

85TH GENERAL ASSEMBLY

REGULAR SESSION

JUNE 24, 1988

PRESIDENT:

The hour of nine 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 Father Eugene Weitzel, the Director of Chaplains at St. John's Hospital, Springfield, Illinois. Father.

FATHER EUGENE WEITZEL:

(Prayer given by Father Eugene Weitzel)

PRESIDENT:

(Machine cutoff)...of the Journal, Madam Secretary. Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. I move that reading and approval of the Journals of Tuesday, June 14th; Wednesday, June 15th; Thursday, June 16th; Friday, June 17th; Tuesday, June 21st; Wednesday, June 22nd and Thursday, June 23rd, in the year 1988, be postponed pending arrival of the printed Journal.

PRESIDENT:

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

SECRETARY:

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

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

House Joint Resolution 194. It is substantive.

PRESIDENT:

Executive.

SECRETARY:

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

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

Senate Bill 1834 with House Amendments 1 and 3.

I have a like Message on Senate Bill 1780 with House Amendments 1 and 2.

PRESIDENT:

Secretary's Desk. Resolutions.

SECRETARY:

Senate Joint Resolution 154 offered by Senators D'Arco and all members. It is congratulatory.

Senate Joint Resolution 155 offered by Senator Watson. This is also congratulatory.

PRESIDENT:

Consent Calendar. Ladies and gentlemen, if I can turn your attention to the Order of Secretary's Desk Resolutions. You might want to look through there and see if you have something that's of interest. Senator Friedland has requested that we go to that order for the purpose of Senate Resolution 1068. Madam Secretary, SR 1068. On the Order of Secretary's Desk Resolutions, top of page 8, is Senate Resolution 1068, Senator Friedland.

SENATOR FRIEDLAND:

Thank...thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Resolution 1068 is accurate as it's described in the Calendar. It directs the Department of Central Management Services and DCCA to work with the City of Elgin to develop a comprehensive plan for any surplus lands...state lands that may be at Elgin, and it was heard in the Executive Committee and passed unanimously and I'd urge its adoption.

PRESIDENT:

All right, Senator Friedland has moved the adoption of Senate Resolution 1068. Is there any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. Senator Hawkinson. Bottom of page 9, on the Order of Secretary's Desk Resolutions, Madam Secretary, is Senate Joint Resolution 133. On the Order of Secretary's Desk Resolutions, Senate Joint Resolution 133, Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Senate Joint Resolution 133 comes from the Department of Agriculture. It concerns the...proposed construction of an animal disease lab near Galesburg. There is an animal disease lab there now but it's on the old mental health center grounds. This is not to be a CDB but rather be...constructed like their lab which is on a lease purchase in Centralia. I would ask for the adoption of the resolution.

PRESIDENT:

All right, Senator Hawkinson has moved the adoption of Senate Joint Resolution 133. Is there any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. Senator Raica. Bottom of page 7, ladies and gentlemen, on the Order of Secretary's Desk Resolutions is Senate Resolution 846. SR 846, Madam Secretary. We're at the bottom of page 7, on the Order of Secretary's Desk Resolutions, Senate Resolution 846, Senator Raica.

SENATOR RAICA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. What this resolution is is the notch babies resolution, and what that is is individuals born between the years of 1917 and 1921 are known as the notch babies. They receive as much as three thousand dollars per year less in benefits than persons born in 1916. This resolution notes the affir-

mation of the Senate's commitment to the equitable distribution of the social security benefits by urging Congress to enact legislation correcting the notch in social security paid to those born between 1917 and 1921, and I would ask very much that this resolution be adopted.

PRESIDENT:

All right, Senator Raica has moved the adoption of Senate Resolution 846. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. Bottom of page 9, Madam Secretary, is Senate Joint Resolution 117, 1-1-7. Senator Vadalabene. On the Order of Senate...Secretary's Desk Resolutions is Senate Joint Resolution 117, Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. Senate Joint Resolution...117 urges support of the federal legislation being considered in Congress to establish the Mississippi River National Heritage Corridor. Hearings started yesterday in the...in the Senate. Senator Paul Simon is handling the bill in Washington. Michael Devine, the director of Preservation...Historic Preservation, is there at this hearing and I would urge that we adopt this resolution since the hearings are going on now.

PRESIDENT:

Senator Vadalabene has moved the adoption of Senate Joint Resolution 117. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. On the same page on the same Order of Secretary's Desk Resolutions is Senate Joint Resolution 117. On the Order of Secretary's Desk Resolutions, Senate Joint Resolution 117, Senator Collins...I mean, 114, Senator Collins. I'm sorry, 117 has already been adopted. 114.

SENATOR COLLINS:

Thank you, Mr. President. This is the resolution which

calls upon Congress to revert back to the one goal systems under the Minority Set-Aside Program under the Department of Transportation. We had the...the resolution before the committee and at the request of the other side of the aisle, they put an amendment on it and I know of...of no objection to the amendment at this time.

PRESIDENT:

Senator Collins has moved the adoption of Senate Joint Resolution 114. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. Top of page 8 is Senate Resolution 848. Madam Secretary, Senate Resolution...SR 848. Senator Topinka, on the Order of Secretary's Desk Resolution is Senate Resolution 848. Senator Topinka.

SENATOR TOPINKA:

Mr. President and Ladies and Gentlemen of the Senate, all Senate Resolution 848 asks is an extension of the reporting date for the Senate Select Committee on Medicaid HMO abuses...to December 31st, 1988.

PRESIDENT:

Senator Topinka has moved the adoption of Senate Resolution 848. All in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. Senator Hall...got Senate Resolution 113.

SENATOR HALL:

Thank you, Mr. President. Oh, go ahead, I'll wait till she reads it.

PRESIDENT:

On the Order of Secretary's Desk Resolutions is Senate Joint Resolution 113. Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Joint Resolution 113 is...is what Senator Macdonald and Senator Ralph Dunn...creates a Select Joint

Committee on State Employees' Group Insurance. The Legislature current oversight of the State Group Insurance Program as performed by the commission has been very successful in increasing the technical efficiency of the program. Senator Davidson and some of them served on it at the time. The selection of the state current health insurance and dental insurance and life insurance resulted from active participation in the selection process by the commissions and it's consulted actuary. In spite of these successes, current oversights of the insurance program is inadequate because the commission participation of the process provide an employees benefit occurs after benefit policies have been determined. The commission has had no influence on the contents of the insurance...program, and I'm sure that...

PRESIDENT:

All right, Senator Hall has moved the adoption of Senate Joint Resolution 113. All in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. Senator Joyce, 139. Bottom of page 9 on the Order of Senate...on the Order of Secretary's Desk Resolutions is Senate Joint Resolution 139, Madam....(machine cut-off)...Joint Resolution 139.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President and members of the Senate. Senate Joint Resolution 139 would establish a committee to explore the possibility and the feasibility of...of coordinating the higher education programs in this state with the apprentice programs, particularly the apprentice programs in the craft industry. I ask for its adoption.

PRESIDENT:

Senator Joyce has moved the adoption of Senate Joint Resolution 139. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. Senator Jerome Joyce, bottom of page 8,

Senate Resolution 1226. Madam Secretary, SR 1226. On the Order of Secretary's Desk Resolutions, Senate Resolution 1226, Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. This directs the EPA to hold a public hearing in Donovan, Illinois, concerning the effect of a composting operation. This is an experimental composting procedure that they're using there and it...it may be a good thing, it probably is, but the people in that community would like to have an explanation of it and I'd like the EPA to hold that hearing.

PRESIDENT:

All right, Senator Jones has moved the adoption of Senate Resolution 1226. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. Bottom of page 9, Senate Joint Resolution 136. Madam Secretary, on the Order of Secretary's Desk Resolutions is Senate Joint Resolution 136, Senator D'Arco. Senator D'Arco, there was a committee amendment, I'm told, which we should adopt.

SENATOR D'ARCO:

Hello. Hello.

PRESIDENT:

Yes.

SENATOR D'ARCO:

Thank you, Mr. President. The committee amendment...Committee Amendment No. 1 changes the reporting date from 9-30-89 to 4-1-89 so that the General Assembly can make a determination at an early date, and it also provides that all the appointments, eleven members on this task force, would be appointed by the Governor.

PRESIDENT:

All right, Senator D'Arco has moved the adoption of Committee Amendment No. 1 to Senate Resolution 136. Discus-

sion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Now as to Senate Joint Resolution 136 as amended, Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. Senate Joint Resolution 136 creates a task force to determine the funding for IRAP as whether or not we can have a permanent source of funding in the future. It also will investigate the IHEAP funds that the federal government distributes to the State of Illinois because there's been a tremendous diminution in the amount of IHEAP monies that are coming into the State of Illinois. The energy policy of the State of Illinois really is part of the investigation that's going to be conducted by this task force and I would move to adopt...

PRESIDENT:

Senator...

SENATOR D'ARCO:

...Senate Resolution 136.

PRESIDENT:

...Senator D'Arco has moved the adoption of Senate Joint Resolution 136. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. Bottom of page 8, House Joint Resolution 81, Madam Secretary. On the Order of Secretary's Desk Resolutions is House Joint Resolution 81, Senator Woodyard. Senator Woodyard.

SENATOR WOODYARD:

Yes, thank you, Mr. President and members of the Senate. House Joint Resolution 81 urges our state to recognize and take cognizance of a problem that is occurring on some of the labor unions on the eastern side of the state, particularly in which some out-of-state locals have tried to come into the State of Illinois and...and organize and...and we simply urge CMS and the State Labor Relations Board to recognize that



fact.

PRESIDENT:

All right, Senator Woodyard has moved the adoption of House Joint Resolution 81. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. Top of page 9 is HJR...145. (Machine cutoff)...Order of Secretary's Desk Resolutions is...House Joint Resolution 145, Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President and members of the Senate. House Joint Resolution 145 urges the Federal Congress to support the establishment of a...Korean War Memorial in Washington. It's my understanding that Congress has already donated or given the land to this organization and there is no public money involved, it will be all private contributions and I would urge its adoption.

PRESIDENT:

All right, Senator Woodyard has moved the adoption of House Joint Resolution 148...145. All in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. Two final resolutions, SJR 111, Madam Secretary. On the Order of Secretary's Desk Resolutions is Senate Joint Resolution 111, Senator Madigan...(machine cutoff)...Madigan.

SENATOR MADIGAN:

On the amendment?

PRESIDENT:

Yes, there are no committee amendments. There is a Floor amendment, Senator Madigan,...

SENATOR MADIGAN:

Thank...thank you, Mr. President. Floor Amendment No. 1 just adds a member of the Department of Aging and a member of the Department of Public Health to the select committee. I would ask for its adoption.

PRESIDENT:

Senator Madigan has moved the adoption of Amendment No. 1 to Senate Joint Resolution 111. All in favor indicate by saying Aye. Opposed...the Ayes have it. The resolution is adopted. Senator Madigan, it's the resolution as...as amended.

SENATOR MADIGAN:

Thank you, Mr. President. Senate Joint Resolution 111 creates a select committee on residential boarding homes. Purpose of the committee is to develop a category of licensure for residential boarding homes. Currently, they are required to come under the category of a nursing home, and for obvious reasons, they cannot meet these requirements. This committee is to conduct a survey to determine how many as best as possible are in the state and to develop a licensing system and report back to the General Assembly by July 1st, 1990. Be glad to answer any questions and I would ask for its adoption.

PRESIDENT:

All right, Senator Madigan has moved the adoption of Senate Joint Resolution 111. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted...I mean, the resolution is adopted. Senate Resolution 1188. Senator del Valle indicates there's an amendment, Madam Secretary, Senate Resolution 1188. 1188. On the Order of Secretary's Desk Resolutions is Senate Resolution 1188, Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator del Valle.

PRESIDENT:

Senator del Valle.

SENATOR del VALLE:

Yes, thank you, Mr. President. This amendment is a technical amendment. I ask for the adoption of...

PRESIDENT:

All right, Senator del Valle has moved the adoption of Amendment No. 1 to Senate Resolution 1188. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. Senator del Valle, Senate Resolution 1188 as amended.

SENATOR del VALLE:

Thank you, Mr. President. Senate Resolution 1188 encourages...encourages the city colleges of Chicago to develop and implement the plan for the establishment of a vocational skill center in the Westtown/Humboldt Park area. I ask for your favorable vote.

PRESIDENT:

...Senator del Valle has moved the adoption of Senate Resolution 1188. All in favor indicate by saying Aye. Opposed Nay. The Ayes have it. The resolution is adopted. (Machine cutoff)...got two additional requests for resolutions and that's going to be the end of it, then we'll get on the Calendar. 461, Senator Degnan, that's on the Order of Secretary's Desk Resolutions...page 7. Senate Resolution...SR, Madam Secretary, 461. Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. Senate Resolution 461 memorializes the U.S. Postal Service Citizens' Advisory Committee to honor the late Chicago Mayor, Richard J. Daley, with a commemorative postage stamp.

PRESIDENT:

All right, Senator Degnan has moved the adoption of...of Senate Resolution 461. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. SR 628. Madam Secretary, Senate Resolution 628. On the Order of Secretary's Desk Resolutions is Senate Resolution 628, Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President. Senate Resolution 628 urges

Congress to pass House Resolution 2052 to support the use of ethanol. I would urge its adoption.

PRESIDENT:

All right, Senator Severns has moved the adoption of Senate Resolution 628. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. All right, ladies and gentlemen,...ladies and gentlemen, let me just remind you it is Friday, June 24th, and this is the deadline for consideration of House bills 3rd reading. We will go immediately to that order. There are four...three bills that members have asked to be put on the recall. We will afford them that opportunity to recall those bills and then they will be last...they will be called last in the order of...Senator Berman, 3264. You have a copy of the recall list. Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

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

PRESIDENT:

State your point, ma'am.

