have been eliminated. Committee Amendment No. 1 provides corrective language relative to the definition of an affected region in school district boundary change proposals. And Floor Amendment No. 2 provides that the secretary of the board of school trustees of any affected region may initiate appropriate action if the secretary of the board receiving the original petition fails to act within thirty days. I know of no opposition to the bill and I'd ask for a favorable vote.

PRESIDENT:

Discussion? If not, the question is, shall Senate Bill

2116 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 2116 having received the required constitutional majority is declared passed. 2122, Senator Kustra. On the Order of Senate Bills 3rd Reading is Senate Bill 2122. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2122.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. This bill is really the amendment which we adopted yesterday. It deals with the law we passed last year in regard to the securing of title insurance in residential real estate transaction. It is the work product and a compromise reached 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 Mortgage Bankers Association. The words "commitment or policy" are added and "examination" deleted to make clear that this section is not intended to affect the situation where the lender's title evidence is based upon an abstract and an attorney's title opinion. The lender should be free to choose its own attorney to render that opinion since the lender is relying upon the technical expertise and ability in the financial responsibility of the attorney rendering the opinion. We think this clarifies the law. I know of no opposition. I would ask for your favorable vote.

PRESIDENT:

Discussion? Discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Will the sponsor yield for a question?

PRESIDENT:

Sponsor indicates he will yield, Senator Hawkinson.

SENATOR HAWKINSON:

I haven't seen the amendment. I remember the bill from committee. Does the amendment in any way affect the right of a borrower, an individual buyer of a home who is mortgaging the property to choose his own separate attorney for a title opinion apart from that attorney chosen by the...the mortgage lender?

PRESIDENT:

Senator Kustra.

SENATOR KUSTRA:

Yes, Senator, he can choose his own attorney under this bill.

PRESIDENT:

Further discussion? Further discussion? If not, the question is, shall Senate Bill 2122 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 54 Ayes, no Nays, none voting Present. Senate Bill 2122 having received the required constitutional majority is declared passed. 23 is on the recall. 24, Senator Poshard. On the Order of Senate Bills 3rd Reading is Senate Bill 2124. Read the bill, Madam...Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2124.

(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. This bill is proposed because of an Illinois Fifth Appellate Court ruling in Anna, Illinois in which case the court ruled that unharvested crops on lands which are subject to a mortgage foreclosure belong to the mortgagee bank and not the bank that loaned the operating funds to the tenant farmer for the crops. This action runs contrary to traditional legal action in which the crops were the property of the bank or the lender which loaned the operating funds to the tenant farmer. This bill will ensure that both parties, the mortgagee and the operational lender, must file a lien under the...Uniform Commercial Code so that both parties are knowledgeable as to what liens exist on a partial of land. It allows either the mortgagee or the operational lender to claim the crops depending upon which lender first files a lien under the UCC. Both the community bankers and the Illinois Banker's Association support this bill as well as the Illinois Farm Bureau. I know of no opposition and I ask for your support.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall Senate Bill 2124 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 2124 having received the required constitutional majority is declared passed. 2741 and 54 are on the recall list. So it's 2193, Senator Etheredge. On the Order of Senate Bills 3rd Reading is Senate Bill 2193. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2193.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill is the outgrowth of the...the work and the recommendations of the State Advisory Council for the Department of Alcoholism and Substance Abuse. As the synopsis indicates, it does establish a Drunk and Drugged Driving Prevention Fund that...and the proceeds of that fund would be utilized to reimburse community agencies that provide alcohol or drug counseling to those people who have been arrested on...under our DUI Statutes. I'd be very happy to respond to any questions.

PRESIDENT:

Any discussion? Discussion? Senator Netsch.

END OF REEL

REEL #3

SENATOR NETSCH:

Thank you, Mr. President. Just very briefly, not only to confirm everything that Senator Etheredge has said because it was the product of the...the Department of Alcoholism and Substance Abuse Advisory Council but to note also that a huge number of the community groups that do take care of the program of doing the evaluation of DUI's have found that they are having a very difficult financial time because there are a number who are indigent. So, this is devoutly desired, not just by those who mandated the program but by those who are actually providing the service and I think we do owe it to them.

PRESIDENT:

Further discussion? If not, the question is, shall Senate Bill 2193 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 2193 having received the required constitutional majority is declared passed. Senator Smith. On the Order of Senate Bills 3rd Reading is Senate Bill 2197. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill No. 2197.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Smith.

SENATOR SMITH:

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

Senate. I come with this Senate Bill 2197 for the purpose of this bill as amended is to improve the taking and examination of pap smears and other slides in laboratories. Senate Bill 2197, which is cosponsored and I'm very happy to say by the entire members of the Senate Committee on Health, Welfare and Corrections and also with Senator Holmberg, does two things. It mandates the Department of Health to adopt rules, regulations to improve laboratory examinations for pap smears and other medical examinations. The regulations shall cover examination, maintenance and storage of slides. The committee requested the Department of Health to include the following in its rules; a limitation on the number of slides a cytotechnologists can read or examine, penalties for the cytotechnologists who read more than the required number of slides and penalties for laboratories that encourage cytotechnologists to read more than an allowed number of slides, requires the Department of Health to report to the General Assembly concerning their recommendations for stricter rules and regulations and legislations governing medical laboratories engaged in the field of cytopathology. This is a very needed bill and we ask your cooperation in this.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate. This is an outstanding bill; in fact, in committee we thought it was so good following a...a very outstanding presentation by WGN award-winning reporter, Pat Harvey, that all members of the committee in kind of a...an unprecedented move agreed to be...cosponsors of this legislation. It...it is just absolutely incredible after the evidence which was produced of what happens to women who go in very trustingly to have pap smears and the possibility of having negative

results when indeed they are positive. It's...it's a vast topic. I think this really begins to get into the issue and I think we ought to support this unanimously.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall Senate Bill 2197 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 57, the Nays are none, none voting Present. Senate Bill 2197 having received the constitutional majority is declared passed. Senate Bill 2199, Senator Maitland. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2199.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President and members of the Senate. Senate Bill 2199 requires that Department of Public Aid adopt rules concerning certification and payment for exceptional care and to notify the facility within fifteen working days whether the pay request had been approved or denied. This bill, of course, was amended...as originally introduced also required that social security benefits be paid directly to the nursing home and that...that is against the law, is illegal and can't be done, so that was amended out, and the Department of Public Aid now is in support of the bill and I would ask of you your support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Madigan.

SENATOR MADIGAN:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

State your point.

SENATOR MADIGAN:

Thank you, Mr. President. Seated in the President's Gallery is a group from Morton High School and their teacher, Mr. Jay Isles, and I'd like them to be introduced to the Body.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Would they please rise and be recognized. Senator Fawell. If there's no further discussion, the question is, shall Senate Bill 2199 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 2199 having received the constitutional majority is declared passed. Senate Bill 2218, Senator Jones. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2218.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jones.

SENATOR JONES:

Thank you, Mr. President and members of the Senate...Senate Bill 2218 is the rewrite of the Clinical Psychologist Act. It's merely a title protection bill. It's agreed to by all those parties concerned and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 2218 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 1, none voting Present. Senate Bill 2218 having received the constitutional majority is declared passed. Senate Bill 2235, Senator Schaffer. Senate Bill...read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2235.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer.

SENATOR SCHAFFER:

Thank you, Mr. President. Sorry, I was on the other side there. The...currently, the economic impact statement that is included on applications for landfill siting includes a list of things that have to be included. Practice has determined that that is not particularly a good thing. Some of those things are redundant and unnecessary in some areas and in other areas, other situations, additional information is appropriate. All this bill does is...say that the list of things in the legislation...this is a suggested list and it can include other things, and if some things are not necessary, they don't have to be included. I don't think there's any opposition to the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 2235 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 2235 having received the constitutional majority is declared passed. Senate Bill 2241, Senator D'Arco. Senate Bill 2256, Senator Weaver. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2256.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

Thank you...thank you, Mr. President and members of the Senate. Senate Bill 2256 allows the Illinois Racing Board to waive certain rules as they apply to the agricultural fairs such as DuQuoin and the Illinois State Fair. They're not able to meet certain criteria at these two facilities and it also cleans up some of the...some of the language in regard to billing by the State Police for expenses regarding their investigating service and enforcing the racing Statutes. If there are any questions, I'll be happy to try to answer them.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 2256 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 2256 having received the constitutional majority is declared passed. Senate Bill 2257, Senator Barkhausen. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2257.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, Senate Bill 2257 which passed out of the Senate Judiciary Committee on the agreed bill list amends the Crime Victims' Compensation Act to include exploi-

tation of a child and child pornography as offenses covered by the Act and eligible for...victims of which would be eligible for compensation from the Crime Victims' Compensation Fund. It puts the director of the Department of Children and Family Services on the Compensation Act Advisory Committee also. I know of no opposition. It's a product of discussions between the Attorney General's Office and the Department of Children and Family Services and I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the...Senator Hawkinson.

SENATOR HAWKINSON:

Will the sponsor yield for a question, please?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR HAWKINSON:

Senator, does this bill still designate twenty-five percent of the fund for certain offenses?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

That...that provision was deleted in Amendment No. 1.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, the question is, shall Senate Bill 2257 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 2257 having received the constitutional majority is declared passed. Senate Bill 2258, Senator Barkhausen. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 2258.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, Senate Bill 2258 creates a new criminal offense of keeping a place of juvenile prostitution. It additionally sets up a forfeiture provision for money, proceeds and property acquired through commission of this offense...that which are...procedures which are similar to forfeiture provisions in the Narcotics Profit Forfeiture Act and also the forfeiture provisions which can be...triggered by child pornography crimes. It further allows the court to impose as a condition of probation restitution for counseling received by a victim of these offenses. This also passed out of the Senate Judiciary Committee on an attendance roll call and I ask for favorable action on our part.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 2258 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 2258 having received the constitutional majority is declared passed. Senate Bill 2260, Senator Karpziel. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 2260.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Karpziel.

SENATOR KARPIEL:

Thank you. This bill simply eliminates an...obsolete statutory requirement that says that the Department of Public Aid has...staff has to be recruited by the department's

bureau of staff development. This just takes that requirement out.

PRESIDING OFFICER: (SENATOR SAVICKAS)

TV 20 seeks permission to videotape. Is leave granted? Hearing no objection, leave is granted. Is there discussion on Senate Bill 2260? If not, the question is, shall Senate Bill 2260 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 2260 having received the constitutional majority is declared passed. Senate Bill 2264, Senator Geo-Karis. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 2264.