SENATOR GEO-KARIS:

The Senate team last night played very valiantly and they lost by a technicality to the House, not by...when we had two men on base, two outs and our man on first base because he happened to just get off the base before the pitcher pitched, the poor sportsmanship of some of the House members called a technicality, so in the last inning we were allowed to die; however, that is only going to inspire our team to do even more next year, and I wanted to congratulate...Kelly...Dick Kelly and...and Frank Watson and...and all the members of our Senate team for playing as valiantly as they did, and let me tell you, it was a worthwhile game, we went seven innings and we might have won it if the House weren't so scared and

called their technicality, but that's all right, we'll show them what we're going to do next year. Congratulations to all the Senate members who played so valiantly and Carl Hawkinson did a great job pitching. We had great performance by all the members and if I can just run their names, Watson, Hawkinson, Poshard, Jones, Madigan, Marovitz, Kelly, Raica, Barkhausen, Jacobs, Zito and, I want to tell you, it was great game and...next year, gentlemen, I know you're going to do it and we...we gave the affair in commemoration of Senator Peter Miller, retired, because that...he is the coach emeritus. Thank you.

PRESIDENT:

Thank you. Congratulations. Remember, it's Friday. Bottom of page 3, on the Order of House Bills 3rd Reading, House Bill 3264. Senator Berman 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 House Bills 2nd Reading, House Bill 3264, Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Berman.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. House Bill 3264 is the Licensure Act for social workers. The department, other interested medical disciplines and the social workers have been negotiating long and hard. I have filed an amendment in which there is not total agreement but the bill does not have an amendment on it. I am filing this amendment. I've touched base with the chair and the minority spokesman. I want to keep the bill alive. It will go to conference committee. I would move the adoption of Amendment No. 1.

PRESIDENT:

Senator Berman has moved the adoption of Amendment No. 1 to House Bill 3264. Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. We will not oppose this amendment. As Senator Berman has said, there have been extensive negotiations between the various groups going on. It's my understanding the department and others are not in complete agreement on this, as Senator Berman has...has represented, but I think what we ought to do is adopt the amendment, pass the bill, it'll go to conference committee and try to work out the problems there, so we're not going to oppose the amendment at this time.

PRESIDENT:

All right, Senator Berman has moved the adoption of Amendment No. 1 to House Bill 3264. 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. 3297, top of page 4, 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 House Bills 2nd Reading is House Bill 3297. Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Ralph Dunn.

PRESIDENT:

Senator Dunn.

SENATOR RALPH DUNN:

Thank you, Mr. President and members of the Senate. This amendment creates the Randolph County Civic Center Authority. It authorizes the authority to acquire land and do all the things that civic center authorities do as well as issue

revenue bonds. I'd urge the adoption. I'll be glad to answer any questions.

PRESIDENT:

Senator Dunn has moved the adoption of Amendment No. 3 to House Bill 3297. Discussion? If not, all in favor indicate by saying Aye. Opposed Nay. The Ayes have it. The resolution is adopted. Further...further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Senator Marovitz on 3338. On the Order of House Bills 3rd Reading is House Bill 3338. Senator Marovitz 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 House Bills 2nd Reading, House Bill 3338, Madam Secretary.

SECRETARY:

Amendment No. 7 offered by Senator Collins.

PRESIDENT:

Amendment No. 7, Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President. Amendment No. 7...do five things. First of all, it clarifies the definition of very low-income and affordable housing. It adds the definition for congregate housing. It clarifies and defines the use of mixed income, multiple buildings but only those units of very low-income households. It adds the section on eligible applicants which includes for-profit and nonprofit developers and municipalities and it adds...I think one of the most important things about this amendment, it...it...it seeks to address one of the primary cause of people becoming homeless. It provides for loans for those persons who cannot afford to pay...who qualifies, rent deposits and it...it allows them to have a loan...so that they will be able to have the up-front

money to move because many instances people...low-income people are forced to move or vacate their...place of residence many times because they don't have heat, because the landlords will not keep up the property or for any number of reasons the person has to move, but when you are on a very low income, it is very hard to save up two months' or two and a half months' rent in advance in addition to having the first month's rent and the monies to connect your...your needed utilities. So, what the affordable housing bill will do now, it will put...also provide and include loans to hopefully help many people, particularly single parent with children, from becoming homeless. So, I think this...this amendment is a great...strengthen the bill and I would move for its adoption.

PRESIDENT:

All right, Senator Collins has moved the adoption of Amendment No. 7 to House Bill 3338. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

Amendment No. 8 offered by Senator Barkhausen.

PRESIDENT:

Senator Barkhausen on Amendment No. 8.

SENATOR BARKHAUSEN:

Mr. President and members, Amendment No. 8 is...is similar to...or actually identical to an amendment presented last week on which there was a tie vote and, therefore, at that time, the amendment was not adopted. I think by now most of the members are familiar with it. It has to do with a...with a slight increase in the real estate transfer tax similar to the amount being proposed for housing purposes and in this case for the benefits of acquisition of...of open space, local parks and natural areas throughout the state. Of the money raised by this additional...the dollar per thousand



increase in the...in the...rather I should say...let me correct that, fifty cents per thousand, it would be a dollar per thousand overall when the housing and open space purposes are combined, but of the fifty cent per thousand increase, two-thirds of that amount would be used by the Department of Conservation for grants to local governments under the Open Space Land Acquisition and Development Act which is already on the books, but the money for which has...has almost completely dried up as a result of lack of money now coming in from the federal government under the Land and Water Conservation Act Program. So, that's two-thirds of the fund. The other one-third would be used by the DOC to acquire natural areas that they have...that they have identified over the years through their natural areas inventory. I...I know a lot of effort has...has gone into this development of a housing initiative and I visited with a number of people, members and people active in...in the housing area, and...and also in the business community in Chicago who are interested in the...in that program. I would simply...simply make the point that in the conservation area there has come together over the last few years a coalition of groups now known as Partners in Conservation and they have, I would say, spent an equal amount of time and effort trying to develop a reasonable and realistic means for funding parks and acquisition of open space and natural areas as have the housing people in...in Chicago and throughout the state. This...this effort, therefore, represents the...the culmination of...of all of these efforts and...and it is strongly felt that the real estate transfer tax that a small...very small increase in it is as reasonable for parks and open space purposes as...as it is for housing. There may be at some point objections raised as to the amount of...of the real estate transfer tax and I know we got into this discussion a little bit the first time we had the debate. I...I would simply make

the point that the state...the state tax is now fifty cents per thousand, the...the existing county tax is fifty cents per thousand, so that's a dollar per thousand overall, and if you combine the...the housing...the new housing tax and the open space tax together, that's a...that's a dollar per thousand. So, it's...altogether it would be two-tenths of one percent. If there is any abuse in the real estate transfer tax at this point, I would...I would say that it's on the part of local governments who are in some cases imposing their own transfer tax at rates...at rates much, much higher, in...in some cases, three and a half times as high, in the case, frankly, of the City of Chicago, as would be the amount of...of the state and county tax together were this bill...with housing and open space together to pass. The City of Chicago has a seven dollar and fifty cent per thousand dollar rate and what we're talking about here is...is...if this bill passes is two dollars per thousand dollars. I'd be...I probably have answered any questions that might be raised, but if there are others, I'll try to answer them and, otherwise, ask for a favorable roll call.

PRESIDENT:

Discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President. I think, Senator Barkhausen, you're about to jeopardize this whole bill. What you are attempting to do now is to...for many people they ought to really pay close attention to what this is happening here. The proposed twenty-five cent increase in the transfer tax is in addition to the twenty-five cent increase added by Senate Amendment No. 2 which created the Illinois Affordable Housing Program, and now, if both of these taxes...the current tax is twenty-five cents, we're talking about a seventy-five percent tax per each five hundred dollars of value. I think that this is the amendment which, in fact, as you've

described the other day, failed on a...on a tie vote and since you've requested a roll call, I would suggest that, Mr...Mr. President, as to whether or not this amendment is, in fact, in order since we had considered it once before.

PRESIDENT:

All right, the Chair will be prepared to rule on that. Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

...for...for two purposes. One, Mr. President, leave to add Senator Collins as a hyphenated sponsor to House Bill 3338.

PRESIDENT:

All right, gentleman seeks leave to add Senator Collins as the hyphenated cosponsor. Without objection, leave is granted. Senator Marovitz.

SENATOR MAROVITZ:

Also, to state to the Body that I have agreed to support Senator Barkhausen's amendment and put it on the bill, give him an opportunity for his program and to work for the passage of the bill in the House...with an agreement that if it should not pass, Senator Barkhausen has agreed to recede to the amendment when it comes back.

PRESIDENT:

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you, very much. I...I would like to rise in support of this amendment. I think it's an excellent idea. This is a...one of the reasons why our homes are valued the way they are is because of the fact that people like to live where there is open space. This is an excellent...amendment. I would strongly urge people on my side of the aisle to...to support it, and I think you're...all your park districts will bless you if you do.

PRESIDENT:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, we have to do something for the homeless and I think the bill as it stands without this amendment has a chance to get through because it will set up a trust fund. It won't be too hard for people to understand and they won't mind, but I'm just wondering if we...by adding this amendment, and much as I hate to do it to my colleague, I wonder if we're going to overload it, that's all.

PRESIDENT:

All right, further discussion? Further discussion? Senator, the Chair is constrained to rule it is not dilatory since the sponsor has agreed to entertain this. Question is the adoption of Amendment No. 8. Those in favor of the amendment will vote Aye. Opposed will vote Nay. The voting is open. (Machine cutoff)...voted who wish? Have all voted who wish? Have all voted who wish? (Machine cutoff)...who wish? Take the record. On that question, the Ayes are 27, the Nays are 27. The amendment fails. Further amendments?

SECRETARY:

Amendment No. 9 offered by Senators Marovitz and Collins.

PRESIDENT:

Senator Marovitz. Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President. Amendment No. 9 is a technical amendment. Purely the Illinois Affordable Housing Commission was referred to the Illinois Affordable Housing Authority and it changes the word "authority" to "commission," and as I spoke to Senator Keats about earlier, the futures investment is taken out, it was inadvertently put in the amendment that was drafted by others. It is, once again, taken out as it was before by this Body.

PRESIDENT:

HB 253  
3rd Reading

Senator Marovitz moves the adoption of...I beg your pardon, what...Senator Marovitz.

SENATOR MAROVITZ:

Before I do that, I'd like to move to Table Amendment No. 7.

PRESIDENT:

(Machine cutoff)...Marovitz.

SENATOR MAROVITZ:

Excuse me, I'm told that I have to...before we do this...I suppose I could do it afterwards, but move to reconsider the vote by which Amendment No. 7 was adopted. That is technically incorrect, this will replace that with those technical corrections.

PRESIDENT:

All right, Senator Marovitz has moved to reconsider the vote...having voted on the prevailing side moved to reconsider the vote by which Amendment No. 7 to House Bill 3338 was adopted. All in favor of the motion to reconsider indicate by saying Aye. All opposed. The Ayes have it. The vote is reconsidered. Senator Marovitz now moves to Table Amendment No. 7 to House Bill 3338. All in favor of the motion to Table indicate by saying Aye. Opposed Nay. The Ayes have it. The motion to Table prevails. Senator Marovitz has now moved the adoption of Amendment No. 9 to House Bill 3338. 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. Ladies and gentlemen, we'll proceed through the Calendar. My guess is, we will get through the Calendar but once and then we will go to consideration postponed and then we will adjourn. On the Order of House Bills 3rd Reading is House Bill 253. Read the bill, Madam Secretary.

SECRETARY:

House Bill 253.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Jones.

SENATOR JONES:

Thank you, Mr. President and members of the Senate. House Bill 253 makes various changes in benefits for the employees of the Chicago Park District. It put three DASA employees under the State Policemen Retirement System. It increases the membership of the Board of Trustees of the State University Retirement System from eleven to fifteen and it makes six members elected. It makes changes and put Teachers' Retirement System and Chicago Park District in compliance with federal...regulations. It also...it also extends to a hundred and twenty days the redemption notice for Israel Bonds and this is the only pension bill that's alive, and I ask for a favorable vote.

PRESIDENT:

Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. As the sponsor indicated, this is the only pension bill that's alive at the present time in the Senate. At this point, I don't think there's any point in opposing the bill, although certainly the bill doesn't address a lot of the needs of the pension systems that serve state employees and particular downstate issues. The bill is...does, however, address some important Chicago issues, and I'm not sure that the House is going to welcome this bill without changes, I assume there probably will ultimately be a Conference Committee Report. So, I think my own posture at this time would be to join with the sponsor in supporting the bill with the

understanding that in final passage not all these provisions may be included and there may be some other items that can be included.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Raica.

SENATOR RAICA:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Raica.

SENATOR RAICA:

Senator Jones, is the brass bill included in this pension package?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

I didn't see anything dealing with brass, I saw a little gold in here but no brass.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Raica.

SENATOR RAICA:

Would you clarify that, please?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

There's nothing in this bill that deals with the...what you're talking about, the brass bill. Okay?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Jones, you wish to close? Senator Jones. Question is, shall House Bill 253 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 35, the Nays are 10, none...8 voting Present. House Bill 253 having received the required constitutional

majority is declared passed. House bills 3rd reading is House Bill 1491, Madam Secretary.