(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, Senate Bill 2264 amends the Criminal Codes to provide that for purposes of crime, abuse and gross neglect of a long-term care facility resident the definition of long-term care facility includes such facilities which are operated by the State of Illinois. As a matter of fact, the Statute did not include that. Now what we want to do is cover the loophole so that...we can include the institutions operated by the State of Illinois in that definition. So, I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 2264 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who

AB 1532
Recalled

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 2264 having received the constitutional majority is declared passed. Senate Bill 2271, Senator Weaver. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 2271.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. This increases the bond authorization by nine dollars.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 2271 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 2271 having received the constitutional majority is declared passed. Ladies and gentlemen, we have now concluded Senate bills 3rd reading on our Calendar. We are going to the Order of Recalls. You have two sheets in front of you. We'll be calling first from the sheet marked noon, Thursday, May 19th, 1988, twelve, noon, recalls. The bill number that we will start with is with Senate Bill 1532, Representative Dunn...or Senator Dunn, Ralph Dunn. That's on page 2 of the Calendar. All right, if we're all ready to proceed, Senator Dunn seeks leave of the Body to return Senate Bill 1532 back to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Schaffer.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and members of the Senate, Amendment No. 1 is an issue that's been before this Senate before. It...it simply provides an opportunity for the Village of Volo in western Lake County to have a referendum to incorporate. We have passed this bill, I think, at least twice. It gets over to the House and, unfortunately, it apparently amends the wrong section of the Act and usually has a whole bunch of stuff tacked on it and never gets anywhere. I don't think there's any opposition to letting the people of Volo have a referendum and, hopefully, this time our friends in the House will leave it alone and my friends from DuPage County won't put their water bills on it and it can get to the Governor's Desk.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Amendment No. 1 to Senate Bill 1532 be adopted. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. Senator Netsch seeks leave of the Body to return Senate Bill 1562 back to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. Madam Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Netsch.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Mr. President, if I might, the Amendment No. 2 is a cleaned up version. So, I...having voted on the prevailing side, I would move to Table Committee Amendment No. 1 and it will be replaced by another.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Senator Netsch moves to Table Committee Amendment No. 1 to Senate Bill 1562. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. The motion to Table prevails. Now, Amendment...further amendments? We have...

SECRETARY:

Amendment No. 2 offered by Senator Netsch.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Amendment No. 2 offered by Senator Netsch. Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. This bill is the one that creates an Income Tax Fund into which will be placed part of the monthly receipts from the individual and corporate income tax so that it will be...the money will be there and available for paying refunds as they are certified to be...do. It will accomplish several things, all of which are highly desirable and, if I'm not mistaken, by now I may have fifty-eight cosponsors on the bill. This particular amendment was drafted by the Bureau of the Budget. The only change that we made in it was to revise the figures of the amount from the individual and corporate tax that will be set aside every month; for the individual, it will be six percent of the receipts; for corporate, eighteen percent because that tracked...more nearly the estimated liability to be due for this first fiscal year when the bill will be in effect. That number will be revised on an annual basis on a formula that is built into it. I think there probably are one or two things that may still need to be discussed and addressed as

the bill makes its way through the process of the House, but it is in reasonably good shape and it certainly, basically does that...that which we all would like to have done which is to get the whole income tax refund problem off of our backs and out of the budgetary picture. So, with that explanation, I would move the adoption of Amendment No. 2 to Senate Bill 1562.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, Senator Netsch has moved the adoption of Amendment No. 2 to Senate Bill 1652...sorry,...1562. 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. I'm sorry. 1615. Senator Welch seeks leave of the Body to return Senate Bill 615 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bill 2nd Reading is Senate Bill 1615, Madam Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Welch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank...thank you, Mr. President. What this amendment does is it includes language that is in federal Statute for an exemption for foreclosure situations so that when a bank or savings and loan forecloses on a piece of property they don't thereby run into the problem of assuming all of the debt for the cleanup because they took back property in which they had a mortgage. I'd be glad to try to answer any questions.

SB 1622
Recalled

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, Senator Welch has moved the adoption of Amendment No. 2 to Senate Bill 1615. 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. Senate Bill 1622, Senator...Senator Topinka seeks leave of the Body to return Senate Bill 1622 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 1622, Madam Secretary.

SECRETARY:

Amendment No. 3 offered by Senator Savickas.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, Amendment No. 2 would require that all motor vehicles operating in this state be required to have a windshield. At this point, technically, motor vehicles are currently required to have windshield wipers but not windshields and...we checked it out with the State Police and with DOT and they're in favor of this amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Savickas has moved the adoption of Amendment No. 3 to Senate Bill 1622. If not, those in favor will indicate by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 3 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Senate Bill 1625. Senator Karpel seeks

SB 1634
Recalled

leave of the...leave of the Body to return Senate Bill 1625 to the Order of 2nd Reading for the purpose of amendment. Is leave granted? Leave is granted. Senate...Madam Secretary...all right, for the purpose of Tabling the amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senator Karpziel.

SENATOR KARPIEL:

Yes, thank you, Mr. President. I just move to Table...the House Amendment No. 1 that we put on the other day. That amendment made the bill apply statewide, and since then there have been...there's been a change of heart on the...part of the committee members and they would like that removed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Karpziel has moved to Table Committee Amendment No. 1 to Senate Bill 1622. 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. Further committee amendments?

SECRETARY:

No further...

PRESIDING OFFICER: (SENATOR DEMUZIO)

...amendments from the Floor?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SECRETARY:

Amendment No. 4 offered by Senator Vadalabene.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members...of Senate. Amendment No. 4 to Senate Bill 1634 is being sought by the Bistate Transit and it applies only to Bistate. Reciprocity action by the Missouri Legislature is not needed since the amendment does not amend the compact. The amendment is necessary to Bistate so they can accommodate their new buses to a system of lights which allows them to indicate the route, destination and nature of the service. Red lights or oscillating lights would not be permitted, and I would move to...its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Vadalabene has moved the adoption of...of Amendment No. 4 to Senate Bill 1634. Is there discussion? If not, those in favor will indicate by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 4 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR MACDONALD:

Next bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right...I'm sorry. Senator Macdonald seeks leave of the Body to return Senate Bill 1669 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 1669, Madam Secretary.

SECRETARY:

Amendment No. 3 offered by Senator Macdonald.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Macdonald.

SENATOR MACDONALD:

Yes, I...we will have to, first of all, Table Amendment No. 2 which was a Floor amendment. I...I thought it was a...No. 1...Floor Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Macdonald.

SENATOR MACDONALD:

Yes, it...we will have to Table Amendment No. 1, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Macdonald, having voted on the prevailing side, moves to reconsider the vote by which Amendment No. 1 was adopted. Discussion? Those in favor will indicate by saying Aye. Opposed Nay. The Ayes have it. The vote...is reconsidered. Senator Macdonald now moves to Table Amendment No. 1 to Senate Bill 1669. Discussion? If not, those in favor will indicate by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is Tabled. Further amendments?

SECRETARY:

Amendment No. 3 offered by Senator Macdonald.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. Amendment No. 3 substantially narrows the bill. It prohibits the request, requirement or disclosure of the social security number of another as a condition of any contract, agreement or provision or supply of any product or service unless specifically authorized or required by any federal, state or other governmental law, Statute, ordinance, rule or regulation. Makes the bill perspective only and it does not forbid the disclosure of social security numbers already obtained prior to the Act's

effective date. It delays the effective date for eighteen months, so it will not become effective until January 1st, 1990.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Macdonald has moved the adoption of Amendment No. 3 to Senate Bill 1669. Is there discussion? Senator...Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. A question of the sponsor, if he'll yield.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, one of the objections I heard to the bill after it got out of committee was the fact that many, many private businesses use social security numbers as a means of identification for a wide variety of purposes, including insurance benefits and insurance claims and a lot of other things. Will the amendment make it possible to continue those same systems or is it going to be possible that...that many of those companies and hospitals and the like are going to have to change their systems as a result of this bill?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Macdonald.

SENATOR MACDONALD:

After eighteen months all...all new social security numbers will...will not be in effect.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

...do you know that...whether or not the business community has a position on...on your bill or on your amendment?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Macdonald.

SB 1839
Received
SB 1840
Received

SENATOR MACDONALD:

I don't know what their position is on my amendment. I know that many of them are...are very much opposed to my bill, but I have not heard from them on the amendment. This does narrow the bill down substantially, but I certainly have not heard any support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, Senator Macdonald moves the adoption of Amendment No. 3 to Senate Bill 1669. Those in favor will vote Aye...or signify by saying Aye. Those opposed Nay. Those...the Ayes have it. Amendment No. 3 is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. Senate Bill 1839, Senator Berman. Senator Berman...Senator Berman seeks leave of the Body to return Senate Bill 1839 back to the Order of 2nd Reading for the purpose an amendment. Hearing no objection, leave is granted. Senator Berman.

SECRETARY:

Amendment No. 1...

SENATOR BERMAN:

Thank...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

...thank you, Mr. President. Ladies and gentlemen, Senate Bill 1839 and the following bill, 1840...1839 was the vehicle for the Democratic proposal regarding Chicago school reform. Senate Bill 1840 is the vehicle bill for a formula...any formula changes in the School Aid Formula. We had brought out a proposal regarding Chicago reform and presented it to the Democratic Caucus last night. That's a very impor-

tant issue, something that concerns each of us, and I have filed with the Secretary a motion to extend the consideration on Senate Bill 1839 and Senate Bill 1840 until June 2nd, which will be two weeks from today. For your information, the House has done the same thing, so it'll be my request of this Body to entertain a motion to extend the deadlines on Senate Bills 1839 and 1840 until June 2, 1988.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Is there discussion? If not, those in favor indicate...indicate...Senator Kustra.

SENATOR KUSTRA:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR KUSTRA:

Senator Berman, you did check with me on what you intended to do as far as 1839 is concerned. I...I wonder if you could explain the need to do that with 1840.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

In order to be fair, there have been some issues raised on my side of the aisle and I even heard some issues raised on your side of the aisle as to changes in the School Aid Formula. If they're on the Table, I think it's only fair to keep the formula shell available here also, and that's the reason why the motion applies to both of them.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? If not, those in favor of the motion signify by saying Aye. Those opposed. The Ayes have it. The motion carries. Senate Bills 1839 and 1840 will be continued until June 2nd, 1988. On the Order of...Senator Marovitz seeks leave of the Body to return Senate Bill 1798 back to the Order of 2nd Reading for the purpose of amend-

ment. Hearing no objection, leave is granted. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1798...(machine cutoff)...No. 2 offered by Senator Marovitz.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President. Having voted on the prevailing side of the vote by which Amendment No...is it 2, Madam Secretary? Amendment No...you have two up there. I'm not sure what...Amendment No. 1 was adopted. I would move to reconsider that vote for the purpose of Tabling the amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion of Senator Marovitz. Having voted on the prevailing side, he wishes to reconsider the vote by which Amendment No.1 was adopted. Hearing no objection, the motion carries. On the reconsideration, Senator Marovitz now moves to Table Amendment No. 1 to Senate Bill 1798. Hearing no objection, leave is granted. Madam Secretary, any further amendments?

SECRETARY:

Amendment No. 2 offered by Senator Marovitz.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much. This is a replacement for Amendment No. 1 which was incorrectly drafted, and there is no difference in the explanation that I gave yesterday on the paint pellet guns. We're still allowing the paint pellets to be shot at the tournaments and the fields where they are played as long as they're dismantled when they go back home. No change whatsoever in the explanation. Any reference to

replicas is taken out. I spoke to the National Rifle Association yesterday morning, they're totally supportive of the amendment and now supportive of the bill. Ask for your adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

...Senator, I'm just looking at this for the first time. Can you...explain if you could the change between this amendment and the previous amendment that was just Tabled?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

The amendment that was originally drafted was very broad and it...would allow...if you...if you invited somebody over for dinner and said, come on over for dinner and they brought the gun with them, they could bring the gun with them in...in a dismantled fashion and...and put it together and shoot the gun all over your house...as an invitee to your house. We took that invitee language out so that this still...still allows people to play on the fields and tournaments, as I explained yesterday.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Apparently there's something in this new amendment about a...a supervised playing field. Are those words defined anywhere? What...what is the degree of supervision that would be required?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

It's not defined anywhere, it's exact same language that...was in the amendment yesterday.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Is there...is there any change between the prior amendment and this amendment as to whether possession of a...of a paint gun by a minor is permitted?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

No change whatsoever from yesterday's amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

I...I thought I was told...maybe incorrectly or if we could get it straight, I...I thought I was told that the prior amendment prohibited possession by a minor but this...this would permit it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

Sale or purchase is not allowed but possession in a dismantled fashion is all right, as was yesterday.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? If not, Senator Marovitz has moved the adoption of Amendment No. 2 to Senate Bill 1798. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. Senate Bill 1843. Senator Degnan seeks leave of the Body to return Senate Bill 1843 back to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. Read the bill, Madam Secre-

tary.