SECRETARY:

House Bill 1491.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Thank you, Mr. President and members of the Senate. House Bill 1491 sets forth conditions under which long-term care insurance may be offered and sold and under which it may be canceled or not renewed. This bill is similar to...Senate Bill 1955 by Senator Davidson. Also it includes in there a recent...law passed on the federal level that would promulgate rules for providing new minimum standards for Medicare supplemental policies so there would be no duplication of benefits. I know of no opposition. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Davidson.

SENATOR DAVIDSON:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Davidson.

SENATOR DAVIDSON:

Is the Christian Science amendment on this bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yes, it is.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:



And then is it identical to what we sent out of here...the bill that...that you and I sponsored, 1956?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

...as it relate to the Christian Science? Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

No, my understanding was this bill was to be amended to be identical to Senate Bill 1955 that...that...that I was the lead sponsor and you was the hyphenated sponsor 'cause we were on the...on the committee that held the hearings and came up with this legislative program. Is this identical to the bill we sent out of here?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

The provisions that is set forth for long-term care are identical to your bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Jones may close. Question is, shall House Bill 1491 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 51, the Nays are none, none voting Present. House Bill 1491 having received the required constitutional majority is declared passed. Top of page 3 is House Bill 1576, Madam Secretary. Read the bill, please.

SECRETARY:

House Bill 1576.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, House Bill 1576 contains two unrelated provisions of the Vehicle Code. The bill that...that came over to us which was approved in committee and then amended increases penalties for wreckless driving from a Class B to a Class A misdemeanor. Then the...if you'll pardon the pun, the bill became a vehicle for a provision which limits the ability of car rental companies to sell what has been known as collision damage waiver coverage. The bill provides that an individual's liability for damage to a rented vehicle cannot exceed two hundred dollars. There are some exceptions, however, to that which have been carefully worked out but...but, frankly, may be further considered as the bill works its way back to the House. The bill further requires that car rental companies...must advertise and charge a...a flat rate which they cannot increase except for the addition of taxes and mileage used over and above a minimum milage limit. It further provides minimum liability that the rental car companies have to cover their cars and drivers at one hundred thousand dollars. I'd try to answer any questions that there might be and would, otherwise, ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, indicates he will yield. Senator Hawkinson.

SENATOR HAWKINSON:

Senator, in...in looking at the second part of the bill...the first part of the bill on the wreckless driving penalties, I'm in full support of; but in looking at

the...the amendment on page 2 of the amendment, Subsection 5, you talk about situations in which someone who rents a vehicle for less than thirty days could be held liable in excess of two hundred dollars, and the language that appears on my copy says, "The damage arises out of the use of the vehicle while committing," and these are the words I'm concerned about, "or otherwise involved in a crime that could be properly charged as a felony." "Otherwise involved in" could be on...from the face of the words, innocently involved in. You could be a victim of a crime and be involved in a crime. Do you mean to have the words "otherwise involved in" mean the same as under the Criminal Code's accountability section?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator, I'm sure it won't come as any surprise to you that I didn't draft this language and, therefore, I'm probably not the best one to speak to its intent...focusing on that...on that provision closely for the first time, I...I would agree with you that it's...that it's probably not very artfully drafted. It certainly is my intent as the sponsor wouldn't...would not be to include within that exception someone who is innocently involved with an...an incident that turns out to be charged as a crime.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen. I'm sorry, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, is it your intention that this go to...to conference committee so that language problems like that can...will be worked out?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

I'm...I'm quite sure this...this will be in a conference

committee...as a matter of fact, there are sort of related provisions dealing with this collision damage waiver issue, both on this bill and also on Senate Bill 1870 which is going to be coming back to us.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hawkinson.

SENATOR HAWKINSON:

With...with that understanding...and my suggestion would be that that language be removed and also you look at that properly charged language and perhaps limit it to something that has been...been charged.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator D'Arco.

SENATOR D'ARCO:

Well, just to reiterate that it's my understanding that this bill is going to a conference committee to work out whatever differences there are including Senator Hawkinson's concerns. Senator Barkhausen, is that your understanding that this bill is going to a conference committee?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Yes...now I have not talked to the...to the House spokesman but...Representative Countryman, but I'm...I'm quite sure he wouldn't want to concur in this amendment in...in total and it would, you know, be my intention that this be headed to a conference committee.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

That's my understanding as well.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator...you wish to close?

Senator Barkhausen.

HE. 2755  
3rd reading

SENATOR BARKHAUSEN:

I'd just ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 1576 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 52, the Nays are none, 2 voting Present. House Bill 1576 having received the required constitutional majority is declared passed. House bills 3rd reading is House Bill 2755, Madam Secretary.

SECRETARY:

House Bill 2755.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, House Bill 2755 provides for the licensing of the speech language pathologists and audiologists by the Department of Professional Regulation, and that's exactly what it does, it provides for the licensing. I would move its passage.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 2755 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 56, the Nays are none, none voting Present. House Bill 2755 having received the required constitutional majority is declared passed. House bills 3rd reading is House Bill 2909, Madam Secretary.

SECRETARY:

House Bill 2909.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. House Bill 2909 is rapidly becoming sort of the Christmas tree of property taxation. I don't think the provisions are particularly controversial however. The basic bill dealt with the exemption that the Legislature passed last Session dealing with the assessed valuation of model homes which froze it at a preconstruction level, that...that is, the equalized assessed valuation. That turned out to be administratively very difficult for the assessors and so in the basic bill they eliminate the word "equalized." It then gives them something concrete that they can deal with and they think that they will be able administratively to handle that provision much more easily. The first amendment was requested by the representative of the County Assessment Officers' Association. It dealt with a provision on coal assessment and, as explained to me, and I'm not sure I fully understand this, it does eliminate what would otherwise appear to be a conflict having to do with the assessment of...of coal. The third...or the next amendment made clear that the assessment freeze provision, which is the basic subject of the bill, would apply to the 1988 assessment year and thereafter. That was requested by the Cook County Assessor. And the final amendment was formerly House Bill 3864 requested by the Cook County Treasurer and deals with the certificate of error provision. I explained it in some detail when I put the amendment on. Basically, it is to save both the county and...to save the county money in having to send out unnecessary duplicative notices while a certificate of error proceeding is still pending and before it's adjudi-

cated by the courts, and it is also designed to eliminate some of the anguish of taxpayers, particularly senior citizens, who get a notice saying that they are tax delinquent and may lose their property when, in fact, that is really not the case because it is just simply pending for certificate of error resolution. It will, I think, help everyone in the process. I'll be happy to answer questions. If not, I would solicit your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 2909 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 56, the Nays are none, none voting Present. House Bill 2909 having received the required constitutional majority is declared passed. House bills 3rd reading is House Bill 2913. Madam Secretary, read the bill.

SECRETARY:

House Bill 2913.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. House Bill 2913 deals primarily with the truth in taxation law and disclosure of information to taxpayers. The bill basically restructures the triggering of the notice that is required when a taxing unit is going in excess of its prior year extension. As you know, that limit is a hundred and five percent. There were a couple of things excluded from it like...the cost of elections but it really was not a satisfactory structure and so this redoes that. It...it defines those items that do not

have to be counted toward an increase in the property tax extension. Makes it much clearer. Includes debt service, Public Building Commission leases and election costs. Everything else is included and the one hundred and five percent limit stays. The...and then the basic bill also recast the required notice and made that much clearer. The first amendment...was requested by the Illinois Press Association and dealt with one of the time limits in the bill. There was no controversy about that. The second amendment was technical. It restored some of the references to the one hundred and five percent standard and no controversy about that. The third amendment is one that...that reflected a...a concern of Representative Didrickson and made it clear that bonds issued for working cash fund are to be included in the extension base to which the hundred and five percent limit applies. The next amendment...oh,...was really requested by the county clerks and, to the best of my knowledge, solved their problem. It clarified and made clear that when there is an a...an extension over a hundred and five percent, they...that the certification has to be there to the county clerks and that the amount of tax if they do not get it that will not be extended is only the excess of a hundred and five percent, not the entire tax levy. And the final amendment dealt with pension costs only in Cook County and required that the taxing units in Cook County make clear the amount of their property tax levy...extension only that is attributable to pension costs, something that is quite consistent with the idea of disclosure which is the basic purpose of the Truth In Taxation Act.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Woodyard.

SENATOR WOODYARD:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)



Sponsor indicates he will yield. Senator Woodyard.

SENATOR WOODYARD:

Senator Netsch, there were some question I know in Revenue Committee on this bill that some of us had received mail from township officials in opposition to it but we didn't know what their opposition was. I guess my question is, have you had any contact with the Township Officials' Association as to...are they opposed to this bill or...or neutral on it or do you have any idea?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

I have never been contacted at all one way or the other. I did get yesterday for the first time a copy of an amendment that...or of a note that goes way back to May 20th which indicates a couple of concerns and nobody has ever followed up. The one, I know, is...is no problem at all. They were concerned that somehow we were removing election costs from the part of the base...property tax base that triggered the hundred and five percent. That is absolutely not the case. So, I know that point is well covered and I'm not...I'm not sure I really understood what their second concern was.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you, Mr. President. I...I guess I have the same concern. I've received quite a bit of mail from township officials who are violently opposed to this bill. I suspect that one of the things they were opposed to was the...the bill as it was originally introduced in the House. But a question to Senator Netsch, if I may, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates she will yield. Senator Schuneman.

SENATOR SCHUNEMAN:

Did the township officials appear in committee and oppose this bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

They did not.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman. All right, further discussion? Senator Watson.

SENATOR WATSON:

Yes, thank you, I...to try to clarify the township officials, I think their opposition came from a fact that when does the truth in taxation law triggered? When do you have to publicize with your big, black, outlined ad that you are exceeding a certain levy from the previous year? My understanding...and I'd like to direct this question to Senator Netsch, if I could. My understanding is that your law says now...or your Act here says that if, in fact, we increase over the former levy any amount, that the Truth In Taxation Act will be triggered, and what I understand is the previous law said a hundred and five percent. I'd like an answer to that, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

No, that is not correct, Senator Watson, and it may well be that that is part of the confusion of...on the part of the township officials. At one point in the House, that was the case; that is, the hundred and five percent trigger was eliminated. It was restored. There were a couple of places where they missed the restoration. We took care of that in amendment...in Amendment No. 2, so that it is absolutely crystal clear that the triggering occurs only at a hundred and five percent, and I...if that was their concern, that is

fully covered.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Well, I believe that's truly their concern, so if that has been addressed, then I don't know that they would have any objection.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rock.

SENATOR ROCK:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Rock.

SENATOR ROCK:

Does the truth in taxation law apply to a hundred and two counties?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Why then Amendment No. 5?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Well, Amendment No. 5 is not literally part of the truth in taxation law, although I think it is part of the same principle and, to be perfectly honest, if it had been...if anyone had suggested extending it to others, I would have been happy to do it, but I...my amendment applied the disclosure pension costs only to Cook County.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

From whence the suggestion?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Well, the...the particular suggestion to me came from Representative Cullerton who is my House member.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Well, would you be...would you object to apply it state-wide? I mean, the fact of the matter is, as Senator Lechowicz pointed out, apparently nobody from the County of Cook has heard of this gem.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

I'm sorry, what was the question, Senator Rock?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

The question is, if truth in taxation is the...the desired end and Amendment No. 5 is...is so absolutely desirable, why is it not applicable to a hundred and two counties?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Well, it isn't applicable to a hundred and two counties, I guess the literal answer to the question, because the amendment does...applies it only to Cook County. If...if you think it ought to do that, you know, you certainly can put an amendment in to...to do that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Or the converse, if I think it ought not do that, I can certainly vote No.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further...further discussion? Further discussion? If not, Senator Netsch may close.

SENATOR NETSCH:

Well, these are some fairly important and, with the possible exception of one now, noncontroversial amendments that really strengthen and make much more useful the Truth In Taxation Act, and it certainly is my desire that the Truth In Taxation Act, which several of us initiated some years ago in the General Assembly, be a strong working document, and it seems to me that this is quite essential for that purpose, this series of amendments, and I would strongly urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 2913 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 22, the Nays are 20, 12 voting Present. House Bill 2913 having failed to receive the required constitutional majority is lost. 3024, Senator Jones. House bills 3rd reading is House Bill 3024, Madam Secretary.

SECRETARY:

House Bill 3024.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Thank you, Mr. President and members of the...of the Senate. House Bill 3024 does license...is the sunset bill for the clinical psychologists but the bill is going to be used for another purpose for the Department of Insurance. We...it is our intent to pass the bill, send it over to the House and...which they will nonconcur in the technical amendment we put on and place the bill in conference committee. So, I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. I have no problem with what you say you're going to do with this bill, but are we going to eventually come out with a bill that is going to either delay this or...I mean, all the problems we had last year with defining this clinical socialist worker or whatever it is...what's a socialist worker? A lot of them are. Could I just ask, are we going to get this done even if we're going to put it in a conference committee?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

The clinical psychologists bill...Senate Bill 2218 has passed the House and that's on the Governor's Desk. This bill would not be used for the clinical psychologists whatsoever. Okay?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall House Bill 3024 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 53, the Nays are none, none voting Present. House Bill 3024 having received the required constitutional majority is declared passed. House bills 3rd

reading is House Bill 3085, Madam Secretary. Senator Savickas, 3085? (Machine cutoff)...Bill 3085, Madam Secretary. Read the bill.