SECRETARY:

Amendment No. 2 offered by Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate, Amendment No. 2 to Senate Bill 1843 gets back into flood control and does some changes in the bill, bringing it back up to snuff from what it was from the task force recommendations that we had here in the Senate. There were some changes made in the House and it does have some substantive language as well to accommodate problems which have come up subsequent to the bill being passed. First of all, it does allow that all nondisaster counties continue to keep the same language of front-door referenda. It...in disaster area counties, it does create a back-door referendum for an additional twenty percent one-year tax for...let's see...one-year tax...after a passage of the levy ordinance by the county board, then there'd be a thirty-day waiting period for...filing a petition and...the usual back-door referenda things. Then, we go down to Chapman and Cuttler had suggested some clean-up language and that's necessary to activate the IDFA low-interest flood control loan program, because without it no municipality or sanitary district would be eligible for the loans. Then we get to provisions for selecting storm water management planning board committees. Then it also has criteria for IDFA loans which is loosened so that we do allow an appointive process. Also, it includes Cook County because it drops the language which excluded counties over 1.5 million in population in the storm water provisions. Any plan that would be adopted by Cook County would have to be approved by the Metropolitan Sanitary District, and I would ask for your support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, Senator Topinka moves the

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adoption of Amendment No. 2 to Senate Bill 1843. Those in favor will vote...will signify by saying Aye. Those opposed Nay. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. Senate Bill 1860. Senator Welch seeks leave of the Body to return Senate Bill 1860 back to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. Madam Secretary.

SECRETARY:

I believe that amendment has been withdrawn.

PRESIDING OFFICER: (SENATOR SAVICKAS)

It was withdrawn. Any further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. Senator Netsch seeks leave of the Body to return Senate Bill 1862 back to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. Madam Secretary.

SECRETARY:

Amendment No. 4 offered by Senator Netsch.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I might at the outset point out to some of you who have a list of amendments that will be offered to this bill that the numbers won't track because we forgot about the fact that everything has to be renumbered. We had three committee amendments which were Tabled and so we are starting all over again. The first amendment that I will offer is Committee Amendment No...is what used to be Commit-

tee Amendment No. 1, now Amendment No. 4 to Senate Bill 1862. This is an amendment that was prepared by the Department of Revenue. It is technical and we are assured makes no substantive change. I would...it has been corrected, by the way, from last...from yesterday's version which were...again were just technical corrections. I would move the adoption of Amendment No. 4 to Senate Bill 1862.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Is there any discussion? If not, Senator Netsch moves the adoption of Amendment No. 4 to Senate Bill 1862. Those in favor signify by saying Aye. Those opposed. The Ayes have it. Amendment No. 4 is adopted. Further amendments?

SECRETARY:

Amendment No. 5 offered by Senator Netsch.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Amendment No. 5 is what formerly was Committee Amendment No. 2. It is substantive and it does the following things. One, in the original version of Senate Bill 1862, a cap was placed on the authority of home rule units to impose a general sales tax. This amendment, first of all, eliminates that cap so that a home rule unit may impose a sales tax at any rate that it chooses although it must still be in quarter percent increments. Secondly, in part as a trade-off for the removal of the cap, food and medicine have been removed from the home rule sales tax base just as they are currently removed from the state sales tax base. Third, the retailer's fee for collection of the various sales taxes was increased from 1.6 to 1.75 which...I am told better tracks the actual costs of administering on their part; and, finally,...let's see, I think it's in here...no, that is...those are all of the substantive

amendments that are incorporated in Amendment No. 5 to Senate Bill 1862.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, Senator Netsch moves the adoption of Amendment No. 5 to Senate Bill...1862. Those in favor will indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 5 is adopted. Further amendments?

SECRETARY:

Amendment No. 6 offered by Senator Netsch.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Amendment No. 6 is what formerly was Committee Amendment No. 3. This is the so-called Rockford amendment. It was put on the bill at the request of the City of Rockford and specifically its representative here, Senator Holmberg. It relates to the fact that Rockford, although the second largest city in Illinois, no longer is a home rule city and this is...which actually reenacts existing law, allows Rockford to impose a half percent sales tax for...infrastructure purposes subject to, as I recall, referendum. It is really something they are already authorized to do and it simply reincorporates it into this basic bill. I would move the adoption of Amendment No. 6.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, Senator Netsch moves the adoption of Amendment No. 6 to Senate Bill 1862. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 6 is adopted. Further amendments?

SECRETARY:

Amendment No. 7 offered by Senators Luft, Hawkinson and Severns.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Amendment No. 7 is designed to deal with big ticket item sales, specifically, I guess, if you want to talk about automobiles and it is attempting to maintain the level playing field for home rule municipalities. What we're doing with this amendment is saying that the sales tax that's imposed on an automobile will be opposed...imposed at the rate in the municipality where the car will be licensed or titled, and I'll give you a small example. Let's assume that a resident of Springfield will buy a car in Sherman, Illinois. You would...in Sherman...and Springfield had a rate of seven and a quarter and Sherman had a rate of six and a quarter. If you were going to Sherman to buy the car, you would be imposed a rate of seven and a quarter; Sherman, the municipality, would keep six and a quarter and the one percent home rule tax would go back to the City of Springfield. Consequently, if you were a resident of...I mean, a resident of Sherman coming to Springfield, you would pay the tax imposed in Sherman which would be six and quarter percent which would then be returned to that town. I'll try to answer any questions; if not, I would move for the adoption of Amendment No. 7 to Senate Bill 1862.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, Senator Luft moves the adoption of Amendment No. 7 to Senate Bill 1862. Those in favor indicate by saying Aye. Those opposed. The Ayes have it...the Ayes have it. Amendment No. 7 is adopted. Further amendments?

SECRETARY:

Amendment No. 8 offered by Senators Netsch, Luft, Hawkinson, Holmberg and Rigney.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Number 8, ...I...I...incidentally, I was supposed to have said on the prior amendment, Senator Luft, and I forgot to state for the record, that the Department of Revenue does not like that amendment because it does recast the base for the tax but they are willing to let it...to live with it for the moment and hope still to find a better way to accomplish your purpose, for the record. Now, Amendment No. 8 is the one that deals with the...the scope of preemption and the...that which will not be preempted and is, obviously, one of the key amendments to Senate Bill 1862. If I might describe it basically. What it says...and this is a...a...narrative description first rather than the exact language. What it says is this, that when this uniform state collected tax is imposed and in place, which we hope it will be through Senate Bill 1862, home rule units will not be permitted to impose a general sales tax except as authorized in this context, and as I indicated,...they are, indeed, permitted to do it but have...must do it in quarter percent increments and food and medicine is removed from that base and I will return to a...or attempt to deal with that problem. The...what it also says is that there are certain kinds of taxes that we do not preempt, we never intended to preempt and we are trying to make absolutely clear in this context were not preempted; and, for example, if you will look at the language, "This section is not intended to preempt any home rule tax imposed such as the following; a tax based on alcoholic content, a tax based on the number of units of cigarette...cigarettes, a tax based on the use of a hotel or motel room, a transaction tax on real estate transfers, a tax based on lease receipts," and critically for some of your communities, "a tax on food prepared for immediate consumption and on alcoholic beverages sold by a business which provides for on-premise consumption of food and alcoholic beverages provided that the home rule

unit imposing the tax had a tax in effect on or before January 15th, 1988." What this says is that any of your communities, such as Schaumburg, for example, which had what I will generically call a restaurant tax, although that is not a totally accurate term, in effect on...in January of this year will be allowed to continue such taxes. I think that is extremely important to some of your communities which felt they had to rely...a right to rely on that and they will be permitted to continue. So, again, to describe it, what we are saying is that we are doing some preemption of home rule taxing authority in this bill. Essentially what we are saying is you can't do a general sales tax and you cannot do a gross receipts tax that involves tangible personal property that is not excepted, that's E-X excepted, within one of the categories that I have just described. It is some preemption but it is not nearly the kind of preemption that everyone thought was taking place in this bill. It has been considerably compromised in that respect. I would be happy to answer questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President and members. Senator Netsch, you may have commented on this and I perhaps didn't hear you, but on those...on the provision where we grandfather the home rule units in, those who already have in...in place the tax, and if they're...if they're below the one percent level, are they still permitted to go to the one percent level or are they locked in at the level that they are at now?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch. Senator Netsch.

SENATOR NETSCH:

No, a home rule unit may impose a general sales tax at any rate so...whether or not they have one in effect at the

present time so long as it is in quarter percent increments and does not include food and medicine in that general sales tax base. That is the general sales tax. The grandfathering, you used the expression, that is incorporated in this amendment has to do with those that are already imposing taxes that are not general sales taxes but are taxes basically on restaurant food.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Yeah, you...that wasn't exactly the question that I...I was talking about those that had imposed that...that sales tax on...on food and the answer is, yes, they...they...they can raise it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Yes, there is nothing in this language which prohibits them from amending their...their...as of January '88 ordinances; in fact, a few of them may actually have to do some amending in order to make it clear that what they are imposing is the kind of tax that is authorized in here. There are a few communities that, I think, went a little bit haywire in terms of...what they purported to be taxing on prepared food.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Would the Senate...would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

She indicates she will.

SENATOR GEO-KARIS:

I notice there are about eight amendments to this bill. Do you have any amendment...have you had any amendment

approved by the Illinois Municipal League?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

I don't submit my amendments for approval to anyone, Senator, and most particularly because I've had a great deal of difficulty with trying to get an appropriate scope for preemption and nonpreemption from the municipalities. I would tell you that I think there are several of these amendments that they will be very happy with and some others that perhaps they ought to be happy with but may not be, and I am sure there are others that they would like to have which I am not offering.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I understand that the Municipal League did submit an amendment to you. Have you honored that amendment?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Well, on several occasions within the last few days, I've gotten, you know, maybe seven different amendments. I...you would have to be more specific.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, I think that...Mr. President and Ladies and Gentlemen of the Senate, before we vote on this bill, after...whatever amendments go on, I think we should have a complete copy and analysis of all these amendments because I can tell you right now the only amendment I have on my desk is one from your...on your bill and I see there's about eight already.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hall.

SENATOR HALL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

She indicates she will.

SENATOR HALL:

Senator Netsch, I have two home rule cities in my district and I know Senator Sam Vadalabene has two in his. I would certainly like to...if you can give us some breakouts on some of these things, how it will affect it us.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Well, I...I need to know what home rule units you're talking about and what any of their local taxes are right now. One of the reasons why that is a difficult question to answer is, most everything that the existing home rule units tax right now, they will be able to continue to tax with one major exception and that is those that have put food and medicine in their general sales tax base and that will be preempted but not preempted for a period of time, and I will get to that amendment very shortly. You have to offset anything that they might be losing and they lose, really, only if they are in that category with the amount that all cities in the state will be receiving because we will be collecting about...we think sixty-five to seventy-five million dollars of additional use tax money which will be redistributed through the equivalent of the Local Government Distributive Fund. So...you know, your cities are going to be getting some money they absolutely do not get now. They will be losing only, really, if they have food and medicine in their sales tax base and I don't know whether...what communities you're talking about.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hall.

SENATOR HALL:

Well, one city of mine has...a very serious problem...this, 'cause the city fathers have already in the utility tax made a...a...a deal with some unit for the year two thousand and something...how is that going to affect that?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

We don't affect the utility tax because it is not considered a...an available home rule tax. As I recall and remember, the Illinois Supreme Court decision that came out of...I think it was a Waukegan case...involved several other communities that were imposing a utility tax, the court decided, paren., I...incorrectly, I think, but that's beside the point, but the court decided that they...they could not impose those forms of utility taxes in the form in which they purported to be doing it, and so the only utility taxes that municipalities, home rule or otherwise, can...can do right now is as authorized in the Utility Act. So, we aren't really doing anything one way or the other with the utility tax is the short answer.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hall.

SENATOR HALL:

Just one other thing, that as you get to them, we'll get a copy anyway and...you're going to start out soon, right? You...you're going to be starting on...on these right now? Is that when your getting ready...so, if anything affects our particular area that we can check with you. That's all I wanted to know. I just want to keep up with what's going on on this. Okay.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President. Senator Netsch, as Senator Hall has indicated, I have two home rule cities in my district and would you supply me in regards to Granite City and with...with the City of Alton...how much they would gain and how much they would lose and give me that information...at some other time?

PRESIDING OFFICER: (SENATOR SAVICKAS)

She indicates she will.

SENATOR VADALABENE:

Now, I...I have another question. I sponsored along with Senator Watson a one-cent sales tax for the...for Collinsville to be adopted by the...by the council...the council of City of...of Collinsville for a one-cent sales tax in the proximity of the...of the...a new Collinsville convention center for its construction and operation. How will that affect the...this building which has been adopted by the City of Collinsville...this proposal and...not has started yet?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

I am informed by the Department of Revenue that apart from the grandfathering clause here that the Collinsville project is not affected by what we are doing at all. I will get a precise reason why it is not. I think it has to do with the form in which that was enacted and the form in which Collinsville proceeded, but I am told by the Department of Revenue that that project is not affected at all.

PRESIDING OFFICER: (SENATOR SAVICKAS)

There further discussion? If not, Senator Netsch moves the adoption of Amendment No. 8 to Senate Bill 1862. Those in favor indicate by saying Aye. Those opposed. The Ayes have

it. The motion carries. Further amendments?

SECRETARY:

Amendment No. 9 offered by Senator Netsch.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Amendment No. 9 resulted from some objections that were raised primarily by the Illinois Manufacturers' Association and have to do with that part of Senate Bill 1862 which addresses the service occupation tax. As some members may know, we had a very strange service occupation tax under which the...the amount of the tax was measured by the cost price to the seller, something that was very difficult for anyone to follow, track, understand or, we sometimes suspect, collect and it drove everyone wild who was involved with it, so we changed the whole structure of the service occupation tax and basically it is now a "retail tax" like any other retail tax. The seller has two options. The seller can divide, that is, separate out the labor cost from the cost of the material and if the seller does that, the sales tax will be...and if the seller does that, the tax would be imposed only on the cost of...on the retail price of the material, not on the labor itself. If the seller does not separate out the two, then the sales tax would be imposed on the entire retail price. The Manufactures' Association said that for some of their members who are purchasers of large pieces of equipment and other things that that could involve some substantial amount of...of additional tax liability. While we may or may not agree with that, in any event, it was a...a legitimate question to raise and we have addressed it in the following way. Where a seller does not separate out the cost of the materials from the labor cost, that is, charges only on the total...retail price, the tax will be imposed at the rate of fifty percent of that selling

price. That will cut back somewhat on what might otherwise be a fairly large jolt in the tax liability. I think it is a reasonable, responsible resolution of their concern and I'm happy to move Amendment No. 9 to Senate Bill 1862.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, those in favor of the adoption of Amendment No. 9 signify by saying Aye. Those opposed. The Ayes have it. Amendment No. 9 is adopted. Further amendments?

SECRETARY:

Amendment No. 10 offered by Senator Netsch.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Yes, Amendment No. 10 was just recently requested by the Bureau of the Budget. It is a mechanical, procedural amendment, not a substantive one, but it does have some...substantive impact for the city which is very desirable. It is going...it provides that...for direct deposit of the local portion of the sales tax money into the local funds, that supposedly is current practice, but what it will ensure is that the local governments will receive the interest on their portion of the sales tax that is being collected by the state, and this affects the one and a quarter percent that the state will be collecting as part of the state tax but which will be returned to the cities and counties. One of the complaints I had heard from the Municipal League and some of the municipalities was that would be losing their interest on their collections and their receipts; that is no longer true, they will be receiving interest as a result of this amendment. I would move the adoption of Amendment No. 10 to Senate Bill 1862.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, Senator Netsch moves the

adoption of Amendment No. 10 to Senate Bill 1862. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 10 is adopted. Further amendments?

SECRETARY:

Amendment No. 11 offered by Senator Netsch.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Amendment No. 11 also has very considerable substantive impact. What it does is simple on the surface. It delays the effective date of this entire package until July 1, 1990. Now, that does two things; one, it provides, actually, ample time and probably more than they need for the Department of Revenue to gear up and get their equipment and personnel in shape to administer the changes that are reflected in Senate Bill 1862, but it has one major substantive purpose. It is true that we are removing from home rule units the authority to include food and medicine in their home rule tax base, their general tax base. For those eight communities that currently have food and medicine, there is no question that that is a financial wrench. What we have done is, in effect, grandfather in the food and medicine into their sales tax base for a period of two years and that will, we hope, allow them to look at some of their options and make some accommodation. Now, I do not expect that this is going to make all of those eight communities wildly happy. I...I understand that, but what it does say is that it is extremely important to us to try to get food and medicine out of that sales tax base to the extent humanly possible. Almost all of you eight cities do have some options, we are giving you two years and, obviously, all of the help and advice and technical assistance that you want to attempt to find some options. For example, one community has a three-quarters percent general sales tax that includes food

and medicine. It is entirely possible for that community...it seems to me it's even a good deal for its residents at least, to add the other quarter percent once the food and medicine part comes out of the sales tax base. That for most communities would be substantially a wash and, obviously, it would be very popular with the residents of that community. So, that there are options available to a number of communities, this gives all eight of them two years in which to look the situation over and make some adjustment. A very important amendment and I would move the adoption of Amendment No. 11 to Senate Bill 1862.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, Senator Netsch moves the adoption of Amendment No. 11 to Senate Bill 1862. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 11 is adopted. Further amendments?

SECRETARY:

Amendment No. 12 offered by Senators Demuzio and Schaffer.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. The amendment that Senator Schaffer and I are offering does provide a mechanism for utilizing some of the money...the portion of the additional revenues...the use tax revenues for the revenue stream to create a...or to increase the Build Illinois Bonds for grants to noncompliance communities and for bonds to capitalize the state's portion of the revolving loan program. You know, we have several communities...as a matter of fact, every member of the...of the General Assembly, I think, with the exception of two members in this Body today have communities that are...that are under noncompliance with...and face the July

1st deadline. What this proposal would do is that a revenue stream for the bonds for the waste water treatment would result by depositing twenty percent of the total use tax collections into a special fund for distribution to local governments in the following manner; twenty percent to the City of Chicago which would be its full entitlement, ten percent to the Regional Transportation Authority for its full entitlement, a direct deposit of...of specified amounts monthly into a Build Illinois Fund ranging from 16.2 million...that would increase to 37.8 million, increasing the amounts...the remaining amounts would go to the local governments via the Local Government Distributive Fund. Now this is purported to raise somewhere in the area of around sixty to sixty-five million. About forty-five million of that would go to fund this program and not any of the money for the city would be...would be...would be touched, but what it would do is that it would provide for enough money to fund a three hundred and seventy million dollar waste water treatment program, three hundred million dollars for seventy percent grants to the two hundred and thirty-six communities in Illinois that need money and seventy million dollars for the revolving loan program. I would yield to Senator Schaffer but I...I think this is a good amendment that practically every member of the Legislature could support because we're all in a very serious problem and...not only this year but in years to come, they're going to be back here looking for money again if we don't do something this year. I would move adoption of Amendment No. 12.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. I guess...I rise in strong opposition to this amendment. I...I think that Vince is absolutely correct that we have to fund the waste water

treatment. I joined him in that bill and I think we should try to find some state monies to use for that. Now without getting into a wholesale argument as to whose money we're using to do what here, I have a distinct problem with the fact that Moline, Illinois is going to pay for a waste water treatment project in Mt. Zion. I have a distinct problem with that. We have twelve hundred and seventy-six communities in this state of which only eighty are home rule. We're...paying an awful lot of attention to home rule here and I happen to be one of those districts that has a great number of the...those on the endangered...on the hit list for the waste water treatment plants. We're... we're many of two hundred and twenty-six. I think it's a great idea to...to come up with the money. I have...another problem with the bill. All of a sudden now, also, if you have a number of districts...or if your district does not have any mass transit districts in it, you're going to now be funding mass transit districts with this money. It's in the bill. As we indicated, starts off pretty neat, it's only a million and a half, two million dollars. All of a sudden then by Fiscal Year 1993, we're at thirty-eight million dollars a year that we are taking away from our municipalities. It's their money. Now we can argue that it's a new tax, we're going to bring in more money so, therefore, this should happen or that should happen, but I know I sold this argument...or I sold this bill to my constituents and my mayors sold it back to me because they all felt they were going to get more money. Now, if I go back and tell them that we've changed all the rules in the middle of the stream and no longer are you going to get this money, they're going to tell me they don't want the damned bill either. So, I think we're in a position to where the idea is noble, it's a great idea, but it's a terrible amendment and ask that you oppose this amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I have one question I would like the sponsor and then I want to make a comment about it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR NETSCH:

As I...thank you. As I glance through the amendment, it seems to me that you have changed the effective date throughout to...to July 1, 1989. If that is correct, not only does it allow the Department of Revenue and others less time to get ready for the bill, but it also considerably reduces the time period available to those home rule communities that have food and medicine in their sales tax base to...to make some adjustment. Am I reading the bill correctly that all of the dates are changed from...from 1990 to 1989?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Senator Netsch, I would point out...go to page 9, the very last page, and...and what we have done is it makes the home rule preemption effective in 1990 and the other provisions of the Act in 1989...lines 6 through 9.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Well, I...I don't have time to track that in every section at the moment. I will more or less take your word for it, although it does not appear from reading this language that that's what it does, because what it says is that every place 1990 appears, change it to 1989; but assuming that you have correctly done that, then let me just make a comment on the merits, and...and I do rise in opposition and it's kind of sad to have to do that because I feel

that...just as strongly as anyone else in here that we, the state, have an obligation to help those communities meet their costs under the federal mandates and generally meet their costs; in fact, I suggested on a number of occasions that this would have been a highly appropriate use of Build Illinois instead of some of the garbage that we did put into the Build Illinois Program and I wish we had done that when we had the opportunity. So, my...my concern is not about that program. I agree, we absolutely must find a way to fund it. What I would like to repeat, and I'm glad that...that Senator Jacobs, who is a former mayor, made this point also, is that I feel it is a breach of faith with all of our communities throughout the State of Illinois if we take the extra money that we will be getting through use tax collections from the one and a quarter percent and put it into a special program that admittedly a number of cities need, some immediately, some perhaps over a long period of time, some have already funded themselves from other sources, if we take that money and...and use it for a particular purpose rather than doing what we have said right from the beginning to the communities is that we are going to ask you to give up a little bit of your home rule power but what we are telling you is that in return you are going to get...nice bunch of money that you never expected and that is the use tax money and we think that is right because you are the ones...you, the cities, are the ones who have taken the hit from the reductions in federal aid, it is you who lost general revenue sharing and a number of other sources of funding. We, the state, have an obligation to help our cities and many of us saw this bill not only as a good bill in terms of sales tax cleanup but also as one of the few ways to get some general unrestricted money back to the cities for which we have a responsibility. I think it is a breach of faith with those cities if we now earmark this money for a special purpose,

admittedly an important purpose but for a special purpose,
and I, for one, strongly oppose the amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Mahar.