SECRETARY:

House Bill 3085.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, House Bill...3085 is a bill that would bring the Chicago Park District's operation up into modern times. Part of the age-old existing law calls for term appointments for the treasurer or secretary, general superintendents, superintendent of employment. This would remove that and put them under appointment by the commissioners, as is now, but without a term appointment. It clarifies the park district's ability to the investment of Public Funds Act, clarifies that commissioners are entitled to receive reimbursement for reasonable expenses, clarifies that the park district is authorized to individually or jointly be self-insured, provides that the park district is not required to publish appropriation ordinances in editions of newspapers distributed outside the City of Chicago as now required that it must be...the circulation of the newspaper which can be countywide or longer and it's a great added expense to the park district. And it removes the requirement that park district deposit funds after competitive bid to the highest bidder. It also changes the Personnel Code. It provides that the new section dealing with the Park District Personnel Code is designed to give the park district the authority to make certain limited changes in the civil service system in order to bring that system into line with modern systems of civil service such as the State of

Illinois Personnel Code. This will not...will not disrupt any person that has civil service status at this time. And the last point and the last amendment to the bill was the ability to add two more commissioners to...to the park board and the purpose, I understand, is to provide a better representation of the City of Chicago, to bring more communities into the representation and it calls also for the reappointment or appointment of the present board once this Act is made final. I would answer any questions that I can and solicit your favorable support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, discussion? Ladies and gentlemen, if we could have some order, please. Senator Newhouse.

SENATOR NEWHOUSE:

Mr. President, Senator, I noticed that this bill has been amended on page 1, lines 29 through 35, in effect removing the park district board and I'm...I'm wondering if this has been cleared with the city. I have no notice of it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Senator Newhouse, this was prepared and adopted and worked over by the city lobbyist. This is a city amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. I'm completely embarrassed as the city spokesman not having any knowledge of this whatsoever. I have a call in to the mayor now regarding this. I wish someone had notified me. I...I simply don't know what position to take. Can you take it out of the record and hold it till I hear from the mayor? Senator, would you...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.



SENATOR NEWHOUSE:

...respond...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas. Senator Savickas.

SENATOR SAVICKAS:

No...no...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Newhouse.

SENATOR NEWHOUSE:

I...I simply would like him to get that into the record. I think he told me that someone did that and I'd like to get it into the record for...just for the sake of the record, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator...Senator Savickas.

SENATOR SAVICKAS:

...matter of record, these were proposed and discussed by the city lobbyist. Sam Patch was at the meeting. This...this was the city proposal and this is their amendment. As far as I know, he's the spokesman there.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Question is, shall House Bill 3085 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 39, the Nays are 15, 2 voting Present. House Bill 3085 having received the required constitutional majority is declared passed. House Bill 3096, Senator Jones. Madam Secretary, ...House Bill 3096.

SECRETARY:

House Bill 3096.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Thank you, Mr. President and members of the Senate. House Bill 3096 is basically a clean-up bill for the Hearing Aid Consumer Protection Act. It revises the definition of clinical...audiologists and...to conform with JCAR request. It...revises the definition of hearing aid audiologists to be certified hearing aid...audiologists and adds definition of a hearing aid dispensation to the...to the...the Act. I know of no opposition. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 3096 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. House Bill 3096 having received the required constitutional majority is declared passed. House Bill 3125, Madam Secretary.

SECRETARY:

House Bill 3125.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. House Bill 3125 requires the plaintiffs to pay the cost of preparing and certifying records of proceedings and appeals the county board decisions regarding regulation of garbage disposal areas. There is an amendment added in committee that was suggested by the Environmental Council that does not apply this provision to citizens' groups or not-for-profit organizations that have participated in the proceedings. I'd be glad to answer any

questions.

PRESIDENT:

Any discussion? If not, the question is, shall House Bill 3125 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. House Bill 3125 having received the required constitutional majority, declared passed. 3216, Senator Berman. On the Order of House Bills 3rd Reading, bottom of page 3, is House Bill 3216. Read the bill, Madam Secretary, please.

END OF REEL

REEL #2

SECRETARY:

(Machine cutoff)...Bill 3216.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. House Bill 3216 does two things. It requires the State Board to give us a report and the Governor by March 1 of next year on the success...or the status of the kindergarten through sixth grade reading program. And amendment to this bill also provides for postsecondary immunization programs. I know of no opposition to the bill. I solicit your Aye vote.

PRESIDENT:

Discussion? Is there any discussion? If not, the question is, shall House Bill 3216 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 58 Ayes, no Nays, none voting Present. House Bill 3216 having received the required constitutional majority is declared passed. 3241, Senator Schaffer, I assume that's a hold. 3260, Senator Lechowicz. The next three bills, 64, 97 and 38 were on the recall. They'll be called at the end of the call so that everyone will have an opportunity to review the amendment. 3372, Senator Welch. Top of page 4,...3379, Senator Brookins. 3408, Senator Brookins. 3477, Senator Jones. 3499, Senator Welch. On the Order of House Bills 3rd Reading, the middle of page 4, is House Bill 3499. Read the

bill.

SECRETARY:

House Bill 3499.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

What the bill does is amend the School Code to delete language terminating a contractual continued service employee after the teacher's seventieth birthday. There was a amendment requiring school districts to provide exclusive bargaining representatives with a copy of the teacher evaluation plan that's filed with the State Board of Education which hasn't been...or in the past in many areas provided. I'd be glad to try to answer any questions.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall House Bill 3499 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. House Bill 3499 having received the required constitutional majority is declared passed. The one just above it, 3477, Madam Secretary. On the Order of House Bills 3rd Reading is House Bill 3477. Read the bill.

SECRETARY:

House Bill 3477.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Jones.

SENATOR JONES:

Thank you, Mr. President and members of the Senate.

House Bill 3477 is basic...a clean-up piece of legislation in response to legislation we passed last year on the Cosmetology and Esthetic Act and permits shampooing...to be done by persons not licensed to be cosmetologists. I ask for a favorable vote.

PRESIDENT:

Discussion? Is there any discussion? If not, the question is, shall House Bill 3477 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. House Bill 3477 having received the required constitutional majority is declared passed. 3548, Senator Karpziel. On the Order of House Bills 3rd Reading, bottom of page 4, is House Bill 3548. Read the bill, please.

SECRETARY:

House Bill 3548.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. 3548...just a second. 3548, the original bill, allows the...the Pollution Control Board to batch together these federal regulations that come...where that they have to then disseminate and wait until six-month period is up so they can put them together and...and do it at one time if they're all of the same substance. There are three amendments on this bill. The first one requires landfills and garbage transfer station operators to provide facilities to clean off trucks on the grounds of the station. Basically, that's what that one does. The second amendment allows the director of the Illinois EPA to take remedial

action that when a release or a threat of a release of a hazardous substance may contaminate a drinkable water supply. That...this applies to a specific situation in Senator Topinka's district. And Amendment No. 3 prevents the Pollution Control Board from adopting regulations requiring the control of carbon disulfide emissions generally throughout the state. It specifically states that the General Assembly finds the statewide regulation of carbon disulfide is inappropriate, and I ask for your Aye vote.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall House Bill 3548 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, 2 Nays, none voting Present. House Bill 3548 having received the required constitutional majority is declared passed. 3570, Senator Smith. On the Order of House Bills 3rd Reading is House Bill 3570. Read the bill, Madam Secretary, please.

SECRETARY:

House Bill 3570.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 3570 as amended merely stipulates that descriptive data in indicated child abuse neglect reports pertaining to the death or serious injury of a child may not be deleted from the central register except as provided by the Department of Children Family Services' rules. Now, there's no known opposition to 3570 as amended and the bill has no fiscal impact. I merely ask for your favorable con-

HB 3592  
Bill

sideration in the passage of 3570.

PRESIDENT:

Any discussion? If not, the question is, shall House Bill 3570 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. House Bill 3570 having received the required constitutional majority is declared passed. Senator Dunn on 3592. On the Order of House Bills 3rd Reading, top of page 5, is House Bill 3592. Read the bill, please.

SECRETARY:

House Bill 3592.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Dunn.

SENATOR THOMAS DUNN:

Thank you, Mr. President. This authorizes the filing of a petition in juvenile court where truancies are involved. Amendment No. 1 made...substantive changes prohibiting a minor from being locked up for more than six hours. The second amendment was at the request of Department of Children and Family Services. I urge an Aye vote.

PRESIDENT:

Discussion? Any discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. This whole issue of juvenile detention is of...of great interest throughout the state and I understand that a part of the original proposal that was defeated in Judiciary Committee has been attached to this bill. Could you address that issue, Senator?

PRESIDENT:

Senator Dunn.



SENATOR THOMAS DUNN:

Yes. The...the Sheriffs' Association was and is opposed to this. I think that was the main reason that it was defeated in committee. They have not presented us with any evidence to substantiate their position. Essentially, their position was one where in the transportation of juveniles back and forth, they felt that they would be losing money in not being compensated. I understand there's two hundred thousand dollars in the bill for that. The other aspect of it is that if the amendments are not made, the state will lose two million dollars in federal money.

PRESIDENT:

Further discussion? Senator Dudycz. I beg your pardon, Senator Schuneman, I didn't realize you were...

SENATOR SCHUNEMAN:

Sorry...sorry, Mr. President. Well, I...I accept what the sponsor says but I think the members ought to know that the downstate counties and the sheriffs, in fact, have very strong evidence as to why they don't want this. They feel that this would be an immense cost to their counties, counties that already have systems of handling this problem. Now, it's true that some of the groups want to get their hands on some federal money, but I...I think that there is great...is a great division around the state as to whether this is a good idea or not for the entire state. And so I would simply caution those of you who represent some downstate districts that the Sheriffs' Association is still in opposition and we ought to be, I think, concerned about passing this bill.

PRESIDENT:

Further discussion? Senator Weaver.

SENATOR WEAVER:

Well, thank you, Mr. President. In some of the downstate areas that do have juvenile detention centers and

they're...they often contract with multicounties to handle these. They build a building that...that houses maybe twenty-five or thirty...juveniles but some of the standards set forth promulgated by the Department of Corrections really put in jeopardy the ability of almost any downstate counties to meet those...the criteria; for instance, they...they want every cell or lockup to have a restroom. In some cases maybe there's room for fifteen and they want fifteen restrooms in that facility but their average number of inmates or juveniles in these facilities may be only five. So Department of Corrections is threatening to close down some of these that are pretty good holding facilities that they're just not...not working with or trying to help fund the standards that they promulgated. So it is a real concern downstate. Some of them are being threatened with closure, and to say that they can't hold them for more than six hours, it's...it's going to work a hardship on a lot of downstate counties.

PRESIDENT:

Further discussion? Senator Dudycz.

SENATOR DUDYCYZ:

Question of the sponsor.

PRESIDENT:

Sponsor indicates he will yield, Senator Dudycz.

SENATOR DUDYCYZ:

Senator Dunn, I'm concerned about a provision contained in Amendment No. 2. Our analysis states that the amendment includes a requirement that any minor adjudicated delinquent on a Class X felony who is not committed to the Department of Correction must be placed on probation. Is this true, and if it is, could you please explain?

PRESIDENT:

(Machine cutoff)...Dunn.

SENATOR THOMAS DUNN:

That is correct and that provision was contained in a prior bill that had passed the Senate.

PRESIDENT:

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

SENATOR THOMAS DUNN:

Yes, thank you, Mr. President. Just in speaking of caution, one of the...Senators mentioned caution, be cautioned that this is going to cost the county sheriffs two million dollars. Also, they presented no evidence, and I have many friends in the organization, they presented no evidence to substantiate the position that they would lose money. I think the proper interpretation is if they're not in compliance with this and the Illinois Department of Correction's standards, they're going to definitely lose money. So I urge an Aye vote.

PRESIDENT:

The question is, shall House Bill 3592 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 32 Ayes, 14 Nays, 11 voting Present. House Bill 3592 having received the required constitutional majority is declared passed. Senator Schuneman, for what purpose do you arise?

SENATOR SCHUNEMAN:

To request a verification, Mr. President.

PRESIDENT:

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

SECRETARY:

The following members voted in the affirmative:

Barkhausen, Berman, Brookins, Carroll, Collins, D'Arco, DeAngelis, Degnan, del Valle, Thomas Dunn, Etheredge, Fawell, Hall, Holmberg, Jacobs, Jones, Jeremiah Joyce, Kelly, Lechowicz, Macdonald, Madigan, Maitland, Marovitz, Netsch, Newhouse, Raica, Savickas, Severns, Smith, Welch, Zito and Mr. President.

PRESIDENT:

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

SENATOR SCHUNEMAN:

Yes, Senator Carroll.

PRESIDENT:

Senator Carroll on the Floor? Senator Carroll is coming out of the phone booth.

SENATOR SCHUNEMAN:

Senator Berman.

PRESIDENT:

Senator Berman on the Floor? My guess is he's in the phone booth too. I guessed correctly. Senator Berman has now emerged from the phone booth.

SENATOR SCHUNEMAN:

Senator Netsch.

PRESIDENT:

Senator Netsch is visiting the Chair.

SENATOR SCHUNEMAN:

Senator Collins.

PRESIDENT:

Senator Collins on the Floor? She's on the Floor over with Senator Hall, Senator Schuneman.

SENATOR SCHUNEMAN:

That's all, Mr. President.

PRESIDENT:

All right. The roll has been verified. On that question, there are 32 Ayes, 14 Nays, 11 voting Present. House

Bill 3592 having received the required constitutional majority is declared passed. Senator Welch, are you ready on...before we do that, Senator Davidson has a...two lovely guests that I wish he'd share with the rest of us. Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, it's my pleasure to present to you my cousin from Høterslock, Denmark, who is a college professor and teaches college there, Elizabeth Neilson. Elizabeth.

PRESIDENT:

Elizabeth, welcome to Springfield.

SENATOR DAVIDSON:

And she's accompanied by our daughter, Jane Davidson, from Hartford, Connecticut. Jane.