END OF REEL

REEL #4

SENATOR MAHAR:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

Indicates he will.

SENATOR MAHAR:

It's my understanding that the revenue for the program is...is the...that revenue which is the savings which normally was going to the...to the communities as Senator Netsch indicated. I'm wondering, after the two hundred and twenty-six communities are in compliance, where does that money go?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Well, that...that's the interesting...intriguing part and the good part I think about this proposal is that not only will it...will take care of seventy percent grant programs for the two hundred and thirty-six communities that are involved, which as a matter of public policy we have done to every other community in Illinois, Moline and every other community got...got at least a seventy percent grant from either the...through federal or state money, but this would be...in addition to that, we would have the revolving loan program which a seventy million dollar state GO Bond authorization would trigger three hundred and fifty million dollars of federal money for all of those communities in addition to the two hundred and thirty-six that need additional money for repair or for other...noncompliance problems that they are in, but then, in addition to that, it would stay into

this...this...this fund and would, in...in essence, create in excess of a two billion dollar additional program in toto for all other communities perpetually.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. I rise in strong objection to this amendment. It seems that we are tying into a fairly agreed process a whole new idea. I, too, am a sponsor on the waste water treatment bill and am seeking a way for us to help all of those communities that are truly in need, but to take money away from some communities in order to help others does not seem correct. I belong to one of those very unusual communities that when we have a problem we have a referendum and we take care of it. We have done it time and time again and have taken care of our own particular needs. None of the communities that I represent would receive any of the benefits from this amendment and, therefore, I am strongly opposed to the diminished resources that we would be gaining from the sales tax revision in order to do this.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. I'd like to make a point to the membership that I...I think I'm right, I hope I'm right, this sixty-five or sixty or seventy million dollars, whatever figure it is, that will be generated from sales outside the State of Illinois and go into the Local Government Distributive Fund is not only distributed to municipalities but it's also distributed to unincorporated areas and counties. So, those of you in rural areas better listen...or represent rural areas better listen very closely because not...only are you asking your municipalities to give up a percent of the revenue that they have coming to them on the basis that they

may get it for a sewer project, but you're also asking your counties and unincorporated areas to give up a percent of their money that they never will get back because they're not on a hit list, they're not going to get any sewers. So, this amendment could be very detrimental to this whole program and I think we should defeat the amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, members of the Senate, I rise in strong support of this and if I could I'd...I'd like to respectfully talk a little bit about how we got in this particular mess. A number of years ago our friends at the federal level decided to end the seventy-five/twenty-five percent program for sewer plants thereby leaving all of us across the country high and dry or maybe not too dry as the case may be. Our municipalities...and I...I somewhat chuckle at the comment made earlier about doing it by referendum, it's a lot...easy to do it by referendum when the feds pick up seventy-five percent. Well, those days are over. We, Senator Demuzio and I, have been involved in the small summit or whatever you want to call it on this problem for a couple of years, and I'm happy to report to you that we figured out how to spend the money at the first meeting. We didn't find out...figure out how to raise the money until this idea came along. I don't happen to have, to the best of my knowledge, any of the two hundred and thirty-six communities that are directly on the chopping block July 1, I'm thankful for that, but I do have a number of communities and it doesn't...that I think...doesn't take a whole lot of intellect to figure out are going to be having problems. One of my communities is looking at a problem a couple of years down the road in talking about a fee on each home between seventy-five and a hundred dollars a month for water and sewer just to pick up

the plan...the...the cost of the new plant they're going to have to replace because the old plant is failing and failing badly. I think it's a very unusual municipality that isn't going to be staring at this kind of problem somewhere in the foreseeable future. I've talked to several of my mayors who are not on the two hundred and thirty-six list. I've explained the options to them and they liked this option. They liked this option a lot better than the small amount of money they would additionally be getting. Please bear in mind, they're still going to get some money they never expected that they didn't three weeks ago even know about, they're still going to be getting that money. One other thing that I think is very important; July 1, two hundred thirty-six communities of this state start paying fines between one thousand and ten thousand dollars a day because they're out of compliance. Now, I don't realistically expect the State EPA to enforce that to the absolute letter of the law, but my guess is that between July 1 and when we come back either for an emergency Session or if we can last that long in the fall Session, those communities are going to pay out hundreds of thousands of dollars in fines that would be better spent on solving the problem. This is the only show in town. This is it. This is probably the only...vehicle we're we're going to have between now and July 1. I think it's very...unlikely that we're going to pass a new tax for this problem, particularly if we're unwilling to pass any taxes for education and mental health and public aid which seems to be the case at this point in time. So, this is the way to solve the problem. I am somewhat chagrined at my friends in the Municipal League who in essence are saying, give us all this money which we didn't even know about a month ago and then raise other taxes to pay for these other programs. I call that rampant greed and I don't know how else to describe it. This is a good program. It not only

takes care of those two hundred and thirty-six communities that desperately need our help, who were on the list for the seventy-five/twenty-five money before that evaporated. It provides a solid bond program to help each one of our municipalities in the future to avoid having to go to their taxpayers and their homeowners and say, I'm sorry, but for the privilege of flushing your toilet it's going to cost you ninety-five bucks a month. How are the senior citizens going to pay ninety-five bucks a month? Here is a workable plan that can address that problem, a responsible funding stream that can fund the bond program we need to help our municipalities address this problem that the federals have walked away and left us both with. This amendment should go on and this bill should pass.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Tom Dunn.

SENATOR TOM DUNN:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR TOM DUNN:

Senator Demuzio, there's been representations made that certain cities become revenue neutral in this and it doesn't cost them any dollars and some cities gain. I'm wondering...I know you didn't make the representations, but I'm wondering in your discussions what effect this has on those opinions whether or not a particular city will be above or below the line if this money is taken away...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...Senator Demuzio.

SENATOR DEMUZIO:

Well, let me point out that we're not just talking about two hundred and thirty-six communities with a seventy percent grant program of taking care of those commun-

ities...that...that are left because we have taken care of every other community in Illinois this year or over the last several years with federal or state grant monies, but it funds the revolving loan program and provides a source of revenue to match three hundred and fifty million dollars of federal money. That four hundred and twenty some million dollar pot is available for those communities that, other than the two hundred and thirty-six, that need low interest loans for additional repair work or for other kinds of...of work to bring them into compliance as well. They may have been in compliance at one time and have fallen out of compliance, but this would be discretionary with...with the Environmental Protection Agency under their rule making procedure. Grant applications or the applications processed for the loans would be made to EPA and every community in Illinois would be available for...under that criteria to make application.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Dunn.

SENATOR TOM DUNN:

Well, setting...setting aside the...the meritorious position of the cities that have not received that, what...what affect does it have on cities that had no change in the implementation of this bill? Could they lose any money? Do they then become a negative?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Well, I don't understand what you're saying. I...I...I think I do. Let me suggest to you that if...that if we're raising, say, sixty million dollars by virtue of...of this bill, we are utilizing about forty-five million dollars of it for the two categories that I suggested. The balance would still be distributed to local governments, whatever that may

be, so would be a pro rata share. I...I don't know what that would be.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Karpziel.

SENATOR KARPIEL:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

Well, state your point.

SENATOR KARPIEL:

I would like to introduce the Winfield Middle School eighth graders. They're right behind here in the Republican side of the aisle and they're with Joe McHaley, their...and his students.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Would they rise and be recognized. Senator Rigney.

SENATOR RIGNEY:

Well, Mr. President, I'm in support of the amendment that's being proposed here. It kind of puts me at cross-purposes with some of the other sponsors of this bill, but I think, frankly, this is a good idea. I've observed around here through the years that cities are really not very bashful about coming to Springfield with all of their capital needs and asking us to fund them. I think about such things as bicycle paths and civic centers and...and all of the source of projects...the capital projects we've done throughout the length and breadth of this state and now somehow we seem to be unwilling to help some of those communities that really have their back to the...the wall for, I think, a very legitimate need. Obviously, I think we're...one way or another, we're going to have to come up with some money to help with this waste water treatment. I don't think we're going to be able to turn our back on it. Maybe we can turn our back on it today, but believe me, it's...it's going to be

here in a matter of just a few months. So, I think it's...it's wise when we do have this new pot of money that has not been committed in any way that we say that we are going to manage some of that, we're going to channel it, it's all going back to cities, there's not a dime of it that's going into the state's pocket, we're going to give that money back but we're going to direct that money to where some very legitimate needs can be found, and I just hope that my colleagues here are going to give support to this amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. I apologize for talking a second time. I have a problem though, I...I...I'm sitting here listening to how good of a game we talk. We talk a good game, and if I had Senator Hall's wit here on this I could come up with a rhyme for that I'm sure, but the problem we've got is, we sit here and we're good at mandating all of these EPA regulations and we're good at mandating everything upon local municipalities, and then we say that then they come hat in hand and ask for the money. Well, I hope so, we're making them do it. But I just have a problem...I agree that we should...it's not good business to have four hundred and twenty-seven million dollars available to help two hundred and thirty-six towns and, yes, we should find a way to...to come up with our share of that in order to be...be sure that we have four hundred and twenty-seven million dollars; but, my goodness, let's do it, let's have the guts to do it and let's do it straight up, let's not go through the backdoor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Vadalabene. Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. One last plea. Senator Rigney said here we suddenly have this pot of money that is

uncommitted. I would suggest, Senator Rigney, this pot of money was committed from the very beginning. A lot of cities...and I'm not talking about their organized representatives, the Municipal League, I am talking about the cities that are in all of our districts were told from the beginning, you have been losing money from your federal grants, we have been mandating all kinds of things on you, you need some help, we are not going to raise your Distributive Share Fund which it would be nice if we could do, but we have one way here of helping you, and at the price of helping you with some extra use tax money for general purposes, we are asking you to give up some of your home rule authority. We kept saying it's a...it's a trade-off, but...we think in the long-run it's a good one. If we do not let them have that money for general purposes, it seems to me that we have, in fact, taken away some of their home rule authority and not replaced it with anything that they can use. I would urge a No vote on the amendment.

PRESIDENT:

(Machine cutoff)...discussion? Is there any further discussion? Senator Demuzio may close.

SENATOR DEMUZIO:

Well, thank you, Mr. President and Ladies and Gentlemen of the Senate. There are a couple of points I would like to...to reiterate and that is is that the City of Chicago and the RTA receive the same allocation as they would under this waste water financing thing, so they lose nothing. I would also point out when you start issuing the bonds that sixty-three percent of the first year's distribution from local communities will be there. So we are not, in fact, taking all of the money the first year, fifty-three percent the second, thirty-two percent the third, thirty percent the fourth and right on down the line. So, I think it makes a great deal of sense as a matter of public policy to help all

of the communities throughout the State of Illinois, not just the two hundred and thirty-six we've been talking about today but every other community that's going to have to come in and...and need additional money for their waste water treatment program. I would move adoption of Amendment No. 12.