PRESIDENT:

Jane, welcome back to Springfield. Senator Vadalabene, for what purpose do you arise?

SENATOR VADALABENE:

Yes, thank you. Since there's a little break in the action, the Memorial Day speeches are here. This is the fifth...printing and don't rush me, just come one at a time.

PRESIDENT:

They're going like hot cakes. On the Order of House Bills 3rd Reading is House Bill 3683. Read the bill, Madam Secretary, please.

SECRETARY:

House Bill 3683.

(Secretary reads title of bill)

3rd...3rd reading of the bill.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. First of all, I'd like to ask

leave to add Senator Jones as a hyphenated cosponsor of this bill.

PRESIDENT:

The gentleman seeks leave to add Senator Emil Jones as a hyphenated cosponsor. Without objection, leave is granted. Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. What this bill does is amend the Chemical Safety Act concerning the chemical safety contingency plans. Requires certain businesses to file a written chemical safety contingency plan after notification by ESDA. Requires businesses to notify ESDA of compliance within fifteen days after the expiration of the notice period or whenever the plan is implemented. This bill is supported both by businesses and by environmentalists. What it does to have gained that support is basically parallel federal requirements, the list of chemicals is going to be narrowed to...to parallel the federal list. It also allows for the Attorney General or a state's attorney to go in to enforce action when these lists are not provided and find out exactly what is at a particular plant. This is a different approach from the usual environmental bills; usually we are reacting after a spill or after something goes wrong. What we are trying to do here is interdict that problem by going in first, finding out what chemicals are available so that we are ready in advance. One of the amendments to this bill was a technical amendment suggested by the Emergency Services and Disaster Agency. The other amendment is one suggested by Senator Jones and what that amendment did was create the Lake Calumet Environmental...Enhancement Authority. Many of us served on a committee concerning Lake Calumet and this was a suggestion of Richard Carlson, the director of the Environmental Protection Agency at the time. The bill...the amendment has eliminated some of the provisions that were most

objectionable and particularly objectionable to me as far as raising fees from part of the Hazardous Waste Fund by taking a portion of those. That provision is no longer in here. I would be glad to answer any questions from anyone.

PRESIDENT:

Any discussion? Discussion? If not, the question is, shall House Bill 3683 pass. Those in favor vote Aye. Opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. House Bill 3683 having received the required constitutional majority is declared passed. 3739, Senator Degnan. On the Order of House Bills 3rd Reading is House Bill 3739. Read the bill, please.

SECRETARY:

House Bill 3739.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. House Bill 3739 as amended removes a requirement that an offender be at least seventeen years of age before an extended term sentence may be imposed. In addition, it creates a prerelease and postrelease reunification program for children of incarcerated single parents as suggested by the Citizens' Council on Women. Thirdly, it adds Senate Bill 1987 which early on we passed and expanded the definition of home invaders; and, lastly, as requested by the Sheriff of Cook County and the president of the Cook County board, it permits any sheriff to do what the...director of the Department of...Corrections can do, in other words, permit the county to contract with other institutions like the Safer Foundation concerning prisoners who

have been giving a sentence of periodic imprisonment. Be happy to answer questions.

PRESIDENT:

Discussion? Is there any discussion? If not, the question is, shall House Bill 3739 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. House Bill 3739 having received the required constitutional majority is declared passed. 3752, Senator Smith. On the Order of House Bills 3rd Reading is House Bill 3752. Read the bill.

SECRETARY:

House Bill 3752.

(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. House Bill 3752 as amended does three things. First, it requires the Department of Mental Health and...Developmental Disabilities to include in its annual plan a family impact statement describing how the department's activities have strengthened and promoted stability within Illinois families. Two, it requires that a coordinator of services to the mentally disabled, deaf and hearing impaired persons shall be established in the department. The department shall give every...consideration to qualified deaf or hearing impaired applicants in the hiring process for the position. And, three, it merely describes procedures for discharge and after-care of recipients of mental health services who are discharged from Chicago Reed's Mental Health Center, Elgin Mental Health Center,...Madden's



Mental Health Center and Tinley Park Mental Health...Center. There is no known opposition to this particular bill and I certainly urge your favorable consideration.

PRESIDENT:

Any discussion? If not, the question is, shall House Bill 3752 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. House Bill 3752 having received the required constitutional majority is declared passed. 3765, Senator Savickas. On the Order of House Bills 3rd Reading is House Bill 3765. Read the bill, please.

SECRETARY:

House Bill 3765.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President, members of the Senate, House Bill 3765 seeks to address a problem for an airport authority located in Madison County. We have a air service facility that wishes to come in but needs an extended runway. This will provide approximately four hundred new jobs in the Madison County area and with this quick-take provision for the new runway more employment will be provided. I would solicit your support for this endeavor.

PRESIDENT:

Discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, this may well be and probably is a...a worthwhile public works project in this part of the state. I just have a couple of concerns, the...the main one

having to be with the quick-take condemnation powers which are granted to what is now called the St. Louis Regional Airport Authority in this bill. The problem, as you know, with...with quick take is that if the public authority is...as...as they often do offering an unrealistically low value for the property, the authority is able to take an...an individual's property right away and it may be two or three years down the road before the condemnation case concludes in court before the owner is awarded a reasonable...or more reasonable value for the property. So I think we should be very reluctant to...to grant quick-take powers and...and the...the other concern is that...that the quick-take powers are granted specifically to this...or one authority and references made to...to a airport...authority located solely within the boundaries of Madison County. I think it's the case that in...in...in most situations where we're making reference to a particular county, we do so in population terms and...and not...we don't specifically name the county involved and...and I wondered whether...this isn't necessarily a question of the sponsor, but I wonder whether this might create a...a constitutional special legislation problem because of the...the specific reference to Madison County. I...I would encourage those who were concerned about quick-take powers to perhaps withhold their support of this measure.

PRESIDENT:

Further discussion? Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. Well, I rise in support of the legislation. A situation has occurred in Bethalto which, of course, is in...in Madison County in Sam Vadalabene's district in which a company by the name of AEL has come in and provided a numerous jobs to the people of that area. Part of the agreement was...that was reached with AEL was that the

HB 3770  
3rd Reading

runway would be expanded to meet the requirements of the planes that'll be coming in and out of...of that particular airport. As I mentioned, this is an economic impact interest to the Madison County area and I think it's good legislation and I urge your support.

PRESIDENT:

Discussion? Senator Vadalabene.

SENATOR VADALABENE:

Yes, I just want to say I appreciate Senator Savickas handling this bill.

PRESIDENT:

Further discussion? If not, the question is, shall House Bill 3765 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 46 Ayes, 9 Nays, none voting Present. House Bill 3765 having received the required constitutional majority is declared passed. 3770, Senator Topinka. On the Order of House Bills 3rd Reading is House Bill 3770. Read the bill, Madam Secretary, please.

SECRETARY:

House Bill 3770.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President, Ladies and Gentlemen of the Senate, House Bill 3770 would amend the Vital Records Act to require that birth certificate forms contain spaces for the social security numbers of the mother and father, and I think that's kind of relevant now, especially in light of the...of the...what we've been doing in terms of trying to track down

HB 3799  
3rd reading

custodial parents. Then the other thing that this does is it amends the Nursing Home Reform...I'm sorry, it amends the Life Care Facilities Act. We did take Nursing Home Care Reform Act out of there so that we could have nonresidents be able to use those facilities under...under the jurisdiction of the Department of Public Health; and also, too, this amends the Experimental Organ Transplant Procedure Act. It would extend the indemnification to include situations where the board that now gives those reimbursement does not have to approve applications for transplantation because of notification from the Department of Public Health that funding has been exhausted. There is no known opposition at this time.

PRESIDENT:

Discussion? Is there any discussion? If not, the question is, shall House Bill 3770 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. House Bill 3770 having received the required constitutional majority is declared passed. 3799, Senator Joyce. On the Order of House Bills 3rd Reading is House Bill 3799. Read the bill, please.

SECRETARY:

House Bill 3799.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. This extends the EPA authority to regulate the...use of pesticides and to remediate releases of pesticides. It limits liability for the response cost or damages resulting from pesticides if the pesticides were handled properly. It also as amended extends the deadline

for the Pollution...Control Board to adopt regulations for classifying special and nonspecial waste to 12-1-89. Be happy to answer any questions.

PRESIDENT:

Any discussion? If not, the question is, shall House Bill 3799 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. House Bill 3799 having received the required constitutional majority is declared passed. 3870, Senator Lechowicz. 3931, Senator Maitland. On the Order of House Bills 3rd Reading is House Bill 3931, Madam Secretary.

SECRETARY:

House Bill 3931.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President, members of the Senate. House Bill 3931 sponsored by...by Senator Rock and me is the rewrite of the Nursing Home Care Reform Act of 1979, and that may be a little bit too dramatic. It...it...we have done a number of things in this...this bill and...and as it passed a...as it passed the Senate a few weeks ago in Senate Bill 2201, that bill was much more dramatic than the one we have here today. We have continued to negotiate with...with a number of groups and I believe the bill that you have before you today is one that there should be very little, if any, opposition to it. Let me just mention to you the three major changes from the original bill. Number one, it replaces a C violations with administrative warnings which do not need a plan of correction. Number two,

it reduces the number of people on the Long-term Care Facility Advisory Board to make it more efficient and effective. And, three, and finally, allows for involuntary discharge of a resident for late payment...for late payment. I know of no opposition. I would seek from you your support.

PRESIDENT:

Discussion? Senator Fawell.

SENATOR FAWELL:

Will the sponsor yield for a question?

PRESIDENT:

Indicates he'll yield, Senator Fawell.

SENATOR FAWELL:

I...I've been getting a few phone calls and letters about that...that last provision that you have in this bill about the involuntary discharge of...of patients who don't pay their bill. Basically, could you...could you explain that particular portion of the bill?

PRESIDENT:

(Machine cutoff)...Maitland.

SENATOR MAITLAND:

Senator Fawell, it is ninety-six days now with two warnings. And, secondly, to anticipate perhaps another question, in this original draft we...we did not exempt the public aid patients and they are exempted, and I think it met those objections.

PRESIDENT:

Further discussion? If not, the question is, shall House Bill 3931 pass. Those in favor 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 58 Ayes, no Nays, none voting Present. House Bill 3931 having received the required constitutional majority is declared passed. Senator Watson, for what purpose do you arise?

SENATOR WATSON:

Yes, on a previous bill, House Bill 3765, I inadvertently voted No. After speaking in behalf of the legislation, I'd like the record to show that I would have voted Yes.

PRESIDENT:

The record will so reflect. 3938, Senator Marovitz. On the Order of House Bills 3rd Reading is House Bill 3938. Read the bill, please.

SECRETARY:

House Bill 3938.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

...thank you, very much, Mr. President and members of the Senate. This bill creates a civil cause of action for a patient or former patient of a psychotherapist who is sexually exploited by that psychotherapist. By amendment, the Catholic Conference drafted an amendment which we put on the bill exempting spiritual and religious counseling from the bill. They are now supportive of the bill, they've withdrawn all their opposition and I would solicit your Aye vote.

PRESIDENT:

Discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Will the sponsor yield for a question, please?

PRESIDENT:

Indicates he'll yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, in committee, I believe, by committee amendment we made the Statute of Limitations the same two years as all other civil action. Was there any Floor action that restored that to a more lengthy Statute of Limitations?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

(Machine cutoff)...no. The Statute of Limitations is as you requested at two years, the same with all the others.

PRESIDENT:

Discussion? Further discussion? If not, the question is, shall House Bill 3938 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, 2 voting Present. House Bill 3938 having received the required constitutional majority is declared passed. 3946, Senator Philip. On the Order of House Bills 3rd Reading is House Bill 3946. Read the bill, please.

SECRETARY:

House Bill 3946.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 3946, quite frankly, is...a vehicle bill, hopefully, when Senator Rock and I can agree on some soundproofing of schools and hospitals around O'Hare Field. So we want to get it over...back to the House and in a conference committee. Be happy to ask...answer any questions.

PRESIDENT:

The question is, shall House Bill 3946 pass. Those in favor vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55



*HB 4005  
3rd Reading*

Ayes, 1 Nay, none voting Present. House Bill 3946 having received the required constitutional majority is declared passed. 4005, Senator Watson. On the Order of House Bills 3rd Reading is House Bill 4005. Read the bill, please.

SECRETARY:

House Bill 4005.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. This legislation amends the AIDS Confidential...Confidentiality Act and in regard to the consent to test exceptions. This particular piece of legislation would allow health care providers or health care facilities to perform AIDS tests without written...informed consent when a health care provider, an employee of a health care facility, a firefighter, an ambulance attendant or, as Senator Savickas amended a bill, a police officer has been involved in an accidental direct skin or mucus membrane contact with blood or body fluids of an individual likely to have...to transmit AIDS. This must be certified by a physician and it also provides for the disclosure of that information and test results. Amendment No. 1 did add the police officer to the Act as Senator Savickas asked. Number...Amendment No. 2 identified what an ambulance attendant is...definition of an ambulance attendant, and number three said that the individual who asked for the testing would be responsible for paying for the costs. Be glad to answer any questions at this time.

PRESIDENT:

Discussion? Senator Berman.

SENATOR BERMAN:

Question of the sponsor.

PRESIDENT:

Indicates he'll yield, Senator Berman.

SENATOR BERMAN:

I didn't get the last sentence. Who pays the cost of this test?

PRESIDENT:

Senator Watson.

SENATOR WATSON:

The individual who's asking for the test and in particular case it would be the police officer, EMT, health facilities worker.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

As I understand the explanation, if there is any contact with any of these categories, police officer, firefighter, ambulance attendant, any contact with bodily fluids, an AIDS test can be requested without the consent of the person being tested. Is that the bill?