PRESIDENT:

All right, Senator Demuzio has moved the adoption of Amendment No. 12 to Senate Bill 1862. 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 35 Ayes, 20 Nays, none voting Present. Amendment No. 12 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Bottom of page 4, Senator Mahar. All right, with leave, we'll get right back to that. 1965, Senator Luft. On the Order of Senate Bills 3rd Reading, the middle of page 5, is Senate Bill 1965. Senator Luft 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 1965. Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Luft.

PRESIDENT:

Senator Luft.

SENATOR LUFT:

Thank you, Mr...thank you, Mr. President. What Amendment No. 1 does is simply change the number of days which at thirty days to one year, refers to the taxes paid after January 1 of 1982, and changes possession...possession otherwise payable to the affected taxing districts and I'd move for the

adoption of the amendment.

PRESIDENT:

Senator Luft has moved the adoption of Amendment No. 1 to Senate Bill 1965. Any 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. Senator Mahar is back with us. 1875. On the bottom of page 4, on the Order of Senate Bills 3rd Reading is Senate Bill 1875. Senator Mahar 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 1875, Madam Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Topinka, Senator Rock...pardon me, Senator Philip, Hudson, Mahar, Fawell, Etheredge and Raica.

PRESIDENT:

Senator Topinka.

SENATOR TOPINKA:

Mr. President and Ladies and Gentlemen of the Senate, as we all know, there was quite a disaster roughly about ten days ago up in the Village of Hinsdale where all of our phones went down courtesy of a fire to an Illinois Bell switching station up there that has left us all...really in very bad shape. This amendment seeks to keep some of that from never happening again. What it would do, it calls the Illinois Commerce Commission to study the need for providing adequate fire protection and...and an emergency notification system to all telecommunication facilities throughout the state. The study would have to include the feasibility of

*SB 1987
Recalled*

installing fire alarms which are directly connected to the local fire department and also would ask that immediately the Emergency Services and Disaster Agency would be notified in the event of a failure in the telecommunication system so that, indeed, they could be the lead coordinating agency. Upon the completion of this study, then the Commerce Commission may promulgate rules which we would hope and expect them to do and that is the nature of the amendment.

PRESIDENT:

All right. Any discussion? Senator Topinka has moved the adoption of Amendment No. 2 to Senate Bill 1875. 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. Senator Degnan, 1987. On the Order of Senate Bills 3rd Reading, the middle of page 5, is Senate Bill 1987. Senator Degnan 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 1987, Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Degnan.

PRESIDENT:

Senator Degnan.

SENATOR DEGNAN:

Thank...thank you, Mr. President. Senate Bill 1987 deals with the Criminal Code, specifically burglars and home invaders. Amendment No. 1 clarifies the definition of a home invader.

PRESIDENT:

Senator Degnan has moved the adoption of Amendment No. 1

*SB 2002
Recalled*

to Senate Bill 1987. Any 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. 1990 has been withdrawn, I'm told, Senator Degnan. Senator Netsch on 2002. Bottom of page 5, on the Order of Senate Bills 3rd Reading is Senate Bill 2002. Senator Netsch 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 is Senate Bill 2002, Madam Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Netsch.

PRESIDENT:

Senator Netsch on Amendment No. 2.

SENATOR NETSCH:

Thank you, Mr. President. Amendment No. 2 reflects a concern that was expressed by the Illinois Association of Procurement Officers who...who support the bill generally. They were afraid that...that in...it would not always be true that someone would know that they were supposed to certify...having to do with the barring from contracting, and so they asked that we somehow address that issue. And this amendment which requires the state and units of local government to provide...excuse me, appropriate forms for certification and then requires that every bid submitted to a public agency be certified by the contractor...that the contractor is not barred from bidding as a result of any of the provisions of this Act. So it...it shares the responsibility and I think makes it perfectly acceptable to them. I would move the adoption of...what is it, Amendment No. 2 to Senate Bill 2002.

*AB 2010
Recalled*

PRESIDENT:

Senator Netsch has moved the adoption of Amendment No. 2 to Senate Bill 2002. Is there any 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. Senator Geo-Karis on 2010. On the Order of Senate Bills 3rd Reading is Senate Bill 2010. Senator Geo-Karis 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 2010, Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Geo-Karis.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, Amendment No. 1 clarifies exactly what procedures must take place before an environmental...reclamation lien is valid. And in another part, it provides that...it prevents an interference with loans known in the marketplace as the Federal Home Loan Mortgage Corporation. The amendment will exempt residential property and I move the passage of this amendment.

PRESIDENT:

All right. Senator Geo-Karis has moved the adoption of Amendment No. 1 to Senate Bill 2010. Is there any 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:

AB 2123
recall

No further amendments.

PRESIDENT:

3rd reading. Senator Jones on 2052. Bottom of page 5, on the Order of Senate Bills 3rd Reading is Senate Bill 2052. Senator Jones 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 2052, Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Jones.

PRESIDENT:

Senator Jones on Amendment No. 1.

SENATOR JONES:

Yeah, thank you, Mr. President. Amendment No. 1 provides for the accelerated payment of benefits to cover indemnification for long-term care that is ordered by a physician. It's an amendment that's worked out by the industry and the Department of Insurance. I move its adoption.

PRESIDENT:

Senator Jones has moved the adoption of Amendment No. 1 to Senate Bill 2052. Is there any 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. Senator Barkhausen on 2123. Ladies and gentlemen, the middle of page 6, on the Order of Senate...Senate Bills 3rd Reading is Senate Bill 2123. Senator Barkhausen 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 2123, Madam Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Barkhausen.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members of the Senate, this is the amendment that I was presenting yesterday when certain questions were asked by members that hadn't seen the amendment. The...the bill is the securities bill offered by the Secretary of State's Office. This amendment deals with the provisions of the bill and the current law relating to exempt securities, and it allows the Secretary of State's Office by rule or regulation to grant an exemption to...for automated quotation systems or boards of trades which meet certain standards established by the Secretary of State's Office. I now know of no opposition and would ask for its adoption.

PRESIDENT:

All right. Senator Barkhausen has moved the adoption of Amendment No. 2 to Senate Bill 2123. Any 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. On the same page is...on the Order of Senate Bills 3rd Reading is Senate Bill 2127. Senator Barkhausen 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 is Senate Bill 2127, Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Barkhausen.

PRESIDENT:

Senator Barkhausen on Amendment No. 1.

SENATOR BARKHAUSEN:

Mr. President and members, Amendment No. 1 to Senate Bill 2127 provides a method of distributing any monies that might be received from the...the tax on illegal drugs that was imposed by means of legislation enacted last year. To describe quickly the breakdown of how the money would be allocated, it would go thirty percent to the Department of Alcoholism and Substance Abuse, ten percent to the Attorney General's Office which prosecutes tax evasion cases for the Department of Revenue and sixty percent to the Department of Revenue. However, if...if there is an arrest and prosecution as would most frequently be the case, the sixty percent otherwise going to the Department of Revenue would be split thirty percent between participating local law enforcement agencies responsible for the arrest and thirty percent to the local state's attorney's office responsible for bringing the prosecution. I'd be happy to answer any questions and would otherwise ask for its adoption.

PRESIDENT:

Senator Barkhausen has moved the adoption of Amendment No. 1 to Senate Bill 2127. 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. (Machine cutoff)...Jones on 2141. (Machine cutoff)...the Order of Senate Bills 3rd Reading is Senate Bill 2141. Senator Jones 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 2141. Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Topinka.

PRESIDENT:

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate, all this amendment would do would be to extend the life of the technical Task Force on Community Mental Health Services in light of new federal legislation which has an impact on all of this. It would also allow the director of the Bureau of the Budget to appoint a designee to fill in...in his chairmanship should he not be able to make those meetings.

PRESIDENT:

Senator Topinka has moved the adoption of Amendment No. 1 to Senate Bill 2141. 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. (Machine cutoff)...Barkhausen, 2154. Madam Secretary, on...middle of page 6, on the Order of Senate Bills 3rd Reading is Senate Bill 2154. Senator Barkhausen 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 is Senate Bill 2154, Madam Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Barkhausen, pardon me.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, Senate Bill 2154 provides procedures for corporations to petition for a refund of an

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overpayment of franchise taxes or for an adjustment in the assessment of franchise taxes. The bill is...is relatively noncontroversial except for one provision which has caught the attention of the business community having to do with the timing or the limitations on the time in which one can petition for a refund. This amendment is attempting to keep the law the...the way it is now so that...so that it will read that petitions for refund can be made within three years from the time that a tax was paid. I want to emphasize that I'm not attempting by this amendment to...to cast any particular interpretation on the way current law should be interpreted. As a practical matter, the parties, meaning the business community and the Secretary of State's Office, are going to be continuing to talk about this language and it will probably be changed again...before this reaches the Governor's desk if, in fact, it does and I ask for the adoption of the amendment.

PRESIDENT:

All right. Senator Barkhausen has moved the adoption of Amendment No. 2 to Senate Bill 2154. Any 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. Senator Maitland. Top of page 7, ladies and gentlemen, on the Order of Senate Bills 3rd Reading is Senate Bill 2201. Senator Maitland 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 is Senate Bill 2201, Madam Secretary.

SECRETARY:

Amendment No. 2 offered by Senators Maitland and President Rock.

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President, members of the Senate. Senate Amendment No. 2 to Senate Bill 2201 represents, indeed, a lot of work in recent weeks with respect to some changes that needed to be made. Senator Smith and Senator Topinka were promised by me and the members of their committee were promised by me in committee that this amendment that was put on originally would be a substantially changed and...and difficulties would be worked out prior to...to pass to the bill. I am confident that the work that's been done clearly represents not totally agreement on every single issue, a lot of...a lot of areas were dropped completely but the amendment before you does a number of things. And, Mr. President, I'd like to explain what I consider to be some of the more important facets of the amendment and then would be pleased to respond to any questions that you might have. First of all, it...it adds a...a technical violation which can be cited when the violation does not directly or indirectly threaten residents' health, safety or...or welfare. It requires notice of violation to be served within ten days of determination. It prohibits a facility from employing unlicensed personnel to assist in the personal or medical care of...of residents. It allows involuntary discharge of a resident whose payment is late by at least thirty days or three or more separate occasions within one year...within a one-year period except for Medicaid and Medicare patients. Further, it reduces the number of people on the Long-Term Care Facility Advisory Board from twenty-three to fourteen. It provides that members of the board representing state agencies no longer will have voting privileges. That board has become

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a rather cumbersome board, and I didn't know it until just a day or so ago but the agencies were also permitted to vote on...on that advisory board and it was agreed that they probably ought not to have voting privileges and...and should only be advisory or...or ex officio members of the board. I...again, I think, Mr. President, this represents a lot of hard work, a movement in the right direction and I would move for its adoption and would appreciate the Body's support.

PRESIDENT:

All right. Senator Maitland has moved the adoption of Amendment No. 2 to Senate Bill 2201. 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. Bottom of page 7, Senator Kustra. On the Order of Senate Bills 3rd Reading is Senate Bill 2261. Senator Kustra 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 2261, Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senators Kustra, Schaffer and Philip.

PRESIDENT:

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. Three weeks ago or so this Senate Floor was taken over by the Senate Education Committee and we heard testimony from people across the state, more specifically from people across the City of Chicago, who came down to tell us how we could reform Chicago schools and make them better places for the children

who are served by them. The plan before you, Amendment No. 1 to Senate Bill 2261, is a hybrid. It is a hybrid of the various proposals that have been submitted to us. Almost everything in this proposal has been devised by and offered by Chicagoans. It's been reassembled by a Senate Republican task force. It's a responsible plan that we feel addresses the significant problems of Chicago schools. It's in keeping with the responsibility housed in this General Assembly given to us for the funding of Illinois schools and Chicago schools, and let...let me remind all of you that close to one-half of the Chicago school budget comes from the General Revenue Fund. So we all here in this Body whether we're from Chicago or from elsewhere around the state have a great stake in the Chicago school system. I happen to come from a district whose boundary line goes right up against Chicago, and as I said when I introduced an earlier plan called the CURE plan, there is no way that the problems of Chicago schools automatically stop at those boundaries. Those problems in terms of children spill across those boundaries either in terms of rewards when we do well with those kids or penalties when we don't do so well. The proposal before you returns the control of Chicago schools to no one but the taxpayers and the parents of the children of Chicago schools. It does so in the following ways. It elects a central board of education, a twenty-member central board of education with one member elected from each of twenty subdistricts; board members would serve staggered four-year terms. The day-to-day governance of these schools would be moved from the central board where it is now to a school district governing board located in each of the twenty subdistricts. Nine members would be elected at large from each subdistrict to serve on the governing board. Those members would serve staggered four-year terms. The central board of education would have the duty to levy taxes and issue bonds, notes and other evi-

dence of indebtedness, allocate funds and revenues to the twenty governing boards. So, the budgeting process would remain in the central board. The board would also...the central board would also hire a chancellor to replace the general superintendent pursuant to a four-year performance contract to oversee central administration; appointment of that chancellor would require a three-fifths vote. Back to the school district governing board of which there would be twenty, that board elected by the people in that district and those districts are the twenty administrative units now used in the City of Chicago to divide up the schools for administrative purposes, each of those school boards would employ a district superintendent pursuant to a four-year performance contract. That superintendent would then hire principals for the schools with a three-year performance contract. That superintendent with the approval of the board, obviously, would hire and fire teachers and educational support personnel based on the recommendations of the school principal and district superintendent. That school district board would negotiate collective bargaining contracts with teachers and educational support personnel. It would also adopt a district budget. There are other things in here that it would do, I'm not going to belabor the point, I'll try to move through the rest of it. We have, as you remember, from the 1985 school reforms we created local school improvement councils. We keep those in place but we give that local school improvement council, which is really the parents and the community members way of having something to say about their schools, additional power and the additional power we give that local school improvement council is the power to veto the selection of a principal by a three-fifths vote. We feel that is absolutely crucial. That's what CURE came down here this year to ask us to do, give our parents at the local school level some control over the principal who remains the

key to the success of every Chicago school and we've tried to do that. The school principal is made responsible for the overall management of the school. As far as the laws relating to seniority, seniority is removed as the sole consideration in selecting and assigning teachers and support personnel. The bumping of less senior teachers is prohibited. The remediation period for teachers evaluated as unsatisfactory is reduced from the current one year to sixty class days, and once again, we heard testimony from principals that that...they needed to get that...those days reduced so they could deal with teachers who are literally creating dangerous circumstances for children in those schools. A Chicago Schools Authority is created, it replaces the Chicago School Finance Authority and it is the overseer of this new system and its job is to approve the annual budget, to direct the transition work, to freeze administrative expenses for the first year at the FY '85 level, that's a proposal that came to us from the Chicago Panel on Public School...Finance. It assumes the responsibilities of the regional superintendent with regard to Chicago public schools and suburban Cook County is authorized to elect its own regional superintendent, that was a proposal that Superintendent Sanders included when he spoke before us. The membership of the Chicago Schools Authority is increased to include one appointment from...from every legislative leader, to give the General Assembly a role in the oversight of Chicago schools. Ladies and gentlemen, I know that there isn't another piece of legislation with which we deal that has as many political implications, I suppose, as this one does, but I think it also has some substantive implications and I say that as one who on a daily basis deals with graduates of the Chicago school system not more than months after they have received their degree from that system. As some of you know, on a part-time basis I teach at the Circle Campus at the Univer-

sity of Illinois, and I have the introductory course and so those kids who I get come right out of the Chicago school system, and it wouldn't be fair for me to stand before you today and argue that there aren't any good schools and there aren't any good kids, there are both and I see some of them, but I'll tell you, I also see firsthand, as directly as you possibly can, what problems our kids have when they leave that high school and go into college. I, of course, only see the ones that have made it out because, as you know, forty-eight percent of them never make it to that point. As a teacher, as somebody who cares about kids, and I've devoted sixteen years of my life to teaching in those classrooms, I offer you a plan that I think is good for kids. I think...it...I also think it's good for the people who teach the kids. Both major dailies in the Chicago area have published reports lately of the problems of Chicago schools; the series this week by the Chicago Tribune was particularly impressive to me. Anybody who reads that series or the one that the Sun-Times did a couple of weeks ago can't help but support a proposal like this. I would ask for your favorable consideration and I would be willing to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Collins.

SENATOR COLLINS:

Thank you. Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Collins.

SENATOR COLLINS:

Senator, I'm sure that you and your staff and...and all the persons who worked on this proposal have put a lot of work into it and I can appreciate that and, quite frankly, you have a lot of, I think, good things in this proposal, but there are also a lot of things in this proposal that I just don't think will work and it will prohibit you from achieving

the goals that I sincerely believe that you intend to achieve and let me just go over some of them with you. If all things were equal and we were dealing in Chicago with a nonpolitical...by which the priority of selecting school...electing school board members, qualified, competent, committed school board members, would be the priority...our first priority on the agenda, that I would say the elected school board procedures would be the best. However, that is not the case. What you will have with an elected school board...and I'm changing my mind after I've been in this Body two years and got involved and...more involved with the politics of Chicago. Now, let me tell you what...what...what happened here. The ward committeemen in the various school subdistricts would elect...elect those persons to the school board that they can control and there would be no way in the City of Chicago could anybody else except those who were supported by the local ward committeemens to get elected to the school board, and you better believe me, and they would not be aggressive, independent, free-thinking people because they would be more concerned about how and how many jobs they will be getting through the board of education. These are the facts of life; no matter what you say, no matter how you cut it, those are the people that would get elected to the board and education, qualification, commitment would be secondary to how much and how many jobs and how many contracts and how much control will we have over the dollars...tax dollars levied by that super board. That's the first fault with your problem...with this program. Now you says that the first board is to be elected, then there is a second board, local governing school body, that is also nominated and elected, okay? which really deals with the...a second layer of that same problem. But I think the...the...the most serious flaw of all is that you give the central board the power to levy taxes but they have no voice...no voice at all as to who

and...I mean, what those taxes...dollars are being spent for, and I'd just like to know, in case of a parent, if they wanted to sue for misappropriation and misuse of funds, who would get sued? You know, who...where does the buck stop? Who is responsible for the dollars when we legislate that the board who levied the taxes has no authority or no say-so about who spends it? That's a very serious flaw in this bill. The...the other serious flaw that I see in this bill, it does not provide for that broad participation, education and support from parents that everybody seem to have been crying about. You also talk about, which is another serious contradiction, the role of the principal; well, my God, you've given everybody and his brother or her sister authority over running the school before you get to the principal, and then you say that he has the responsibility for the day-to-day management of the school. He has nothing left to manage, it doesn't make any sense. There's a very serious...contradiction here. So I say that you ought to do, as Senator Berman, take this bill out of the record, put it over until next two weeks and let us all shoot our best shot at coming out of here with a reform. And let me tell you something, Senator, simply because you sit and teach at Circle Campus, you're right, you haven't seen nothing...you've seen the best of those when you see those who enter into Circle Campus that's coming out of our school system, but you ought to be out there in the community and the kindergarten...at the kindergarten level and the first grade levels in some of the schools in my district. This is a lot about responding to the hue and cry political...political hue and cry of the people in Chicago, but this is about little or nothing about helping Johnny and Sally to read and to master the basic and fundamental skills of education and, I'm sorry, this is not real reform.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you. Senator Kustra, I'm not going to go into the whole long harangue here, I just want to ask one simple question. You...you have a local school councils which are representative of the community and the parents, is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

That's correct.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

The intent of that is to give parents more input and control into their own particular school system, is that right?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

That's correct.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...Senator Marovitz.

SENATOR MAROVITZ:

From all the groups that I've talked to, and I've talked to many, many groups, many parents and people who were involved on all sides of this issue, it seems to me that if we're going to, indeed, get the parents truly involved, and everybody agrees that without parental involvement, it doesn't matter what you do, the kids are going to suffer, we're not going to get quality education, a lot of things have to be done, but without parental involvement, we're not going to get the kind of quality education that we want and so sorely need. Why are you taking the ultimate authority to choose the principal who supposedly is going to run that

school away from the...the local school council, and...and...and allowing another level of bureaucracy to select the principal instead of the local school councils that represent the community and the parent's...where the...where...where we want the involvement to be? I've heard from parents and they say they want...and the councils, they want to be able to choose their principals, and if they're going...if that principal is going to be on a performance...performance contract, he ought to be able to...to...to do and carry out the wills of that council, of that community, of those parents, be given the authority to do so but by...but be chosen by those people in that community. Then you've really got them involved. To put the ultimate selection at another bureaucratic level seems to me to be defeating the purpose that you're trying to get at and I think that we're trying to get at.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

Senator Marovitz, let me answer it this way. At the school district governing level, those are people...those nine people are elected by the people. There will be parents on there, there will be community members, there may even be some teachers on there. Those people will hire a district superintendent and the district superintendent, you're exactly right, has the authority to hire the staff including the principal. That is precisely the way it works in about nine hundred and some odd school districts across the State of Illinois. The answer to your question is, the reason I chose to do it that way is because that's what works elsewhere. Now, we have made a provision which doesn't exist anywhere in the State of Illinois, outside of Chicago if this passes, and that is that that local school improvement council you're talking about would have the veto power by a

three-fifths vote to negate the selection of a principal. We have done exactly what you're interested in doing. We say to the parents, those people serving on that local improvement council, here's something that you will have in the City of Chicago that exists no place else in the State of Illinois. You can veto the district superintendent's choice of a principal. We don't do that anywhere else because, frankly, we've never had anybody ask for it. But, you're right, the parents of the kids of the City of Chicago have asked for it and they got it under this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz.

SENATOR MAROVITZ:

Well, as long as you're willing to give those parents in the City of Chicago something that no other school district has, why not give them what they really want, not what you think they want...you're going...what you're going to tell them they want, why not give them what they really want and that is the opportunity to select the principal. I mean, if they're going to get involved and they're going to be elected and they're going to oversee the schools in their community, why not give them the power to select the principal?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is that rhetorical question or...Senator Kustra.