PRESIDENT:

Senator Watson.

SENATOR WATSON:

That is correct but a...a physician must certify that that direct contact has been made, a physician has to certify that. So you just can't...indiscriminately ask for an individual to be tested, a physician must certify that test or that that test be made.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

What is the relationship of this physician who is authorizing the test? Is he...to whom...who is his patient?

PRESIDENT:

(Machine cutoff)...sorry, Senator Watson, I thought there

was a question posed. Senator Berman.

SENATOR BERMAN:

Yeah, there was.

PRESIDENT:

Well,...

SENATOR BERMAN:

I...I asked what...this doctor, who's his patient? Who is he giving advice to?

PRESIDENT:

Senator Watson.

SENATOR WATSON:

Well, it's the attending physician.

PRESIDENT:

(Machine cutoff)...discussion? Is there any further discussion? Senator Raica.

SENATOR RAICA:

Question of the sponsor, please.

PRESIDENT:

Sponsor indicates he will yield, Senator Raica.

SENATOR RAICA:

I think what Senator Berman may have been getting at and...and I don't want to speak for Senator Berman, but just...if I can get a clarification from Senator Watson. In the point where a patient is suspected of having AIDS and the physician is to clarify or to certify that, yes, in fact, a contact has been made where mucus or blood has been in contact with...with the...health care professional, is the patient...the paramedic or the police officer or firefighter brought in, is he the patient at the time or is the...health care professional whether it be the nurse, the paramedic or the police officer, is he the patient since the contact with the mucus or the blood was made with him at that point?

PRESIDENT:

Senator Watson.

SENATOR WATSON:

Well, it wouldn't be the...the patient would not be necessarily the police officer or the EMT or the health care worker, no.

PRESIDENT:

Senator Raica.

SENATOR RAICA:

I guess my concern is...is...is Amendment No. 3 because under that amendment it would request that the...the...the patient request thing, the AIDS test, I would assume unless I'm wrong, would be the patient that is charged with the bill for the AIDS test. What I'm saying, that there's...your situations where patient comes in and the patient has the possibility of...of...of being one of these patients that...that you can see that is a possible AIDS carrier. Now when that health care professional, be it the...the...the paramedic or the police officer or firefighter, brings that patient in to the health care facility, if he is working for a municipality or for a town at that point in time, I guess the concern is that the...the burden or that cost factor is being placed on him when he is, in fact, doing a duty as a response call on 911.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

Well, in this particular case, the health care provider...the health care individual involved which, of course, could be the policeman or the EMT is the one who would be responsible if, in fact, the payment...the cost of the...the test is necessary. If he's asking for the test, then that individual would be responsible for the cost.

PRESIDENT:

Senator Raica.

SENATOR RAICA:

I...I guess that's...that's where my...my problem...or my concern comes in with what you just voiced your concern on when the health care provider or health care professional requests the test. If we have a...a patient that was brought into a hospital and, according to the bill, there is blood contact or mucus contact, an AIDS test can be performed without a charge. Is that correct or no?

PRESIDENT:

Machine cutoff)...Watson.

SENATOR WATSON:

Well, that would be up to the hospital but that certainly could be the case.

PRESIDENT:

Further discussion, Senator Raica?

SENATOR RAICA:

Then I really don't see any reason for Amendment No. 3. I'm going to vote No...or Present on the bill only to flag it to the House in hopes that they put it in conference committee, because my concern is that, again, we have that it's at the option of the hospital when, in fact, the bill says that if there's blood contact or mucus contact that in...the AIDS test can be performed. My concern is that this health care professional shouldn't even have to come in and ask for that test and be burdened with the cost of the test if, in fact, the hospital shares the concern that this patient, in fact, does have AIDS. So I think it's an undo cost that can be passed on to a police officer or...or a health care professional that shouldn't be passed on there, so I'm going to vote Present just to flag it in the House hopes that it goes to conference committee.

PRESIDENT:

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

I have a question of the sponsor.

PRESIDENT:

Indicates he'll yield, Senator Dudycz.

SENATOR DUDYCYZ:

Senator Watson, just to further...clarify what...I...I got more confused listening to this debate as it goes on, to clarify what Senator Raica was saying. If a...if a police officer arrests an individual and that individual in the short time later is found to have been carrying the AIDS virus and that police officer may or may not have had contact of either mucus or...or blood between him and...and the person he had arrested, that police officer would go to the hospital and request that he be tested for AIDS. Who at that point would be responsible for paying for that test?

PRESIDENT:

Senator Watson.

SENATOR WATSON:

I...well, it would be the individual. The answer to the question, it would be the individual asking for the test. I think...well, that's the answer.

PRESIDENT:

Senator Dudycz.

SENATOR DUDYCYZ:

...Amendment No. 3 is...the provision that carries this, is that correct?

PRESIDENT:

(Machine cutoff)...Dudycz.

SENATOR DUDYCYZ:

...my question is, it would...the provision that requires the individual to pay for the AIDS test is...is contained in Amendment 3, is that correct?

PRESIDENT:

Senator Watson.

SENATOR WATSON:

That's correct.

PRESIDENT:

Senator Dudycz.

SENATOR DUDYCHZ:

Well, at whose request was Amendment No. 3 placed? Was it the Municipal League or...or...or who requested that Amendment No. 3 be included?

PRESIDENT:

Senator Watson.

SENATOR WATSON:

Well, the...the concern was raised by the Illinois Hospital Association as to who actually would be responsible for payment. All we're trying to do is identify that that particular individual, maybe the police department, fire department, maybe that particular agency would be required but we do think that someone should have to pay and we don't believe that the hospital should be left holding the bag on this, and we don't feel that the individual being tested should necessarily be required to pay.

PRESIDENT:

Senator Dudycz.

SENATOR DUDYCHZ:

Well,...in that case, I join with Senator Raica and...and urge everybody to vote Present and hope that this goes in a Conference Committee Report and we can remove that provision contained in Senate...in Amendment No. 3.

PRESIDENT:

(Machine cutoff)...discussion? Any further discussion? Senator Watson, you wish to close?

SENATOR WATSON:

Well, the concerns that have been addressed on the Floor, I...I can somewhat sympathize with but I...I don't understand their...their rationale for voting Present, because they're...by not supporting the bill, the bill is not going to even get an opportunity to go to conference committee

HB 4094  
3rd Reading

because there...maybe their concerns could be addressed at that particular time. But...but their...their problem, and I just want to address this and mention it one more time is, who's going to pay. Well, I just don't think that it should be left up to the hospital to...to...to hold the bag in this particular case and I certainly don't think it's the individual who's being tested should have to pay because...he's not even being asked to be tested, it...it's someone else. So the issue of testing and who's going to pay, I think should be the responsibility of that individual, agency or department to pay for that particular test. All we're trying to do here is...trying to protect those people that are out there on the front lines, the firemen, the EMTs, the police officer, trying to protect them and make them aware of a possibility of being exposed to AIDS. I...I don't see a problem with this particular piece of legislation. It's supported by the Illinois Medical Society, the...the State Police, the fire agencies and associations and I would encourage a Yes vote.

PRESIDENT:

The question is, shall House Bill 4005 pass. Those in favor vote Aye. Opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 48 Ayes, 4 Nays, none voting Present. House Bill 4005 having received the required constitutional majority is declared passed. 4063, Senator Berman. Top of page 6, ladies and gentlemen. 4094, Senator Poshard. On the Order of House Bills 3rd Reading is House Bill 4094. Read the bill.

SECRETARY:

House Bill 4094.

(Secretary reads title of bill)

3rd reading of the bill.



PRESIDENT:

Senator Poshard.

SENATOR POSHARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Mr. President, in many instances today, ...in many instances today, such as serious automobile accidents or trauma cases, individuals cannot speak for themselves and have no living will or power of attorney to have someone speak for them. In these cases, perhaps the individual is in a comatose or a semicomatose state. This particular bill would create the presumption that every person be given food and water to sustain life until the natural body processes cease to function unless the following conditions exist: unless the person while competent refuses the nutrition or hydration, unless the administering of the nutrition or hydration is not feasible or would cause severe pain, unless the individual cannot assimilate in his body the nutrition or hydration, unless the administration of nutrients or water would shorten his life or her life and unless the patient is imminently dying. Mr. President, this is not an...easy issue, but this is all that the bill does and I ask for your favorable consideration.

PRESIDENT:

All right. Discussion? We have about twelve so far who have indicated their desire to speak. Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President, members of the Senate. This is a very important bill and I think that everybody ought to take note of it. This bill creates legal presumption that people want to be kept alive even if...if they've...and after they've had a massive stroke or in a coma and are really vegetating. The presumption in this case is really unreasonable and I don't think one that the majority of people in Illinois support. The Legislature really should

not be in a posture of creating presumptions especially these type of presumptions. The decision to withdraw nutrition and hydration is a very personal one. Today, under the...under the present law, today, if a person hasn't indicated what his preference would be, his family makes the decision in consultation with a physician. That's the law today. You have a coma...you're in a coma rather, you have a massive stroke, you're vegetating, your family makes that decision in consultation with the physician. Who knows better than the...than the people's...than the patient's family what the desire of that family member would be? The Legislature should allow those family members in consultation with a doctor to make that decision instead of establishing a sweeping presumption, which is what this bill does, that may be contrary to the person's own personal wishes if he had the opportunity to express those wishes. Now, we have in Illinois a living will. Many people believe that by signing that living will, they've indicated that they do not wish to be kept alive and have their life prolonged where there's no hope that they'll regain consciousness. They'd take...they make the decision to sign a living will for the purposes of saying that I don't wish to be kept alive by artificial means and that is a legal document in Illinois today. But the living will only applies when death is imminent and, so, this particular bill says that you must make a specific designation about hydration-nurtition and the living will does not apply in this situation. So people who sign a living will believing that situations like this are taken care of are being deceived. They're not being taken care of if we pass this bill, because the designation is not specific regarding nutrition and hydration tubing. Thus, many people's wills will be frustrated if this bill passes. Finally, also in Illinois, we have a health care power of attorney. That is also the law in Illinois along with the living will situa-

tion. By requiring specific instructions to withdraw nutrition and hydration, this frustrates the wishes of a person who signed a general health care power of attorney in which he indicates an individual who he would like to make those decisions for him. That's what the health care power of attorney is; if they're in a situation where they're unconscious or in a coma, health care decisions are designated to an individual in a health care power of attorney, but this is a general delegation of this and not specific. So even this health care power of attorney wouldn't cover this situation even though the individual thinks it would. In other words, the individual's own wishes are being frustrated by passing this...legislation, creating a presumption and necessitating a very specific designation which, ladies and gentlemen, nobody can foresee. All they can foresee is the living will situation indicating their wishes or the general...health care power of attorney situation indicating an individual, and that should cover it, that should be sufficient. Let's not get into the business of creating presumptions and frustrating people's wishes. This is a terrible bill and not something that the Legislature should get involved in.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator...Senator Hudson. Senator...you...you may be...you may do so on your rebuttal. Senator Hudson.

SENATOR HUDSON:

Thank you, very much, Mr. President and members of the Senate. One of the things that has impressed me in...in considering this particular piece of legislation is the...what I would consider to be the blatant misrepresentation of this piece of legislation itself. Now, it's interesting to me to hear the former speaker talk about...and, granted, he's talking about legal presumptions,

but in the piece put out by the Senator, with all due respect, he has, I think, included some presumptions of his own; for example, it represents this piece...in opposition to this bill says it represents an extreme view shared by only a small minority of the people, yet, it forces that view on every Illinois resident, like it or not. Well, who took such a poll? Where did...such a fact of that nature come from? Who investigated all the people of Illinois to see how they felt about this issue...even if they were aware of it, say nothing about understanding it? That, to me, is a presumption and it's interesting that it would come from the Senator who speaks in violent...not violent but in...in opposition...strong opposition to this bill. Another part of this opposition statement that impressed me was this. It says, "The bill violates one of the basic recommendations of the President's Commission for the Study of Ethical Problems in Medicine, in Biomedical and Behavioral Research 1983, which concluded," now this is a quote. This is the conclusion of the study, "The law does not and should not require any particular therapies to be applied or continued with the exception of basic nursing care that is needed to ensure dignified and respectful treatment of the patient." And I will submit to you, Ladies and Gentlemen of this Senate, this is exactly what the sponsor of this piece of legislation is attempting to do and that is to assure dignified and respectful treatment of the patient. Admittedly, that patient in a...in a...in a sorry state, but isn't that patient deserving of this? Who here would really argue that a...that a person whether he is suffering from a terminal case of AIDS or anything else that may put him in a situation where he cannot speak for himself should be deprived of food and water which, if we understand correctly, is one of the most horrible kinds of death that we can envision? And it seems to me, colleagues of the Senate, that the sponsor is trying to do

something here that is only humane, is only just and in the best interest of people in this deplorable condition. I would urge you to think seriously about it and I would urge your consideration of what the sponsor, Senator Poshard, is going to have further to say about it and would urge your serious consideration in favor of this piece of legislation which I think is an excellent...an excellent concept.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President, members of the Senate. I got a question, Senator Poshard. I'd like to know...in a case here that the Federal Child Abuse Act of 1984 which applies in Illinois requires that all children born with handicaps be given substance. Is that the law right now in Illinois and can you tell me that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Poshard.

SENATOR POSHARD:

That is the law in every state in this union that you cannot withdraw food and water from handicapped children; no matter what their medical disability, you cannot do it to hasten their death.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Okay. So this applies not to children that are, let's say, being born, that it would apply to...to adults or are you just trying to get more of a clarification? I think you...it seems to me like we are trying to protect those with handicaps in the early stages.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Poshard.