SENATOR KUSTRA:

Senator Marovitz, our attempt was to bring together a variety of proposals. I'm not going to stand and die on this issue. If you at some later point, we all know this is a first step, want to discuss this, I personally don't think I could be...would be offended by doing exactly what you say. We've made an attempt to involve parents in a manner to which they have never been involved before, and if you want to go one step beyond, I don't see any reason why that can't be negotiated and I'm not going to stand here and say that's a

bad idea.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Some questions of Senator Kustra as well. One, just a follow-up on Senator Collins' comment. We had discussed before that maybe an idea of appointment was better than election by having the local school improvement councils through some...though...though at that level it would be, in effect, a grass roots election, submit names to the mayor, multiple of the number to be ultimately chosen, and let the mayor pick from those names and those names only instead of going through the expense of a district election. So what you would have would be a...a...a grass roots meeting...town hall type meeting in each school where it would pick its council, and then for the districtwide council, it would suggest names through the presiding officer, the mayor, to then pick the local councils. Have you at all looked into that or discussed this?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

I...I suppose it has been discussed in the hundreds of meetings it seems that we've had on this subject over the last three weeks. Let me explain the process as it would work under this bill. Again...once again, the people of the school district would elect the members of that board. That board would, under this legislation, then identify...if there was more than one group that rises up and calls itself a local school improvement council, it would identify the group that ought to be relating to and negotiating with or advising the...the...the...the school district board. I don't think we have a disagreement here, Senator Carroll, I suspect that

there's a way to incorporate your thoughts. We thought that by doing it this way we'd preserve parental control while at the same time giving the people in the school districts the same power to elect their school board members as we have in the rest of the state.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Carroll.

SENATOR CARROLL:

Again, just...not to belabor it but as I suggested to you, the district board...the new boundary board, I was suggesting that that might better be served by having the school...individual school governing board submit names to the mayor, you follow me now? for the districtwide. This doesn't do that, that avoids the hassle issue of election and then what Senator Collins is referring to as a concern and so on, yet, gives you basically what you want because the real decisions are being made at the town hall meeting in each school building. They are choosing the names from which the mayor is then limited to pick from, and I think you accomplish both goals without the expense of a now twenty...each of the twenty districts districtwide election process and the type of concerns people had as to how do you raise the money to run for office, et cetera, et cetera, et cetera. Have you considered that? And then I have some others.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

Senator, I think the...the only answer I can give you there, and you represent Skokie as I do and you know how the folks of Skokie elect their school board members, my experience is simply that we ought to give local people the right to elect their school board members and that we're better doing that in a direct democratic process than we are through what could be a fairly convoluted process of passing names up

from school...local schools to the mayor and then back down from the mayor to the...to the school district level. At this time, I...I prefer a plan that...that...that clearly elects those people and that really is one of the central issues with which we are dealing here, and I...I feel fairly strongly about it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Carroll.

SENATOR CARROLL:

Three other issues. One, you raise the issue of levy of taxes...at this stage, we have talked about the distribution of funds following the student, are you giving additional powers to a board...central board to levy taxes that they do not now enjoy under the current though moribund system?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

No.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Carroll.

SENATOR CARROLL:

...then the other two simply. In the version that I had offered in the past, that I don't find in this version and it truly does concern me, we had provided for cooperative agreements between...separate of the districts so that any number of the twenty could join together for educational opportunities, upper end of the scale, lower end of the scale or anywhere in between be it handicapped ed., special ed., gifted ed., magnet ed., hearing impaired ed. or anything else. The provision specific was to...to encourage that type of cooperative agreement and let the districts chip in the funds necessary to provide them if they didn't want to do them individually. What I find in this, that...that bothers me tremendously is you are locking in the existing and the

existing only and if there were to be any change, and let me give you a couple of hypotheticals, but if there were to be any change, it appears as if it would have to go back to a central board for that type of change and that's one of the major, major, major defects in the current system. And to get to another problem of that, if a district so created, as Senator del Valle has said several times, is overcrowded and the adjoining one may have some empty school building, they could make a deal between those two districts where now del Valle would be locked in to an overcrowded situation unless he could find some capital to build another school even though that would be probably an illogical decision to make. You didn't provide in here for that overt cooperation and you did kick it back to the central board which is clearly not the place where those decisions have been well made for the past decade and would not be made in the future. Finally, let me just...so you can answer. You also have added an element into this that was another bill and that is the elimination of the regional superintendent...of schools. I think that if you wanted to go after that, you should do it separate and distinct, I know you have wanted to go after that in the past. I don't think it's smart to sneak it into this one.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Rock. Oh,...I'm sorry, that was a question. I thought it was just a statement there. Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President. To your first question, Senator Carroll, first of all, I'm absolutely in agreement with you on the subject of interdistrict agreements and cooperation. I don't think there's any language in here...we haven't been able to find any language which prohibits that, as I told you earlier. I also agree with you that maybe we

need a stronger statement in here that would specifically authorize such agreements. We have no problem with that whatsoever. As to your point about the regional superintendent of schools in...in Cook County, I can honestly say that while, as you know, I have fought that battle in separate legislations, it wound up in here because we adopted a section of Superintendent Sanders' proposal which included this language and at...at a certain point I signed off on it. I agree with you, we probably shouldn't be in the business of confusing Chicago school reform with the issue of Superintendent Marcwitz Office, and that is not my interest here, it's in the bill and I'd be more than willing to twist the arm of the first House member that stepped my way to introduce a bill to separate that issue.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Carroll.

SENATOR CARROLL:

Just by way of final comment then. Obviously, since we just got the amendment an hour or so ago, I haven't fully read it or digested it either, but I am working from your summary sheet wherein you say, in effect, all...all power is not enumerated to the lower level board vest and rest in the central board. Basically, you say it in your last zero of the central board of education would exercise all other powers not reserved for the governing boards. Since you haven't given those power to the boards, they rest in the central board. That is a classic flaw in the concept of my opinion.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I truly believe that a member has the right to put the bill...his bill into any form in which he wishes, so I do

not intend to oppose the amendment. I would just point out, when the amendment is adopted and called as a bill tomorrow, I intend to oppose it. I, too, was a little disturbed that we were mixing up regional superintendencies in Chicago school reform, but I also have a couple of other questions. Have you estimated a cost? Assuming this is to be the plan, what...what is the cost, if any?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

Senator Rock, these are structural changes. The bill I sponsored before the CURE bill had a price tag of twenty to twenty-five million because it involved a lot of training of local school governing council people. We don't have any of that in here and this is a structural change, and as far as we know, there is no fiscal impact to this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

So that reasonably we could say that the only real cost would be the cost of this election...this special election for the hundred and eighty board members across the twenty districts and the twenty themselves. Is that right? Who will...who will ultimately have the responsibility to negotiate collective bargaining agreements?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

The school district board.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Is...is that the central board or one...each of the twenty will have that?

PRESIDING OFFICER: (SENATOR SAVICKAS)

...Senator Kustra.

SENATOR KUSTRA:

Each of the twenty.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

And who will have the authority to hire and fire career service employees?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

The same negotiations which the subunit or whatever you want to call it, school governing boards would have with teachers, they would also have with noneducational personnel. So they would also have control over those people as well.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Well, again, I...Senator Kustra, you and I have argued about this before, but for those who haven't had the time to go through it, again at page 25 when we are talking about eligibility for service to one or another of these school governing boards, I don't know why we keep repeating this language. There must be a boilerplate piece down in the computer in the Reference Bureau because again and I, frankly, as I told you in the Executive Committee more than once, kind of resent the fact that any of us who hold public or political office are automatically disqualified from any service on this...this kind of a board. I don't know why we're doing that, that seems to me to be kind of gratuitous.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, Senator Kustra moves the adoption of Amendment No. 1 to Senate Bill 2261.

Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. Senate Bill 2262. Senator Karpziel seeks leave of the Body to return Senate Bill 2262 back to the Order of 2nd Reading for purpose of amendment. Hearing no objection, leave is granted. Madam Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Friedland.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Friedland.

SENATOR FRIEDLAND:

Thank...thank you, Mr. President, Ladies and Gentlemen of the Senate. Amendment 2 would remove the exemption process in a siting process unincorporated Cook County, and it's agreed to by the sponsor and I'd urge its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, Senator Friedland moves the adoption of Amendment No. 2 to Senate Bill 2262. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR SAVICKAS)

3rd reading. Senator Rock.

SENATOR ROCK:

Well, we...we have effectively concluded our business. All these bills that were recalled and are up now in Enrolling and Engrossing will be available for final passage tomorrow. So I would move that we stand adjourned till nine o'clock tomorrow morning and we'll get started.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Well, wait.

SENATOR ROCK:

When we finish our paper work, obviously, there's paper work always.

PRESIDING OFFICER: (SENATOR SAVICKAS)

We have some housekeeping measures here. There's no further business except our housekeeping measures. Resolutions.

SECRETARY:

Senate Resolution 1105 offered by Senator Brookins.

Senate Resolution 1106 offered by Senator Keats.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Executive. (Machine cutoff)...sorry, that should have gone to Consent Calendar...Senator Woodyard, for what purpose do you arise?

SENATOR WOODYARD:

Thank you, Mr. President. I would ask leave of the Body and I have permission of the sponsor to be added as a cosponsor to House Bill 3142.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Is there any objection? Hearing no objection, leave is granted. Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President. I'd like to request leave of the Body to be added, with the permission of the sponsors, as a hyphenated cosponsor to House Bills 3335, House Bill 3337 and House Bill 3900.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the request. Hearing no objection, leave is granted. Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I would ask leave, with permission of the sponsor, to be added as a hyphenated cosponsor of Senate Bill 1915.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Hearing no objection, leave is granted. Senator O'Daniel.

SENATOR O'DANIEL:

Mr. President, I'd like leave of the Body to add Senator Davidson as a hyphenated cosponsor of House Bill 3841.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the request. Hearing no objection, leave is granted. Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, I'd like leave to replace Senator Dunn as principal sponsor of Senate Bill 1533 and I would also like to announce...or mention that Senator DeAngelis is absent today for medical reasons.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Hearing no objection, leave is granted. Further business...resolutions.

SECRETARY:

Senate Resolution 1107 offered by Senator Kustra.

Senate Resolution 1108 offered by Senator Lechowicz.

Senate Resolution 1109 offered by Senator Raica.

Senate Resolution 1110 offered by Senator Thomas Dunn.

They're all congratulatory.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Consent Calendar. Messages 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 refused to adopt the First Conference Committee Report on Senate Bill 124 and request a Second Committee of Conference to consider the differences between the two Houses with regards to Amendment No. 1.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hawkinson.

SENATOR HAWKINSON:

I would move that we accede and agree to that request and ask that a Second Conference Committee be appointed.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hawkinson seeks leave of the Body to accede to the request...and have a Second Conference Committee reported. Hearing no objection, a Second Conference Committee will be appointed. Messages 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 adopted the following joint resolution, in the adoption of which I am instructed to ask for concurrence of the Senate, to-wit:

House Joint Resolution 195 and it is congratulatory.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Consent Calendar. Messages 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'm instructed to ask the concurrence of the Senate, to-wit:

House Bills 741, 3161, 3201, 3207, 3672, 3831, 3846, 3855, 4000, 4174. Passed the House May 19th, 1988. John F. O'Brien, Clerk of the House.

PRESIDING OFFICER: (SENATOR SAVICKAS)

(Machine cutoff)...Marovitz, for what purpose do you arise?

SENATOR MAROVITZ:

I would ask leave to have Senator Savickas added as a hyphenated cosponsor to Senate Bill 1798.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Hearing no objection, leave is granted. If there's no further business to come before the Senate, the Senate will stand adjourned...Senator...Senator Carroll.

SENATOR CARROLL:

Thank you for...if we could have the appropriate rules suspended first to transfer a bill from Appropriations II to Appropriations I. House Bill 3232 was inadvertently assigned to Appropriations II, it should have been assigned to Appropriations I. With leave of the Body, could we have that bill reassigned?

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Hearing no objection, leave is granted. Since there's no further business to come before the Senate, the Senate will stand adjourned until Friday, May...May the 20th at 9:00 a.m.

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