SENATOR POSHARD:

That specific bill in 1984 applied to handicapped children. It resulted from a case whereby the parents of a child had determined because of the...the child was a Downs Syndrome child, that they would let the medical disabilities of the child go ahead and...and determine the child's death but they would hasten that death by the withdrawal of food and water from the child. This...this federal legislation was passed to say, and specifically to handicapped people...handicapped children, that you cannot hasten the death of a person no matter their physical disability by the withdrawal of food and water which is essentially the same thing we're saying here for people who are in these kinds of severe medical situations.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. I would...I would rise to...support this legislation. I think it does improve the...certainly support the quality of life, and I don't know about you, whether when a time comes when we're...when our life is, you know, maybe not worth saving, so to speak, because we've reached a certain stage, but I...I do feel that I don't want to die from starvation and from thirst...because this example of what was talked about was one of the...most atrocious and I think it actually reflects upon a...a Hitler type of atmosphere when we allow any human being to be dehydrated, have...I know about the details and it's gory, and I tell you, this is supported by all the Pro-life Organizations in Illinois and I think it's important particularly to give protection to those that need the help the most, the...the mentally handicapped and the senior citizens and the people who can't protect themselves. Let's at least have a...a quality of life that we can appreciate and support, so I'll support this proposal.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate, first of all, I would like to commend the Senate and the House sponsor for attempting to get at an issue here which I think is not only vitally of interest to all of us but it's a very pertinent thing as...as we kind of go through life and...and look at the continuum of life and death. However, I would like to ask some questions, if I may, of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Topinka.

SENATOR TOPINKA:

First of all, as...as I read this, there are some exceptions to the bill when nutrition hydration would be withheld. The first would be when a person while competent had stated that he or she would refuse artificially administered nutrition or hydration. How would you have that documented?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Poshard.

SENATOR POSHARD:

We...we...Senator Topinka, we simply have to have evidence. It could be a statement to a family member, it could be a statement to a close friend, to a doctor, evidence that the person at some time decided that in the...in...in the event that he would be in a comatose or semicomatose state with perhaps death being imminent or not imminent, he would say that I do not want my life shortened by the withdrawal of food or water, that's all that's required.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

Now, I'm not an attorney and, of course, this...this can

all lead to much litigation as...as things like this or want to do, would that not be considered hearsay or would that not be challengeable in court if somebody chose to...to do so?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Poshard.

SENATOR POSHARD:

The bill is silent in regard to that statement as to whether it would be hearsay or not but let me just mention this to you. Currently, there are thirty-three cases being addressed by the courts in a number of states including Illinois in regard to this particular situation. This bill may give the courts better direction in terms of determining how to decide on these cases, but there...the cases are going to be in the court whether the bill passes or not probably. These thirty-three cases include a case in the State of Illinois in re: Virginia Prang, and the Prang Case in Appellate Court in Illinois ruled that the Cook County public guardian could have nutrition and hydration withdrawn for comatose patients, but the Illinois Supreme Court recently vacated that ruling. Initially, the cases will be decided by the courts if House Bill 4094 passes, but it will provide guidelines for the courts, guidelines which do not currently exist.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

One...one more question, if I may, before I...I'd like to speak to the bill. Who makes these decisions now when a person is unable to do so, is...is just absolutely wiped out in a comatose condition?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Poshard.

SENATOR POSHARD:

If the...if the person is in a comatose position, the



decisions are made now by a member of the family or the doctor or in combination with each other, but those...this bill does not preclude the family from making any medical decision about the health of this individual. If, in fact, this person is permanently brain dead, if they're in a so-called vegetative state, the family can say, take the tubes out, take them off the respirator, get rid of the chemotherapy, take the cardiac machine away. Let them die when the natural body processes come to an end. The only thing this bill precludes the family from doing, unless the person has otherwise indicated to the family, the only thing this bill does is say that the family, unless otherwise indicated at some point in...in...in this person's life, the family cannot withdraw food or water to hasten the natural death of the person.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator Topinka.

SENATOR TOPINKA:

If...if I might now speak to the bill. I, again, appreciate what you are attempting to do here, but having gone through a case like this with a very, very close family member of mine, my mother, within the last two months and generally speaking voting a pro-life position, I would have felt extremely upset had a law like this been on the books when I had to make that decision in conjunction with my father. The situation was brutal enough as it was and what we had to deal with, and I would have to speak against this bill at this time just because I've seen it firsthand, and what I can't deal with or put up with, I certainly would not want to impose on the people of Illinois.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? We have Senators Rigney, Berman, Barkhausen, D'Arco and others. Senator Rigney.

SENATOR RIGNEY:

Well, Mr. President, as has been pointed out, we really are making some presumptions here for all the people of the State of Illinois because eventually the time will come when we all must deal with death. This I think is a very intensely personal type of situation and, frankly, I'm a little disappointed to think that we as the General Assembly are going to be making that kind of a decision for all of our people. I can foresee that something might happen in my own case and a couple of decisions could be made. I could either leave the family farm to my children as I intend to do and hope to do at the time of my death, I've worked long and hard to create that kind of an estate for them, or if I have no choice in the matter and my family has no choice in the matter, I can maybe be kept alive for several months or maybe even several years by some process of this kind and my family farm can be used to...to buy a new Cadillac for my doctor and to put a wing on the hospital. But given the choice, frankly, I know what I want to do with my estate and I kind of resent the fact that we here in the General Assembly are going to take that kind of an option away from me. I think it's the type of bill that should not come before this Senate.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I think the comments by Senators Topinka and Rigney are very much to the point. Let me comment regarding the proponents and I have great respect for their point of view. The thing that bothers me, however, is that those discussions, that advocacy really should be conversations that take place between the family of the person that is ill rather than debate on this Floor to set policy for every family in the State of Illinois. That's what disturbs me about these kinds of bills, this kind of a proposal

where I'm going to dictate to every family in this state what they should do. Senator Marovitz put his finger on it legally. We passed a living will law. We've passed the power of attorney law. People in my district and I think in many of your districts have contacted my office and taken that new power of attorney form that we passed in order to specify that they don't want their lives to be prolonged when it becomes just a medical technicality. This bill works against what those people believe we've done. I don't think it's fair to them, I don't think it's the right way to act. I think it's reversing what the public wants to be able to do and that is they and their families make their own decisions, not for us to make it for them. I urge a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and...and members, I'll try to be brief in light of the fact that many of the points that I was going to make have already been made. But I...I would simply say at a...at a minimum that...that we shouldn't be passing this legislation without at the same time amending the Illinois Living Will Act and the Health Care Power of Attorney Act that we passed last year, because in the judgment of those who have looked at this issue most closely, neither of those two Statutes already on the books contain the specific direction that...that would be required in order to comply with the...with the degree of specificity that this measure seems to call for in...in directing those with the power to make these health care decisions. In addition,...in addition to that, I would simply say, as...as to the measure itself, that...that there is...there is a problem with...with the vagueness in the wording of...of the bill where it requires that one have...have stated their intent and there's no...there's no real indication of what this form of a state-

ment should take...should it be something that is...a document that is formally executed in the way that the Living Will Act or the Health Care Power of Attorney Act is or does it simply require some indication through testimony in court at some point that one has made an oral statement and...and, if so, what...what form of evidence is...is to be produced in order to...to show evidence of that statement. I...I think that this measure is fraught with...with complications and I...and I suspect that's the reason the health care interest, the Medical Society and the Illinois Hospital Association are opposed to the legislation and I think we should be too.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator Poshard, for what purpose do you arise?

SENATOR POSHARD:

Well, sir, I'd just like to answer his question about the bill that he asked, although it may have been rhetorical in nature. Yesterday we were told by some of the lawyers in the Assembly here that the bill, the way we had it written up originally involving clear and convincing evidence to show that the family member had indicated this, would not stand up, it was...it was above the normal standard of the law and we changed that on the basis of some...what we thought very good legal opinion and now we have David to come back...Senator Barkhausen, who is another lawyer and say, well, we've left it too wide open now. I don't know, I...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator D'Arco.

END OF REEL

REEL #3

SENATOR D'ARCO:

Thank you, Mr. President. I think that Senator Topinka hit on the issue very clearly when she said that...does this change the law regarding the wishes of the family in consultation with the doctor to decide whether to remove the artificial systems of hydration and nutrition. And Senator Poshard said to that, no, this does not change that one bit. That's not true. That's not true, because if this bill becomes the law, the family in consultation with the doctor cannot remove those systems unless the patient explicitly stated that that was his desire at sometime in his life. That's what this bill does, don't make any mistake about that. The Council of Ethics and Judicial Affairs of the American...Medical Society issued a statement on March 15th declaring that life prolonging medical treatment including nutrition and hydration may be withheld from a patient in an irreversible...coma even if death is not imminent...even if death is not imminent. The reasoning was that withholding food and water from an irreversibly comatose patient simply allows the pathology of the coma to take its natural course. The patient, ladies and gentlemen, has a right to die as well as a right to live and this bill denies him that right.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? The...Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, I'm not going to speak long, but I'm just wondering if we can play God. I don't feel that I can play God and I think what this bill is trying to do is make a humane effort and the pro-lifers know that I don't always agree with them

because they're not always fair, but I think in this case, I'm going to have to support this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Question of the sponsor, if he'll yield.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Rock.

SENATOR ROCK:

Does this bill apply only...only...only to adults?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Poshard.

SENATOR POSHARD:

Senator Rock, I...I honestly think that the bill the way it's written applies to anyone but this very thing is already taken care of in regard to handicapped children by the federal legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Well, that...that's part of the reason for the confusion, and I suppose, Mr. President and members, this...if we have an example this Session, this is a good example of a very important piece of legislation that did not go through, unfortunately, the committee process. As I stand here at this moment, I'm not sure what the position of the Medical Society is or would be or should be, nor am I sure what the position of the Hospital Association is or would be or should be. Nobody has had a chance to discuss it. My reading of this bill, which is only one page long and now has one amendment, would indicate that it...it is applicable only to adults...only to adults, because if it is not, then I suggest and I'm happy to report that Illinois passed a law long

before the Congress did to protect youngsters and say very explicitly that they are included in the definition of neglected children if there is any attempt to deny them ordinary food and hydration. That's already covered. So, this document that was passed out to us which makes some oblique reference to the National Downs Syndrome Congress and the Association for Retarded Citizens really...really doesn't apply. We're not talking about kids or handicapped kids or Downs Syndrome children, we're talking about adults, and I think there is some rampant confusion on the Floor and there's some feeling that, oh, my goodness, I have to vote for this or else I'm somehow opposed to the right of...of youngsters to have ordinary food and medicine and everything, not involved here at all. What we're saying, as I read this, is this applies to adults only, and if the adult hasn't exercised that right under a living will or that right under a power of attorney, both of which laws we've passed here, that the premise is that anywhere in this state that adult can be denied food and water and I reject that premise out of hand and those court cases to which you've referred the latest being from our Illinois Supreme Court that says, no, you can't do that. When the public guardian from Cook County tried to do that, the court said, no, you can't do that and I think, frankly, this piece of legislation is going to screw things up and I would hope that the sponsor would either rerefer it to a committee or just hang on to it till we get a chance to really find out what's involved; but don't anybody here vote for it on the basis that this applies to youngsters who are unable to take care of themselves because it simply doesn't. I, for one, intend to vote No and I think, again, that...that this is a subject matter that well should have gone through an extensive committee process. It did not appear to go through anywhere near that in the House because I...I still don't know where everybody is. The last piece of

paper I got said that the Attorney General of Illinois is opposed. I don't know if he's opposed. The ACLU is opposed; they're opposed to virtually everything we do around here and that doesn't bother me, but I don't know about the two professional associations, but I dare say there's...there's...you'd be hard pressed, my friend, to find a doctor in this state that's going to have an adult who's in a comatose state and say shut off the food and water. It just isn't going to happen.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Poshard may close.

SENATOR POSHARD:

Well, thank you, Mr. President and Ladies and Gentlemen of the Senate. To Senator Rock...I certainly would have preferred this to go through the committee process, except the chairman of the committee indicated to me that he did not want to hear the bill, so there's not a whole lot you can do about that if the bill is not allowed to be heard in committee, and I hope that I have not indicated by anything I've said on this Floor that I want to have anyone vote on this bill and go back to their district and feel guilty or my having tried to make them feel guilty about not supporting basic needs of children. I've said and stated very plainly that that is already the law. Let me respond to some of the issues that have been raised. This bill has nothing to do whatsoever with the contention that a family does not have the right to determine the medical care of their individual family member if that person is brain dead or in a so-called vegetative state. If, in fact, they are in that state, they are dead. Take off all of the resuscitators, the heart care machines, all of the other artificially life sustaining instruments that you want; that's up to the family, let them do it, I don't want to sustain life by artificial means, but is water and food artificial? From the time a baby breathes



his first breath in this world till the time our natural body processes end our life, two of the most essential nourishing things that any of us can be given is food and water. And all this bill says is that until those natural body processes end naturally, don't hasten the death by starving somebody or dehydrating their body. That's all it says and we can apply all the legalese to it we want, we can argue about cost and quality of life, all the other things, but if we start down this slippery slope of saying that we put life on some continuum whereby our judgment of what quality of life means determines whether or not a person should go on living out their life till its natural end, then...what happens next year and the year after when somebody comes back and says, well, I don't think the quality of life in those mental institutions where those children who lay there and have to be fed by IV's and have never experienced the same moment in their life, I don't think their quality of life is substantial enough to deserve food and water either, so let's get rid of them. That's the next step down the road. Don't do it. The presumption here is on the side of life not death, and I ask you today to keep this simple, choose life not death. I ask for your affirmative vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 4094 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 26, the Nays are 17, 13 voting Present. House Bill 4094 having failed to receive the required constitutional majority is declared lost. 4113, Senator Ralph Dunn. House bills 3rd reading is House Bill 4113, Madam Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 4113.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Ralph Dunn.

SENATOR RALPH DUNN:

Thank you, Mr. President and members of the Senate. Senate Bill 4113 suggested by Department of Mines and Minerals, it has the support or at least the acknowledgement of the Coal Association and the United Mine Workers, makes four changes in the Coal Mining Act. It allows the miners examining board to be appointed by the Governor which really isn't much of a change, I don't think. The mining examiner board may receive a statutory...may have their pay raised above the statutory...set...seventy-five hundred dollars by going before the Compensation Review Board. Director may determine the number and location of examination as administered and the one main part, I think, is the carbon recovery projects around the state will be subject to the health and safety provision of the Coal Mining Act. I'll be glad to answer any questions and I urge its passage.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? The question is, shall House Bill 4113 pass. Those in favor will...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 58, the Nays are none, none voting Present. House Bill 4113 having received the required constitutional majority is declared passed. House bills 3rd reading is House Bill 4116, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 4116.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Poshard.

SENATOR POSHARD:

Yes, thank you, Mr. President. Mr. President, this bill was amended several times in committee and on 2nd reading and I'm going to refer to Senator Marovitz who sponsored those amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

(Machine cutoff)...Poshard. Senator Poshard.

SENATOR POSHARD:

Thank you, Mr. President. I'd like leave to include Senator Marovitz as hyphenated cosponsor and to refer to him to explain the bill, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Poshard seeks leave of the Body to have Senator Marovitz added as a hyphenated cosponsor. Is leave granted? Leave is granted. So ordered. Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. House Bill 4116 allows the finding of unfitness after there are two findings of physical abuse of a child if the most recent finding of physical abuse of that child was established by clear and convincing evidence. It also allows fees to be assessed in paternity cases as they are in dissolution of marriage cases. This was brought up by the Supreme Court and asked for...asked this issue to be clarified. That's all that is in the bill and I would ask for your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 4116 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

HB 4125  
3rd Reading

that question, the Ayes are 58, the Nays are none, none voting Present. House Bill 4116 having received the required constitutional majority is declared passed. All right, House bills 3rd reading is House Bill 4125,...Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

House Bill 4125.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Thank you, Mr. President and members of the Senate. House Bill 4125 creates the offense for drug induced homicide, also requires the Secretary of State to suspend a...a person's driver's license if they are convicted under this Act while driving a motor vehicle. The...the offense of drug induced homicide will allow for the prosecution of any person in the chain delivery of drugs. Person A could be found guilty if he delivered drugs...deliver a specified amount of drugs to person B who then deliver to person C who dies as a result of taking the drugs. This...this piece of legislation is recommended by the State's Attorney of Cook County and it creates a...a minimum of fifteen years sentence under the conviction of...of this Act which is a Class X...X felony. It is a good piece of legislation and...it should receive unanimous support of this Body, and I'll answer any question any person have...as a result of this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, the drug problem in the whole country is a very, very bad problem and a big one. The only way we're going to get something

done. constructively is if we support a bill of this nature which does provide that the manufacturer or dealer who delivers an illegally controlled substance to another responsible for the death of any person resulting from the use of that illegal drug can be penalized with a Class X felony. I commend the...House sponsor of the bill and my...sponsor, Mr...Mr. Jones. I...I ask for a favorable consideration. It's high time we got after these miserable drug pushers who've made a...a travesty of the lives of young people.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...further discussion? Senator Brookins. Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. I rise in support of this legislation. I, too, commend the sponsor, the House and the Senate sponsor, and would also seek to be added as a cosponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, you've heard the request of Senator Brookins to be added as a hyphenated cosponsor. Is leave granted? Leave is granted. It's so ordered. Further discussion? Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. What we probably should do is have a bill that says that if you're a drug pusher...you should get the death penalty under Illinois law or something. That...right, I...I'd be for that...I'm for that, I think...I want to get these drug pushers off the street just like you guys. I mean, I don't take drugs. Emil, do you take drugs? Well, you smoke cigarettes, don't you? I mean, the attorney...the Surgeon General said that smoking cigarettes is a drug and that it's addictive to smoke cigarettes. I mean, are you drug addict under this bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...Senator Jones.

SENATOR JONES:

...in view of the fact that I'm still on this Floor and Senator Brookins hasn't gotten me as of yet and...and...but actually under this bill, this does not really apply.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator D'Arco.

SENATOR D'ARCO:

No, because the...the...there's another provision in this bill that says that if you possess thirty grams of cannabis and you're driving a car, you get your license suspended for a year. Now, if you're convicted of a second offense, not under that law but under the Controlled Substance Act of possession of thirty grams of cannabis, you might be in your home and possess thirty grams of cannabis, watching the football game or doing something, smoking this illegal drug, and if you're convicted a second time under those circumstances, you lose your license for five years. Now, it's okay to drive drunk as can be on the streets of the state and lose your license for six months under Illinois law and kill somebody in the process, but it's ten times terrible to sit at home and smoke this illegal drug and get your driver's license suspended for five years. Well, maybe we should provide if you smoke cigarettes, you should get your license suspended for mere possession while driving your automobile. This is a terrible bill, but like all these terrible bills that involve the Criminal Code, this bill will pass just like the rest of them.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further....further discussion? If not, Senator Jones may close.

SENATOR JONES:

Yeah, thank you, Mr. President. And...if the previous speaker want to sponsor...legislation, he would have my sup-

port, but we all know that drugs are the scourge of our society. Drugs make criminals of our young people and make them go out rob, steal just to get money to...to purchase the illegal drugs. This bill is a very good bill. It get at the suppliers who are currently shielded from being prosecuted under our current law, and I personally prefer the death penalty. If we could amend the Constitution to get it in there, I'll be pushing for that. We've got to rid our society of one of the most pressing problems we have and that is the delivery and sale of...illegal drugs...drugs. This bill should receive the unanimous support of this Body and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 4125 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 53, the Nays are 2, 2 voting Present. House Bill 4125 having received the required constitutional majority is declared passed. 4220, Senator Friedland. House bills 3rd reading is House Bill 4220, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 4220.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Friedland.

SENATOR FRIEDLAND:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 4220 as introduced and passed to the...Senate would add a parcel of vacant property to the Metropolitan Sanitary District of Greater Chicago. It's agreed to and there's one amendment that was adopted which is offered by the Minority Leader that if a county annex...flood

plain zoning ordinance, the...the city or villages must be...have an ordinance of the same or stronger...or the stronger one will prevail, and it affects DuPage County only and I'd urge your support of this bill which will go back to the House.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 4220 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 53, the Nays are 1, none voting Present. House Bill 4220 having received the required constitutional majority is declared passed. 4256. All right, bottom of page 3...bottom of page 3, we've now been through...through it once. This will be the last run. 3264, Senator Berman. House bills 3rd reading is House Bill 3264, Madam Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 3264.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 3264 was amended earlier this morning. It's the Social Worker's Registration Act. I made a commitment at that time and I restate it now, this bill will be nonconcurrent in...in the House and sent to a conference committee to allow the interested parties to continue their discussions. In this draft there are still some problems as to the Department of Professional...what do we call it now, Department of Professional...Regulation and...and between the professionals that are subject to the bill. So, I intend to



have this bouncing up and back between now and a week from now. I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? If not, the question is, shall House Bill 3264 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. House Bill 3264 having received the required constitutional majority is declared passed. Page 4, 3297, Senator Luft. House bills 3rd reading is House Bill 3297, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 3297.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. House Bill 3297 requires payment for perishable goods within thirty days approval of the bill or invoice and notice of whether the bill or invoice was approved within seven days of its receipt. The bill defines perishable goods in the appropriate state official or agency. Allows local governmental agencies to approve or disapprove a bill if incompleteness of quality assurance testing or sixty days whichever occurs first. There was an amendment offered by Senator Maitland...let's see...which requires the state on certification by a local governmental unit that amounts are needed within forty-five days to promptly distribute funds appropriated or controlled by the state from which such unit is to pay for goods or services, and Senator Dunn had an amendment creating the Randolph County Civic Center Authority.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? Question is, shall House Bill 3297 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. House Bill 3297 having received the required constitutional majority is declared passed. House bills 3rd reading is House Bill 3338. Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. HARRY)

House Bill 3338.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. House Bill 3338 would add twenty-five cents per five hundred dollar valuation to the real estate transfer tax and the money would be used for an affordable housing program for the State of Illinois. I think with all the things going on here and the doubt about a lot of the substantive issues and the accomplishments of this legislative Body, I think coming up with a statewide housing program for senior citizens to rehabilitate housing stock that is in a dilapidated condition for the homeless without taxing the people of the State of Illinois with...having minimal increase on people, I think is really a tremendous accomplishment and one that this Legislature should be very proud of. The twenty-five cent increase on the real estate transfer tax would mean about fifty dollars on a house of one hundred thousand dollars and so you would see on a closing statement a fifty dollar charge...an additional fifty dollar charge. I think that's a

minimal impact to provide housing across the State of Illinois, and certainly in every district in this state, there is housing that is needed, either new housing for the homeless and for people in need, housing for senior citizens or taking a look at the housing stock in every district. There isn't any district in the state where you haven't got property in...in severe need of rehabilitation and that's what this bill provides on an equal basis across the State of Illinois based upon need, and I think the passage of this bill will give us something that we can be proud of; whatever happens in the next week of the legislative...Session, this is something that we can be proud of and say substantively we've done for our constituents, not to our constituents but we've done for our constituents that'll benefit the...the masses across the State of Illinois and I would solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Let me add just a couple of brief comments. In a very real sense, we've been a long time getting to this point. There are many people and they are not just located in Chicago, by the way, who have recognized the need for developing a more active role for the state without having to go to a tax increase throughout the state. We have a crisis in affordable housing and that crisis is not just in our urban areas, it is everywhere. We've been trying for some years to find a way to get the program together with just enough funding that it would have some real meat but that would not be a major tax increase or, indeed, any tax increase on most of our citizens. This bill represents the culmination of that effort. It has a very wide base of support throughout the state and not just from, if I may use the expression, the usual suspects. It has a very wide base of

support in the business community as well. I think we all know that the realtors probably still oppose it, but they are, as far as we know, the only ones who do. The...the transfer tax add-on is extremely modest. It is highly relevant to the purpose. It will...as the businessmen told us in Chicago, it will help to leverage about four to five times the thirteen million dollars that will go in the State Treasury as a result of the transfer tax. It is the only chance, I repeat, the only chance that we, in the Legislature, have to address the issue of affordable housing in this legislative Session. Please, let's do it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President. Affordable and adequate housing for the poor in the State of Illinois is probably one of the most critical social issues facing us in the state and the problem is getting worse day by day. Last...two years ago, I had the opportunity and a part of last year, rather, to conduct hearings across the state on the problems of housing and housing for the homeless and the homeless mentally ill, and it most certainly is very, very disheartening to listen to those persons come before a committee and talk about how they live and where they live and how helpless they are to impact upon changing that situation. And throughout our hearings one of the things that became very clear that if Illinois don't take some responsibility, the Legislature, to address this...problem itself coupled with the fact that there is a...almost total dry up of any and all federal assistance to support housing for the poor in this country, many...too many of our people, including children, will be on the streets like those in the cities of Mexico, and I'm sure many of you have been to Mexico City and seen how children and poor people live on the streets, and if you come to some

of the areas in the City of Chicago, you will find the situation almost at that point now. This bill still has some problems but I think it is at the time a great step forward in responding...in responding to that critical need. One of the problems that...that came very clear that we will not be able to provide all of the assistance that we need for affordable housing, but while we attempt to address the issue, we have to at the same time prevent people from becoming homeless. This bill not only provides some assistance for affordable housing, it also has a preventive aspect, and I think that is one of the most important aspects of all, because many of our people end up homeless, poor working people, simply because they do not have the monies to afford the security deposit necessary to obtain apartments and this bill would allow also for loans for rent assistance. So, I would commend it for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President, Senators. Chicago is losing housing annually at a rate that I understand Crane, Chicago business figures are sixty thousand units a year. Has nothing to do with deterioration and the diminution of the supply otherwise. I suspect in other areas there is a similar loss in housing and what it does is several things. It increases the number of tax consumers 'cause people in that housing are going to pay real estate taxes on it. There will be people employed by the construction of the housing. It means it's an economic development too, and if we look at it solely from those very self-serving aspects, that is, what does it mean to the taxpayer? What does it mean to the property owner? And the only answer can be that it reduces the load on those taxpayers, those that we're here to protect. So, from a self-serving standpoint and a very selfish standpoint in...in

terms of economic development, it seems to me that we could do no less than put together an affordable housing bill here today. Now,...can I have some...

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right,...can we have...can we have silence, please. Senator Newhouse.

SENATOR NEWHOUSE:

Mr. President, I...I don't want to prolong the debate, I simply want to point out the importance to the average taxpayer of there being housing that is affordable for people who will pay for that housing, people who do not currently have housing within their reach, people who are willing to pay the taxes on those units and support the local tax base rather than consume the local tax base and raise the cost to the bungalow owner, to the small property owner, to the person whose only major investment is their domicile. If we look at it from the standpoint of the people who are the backbone of those who...of us who sit in this...in this Assembly, then the only logical answer should be that we will vote for affordable housing, take the people off the streets, increase the number of taxpayers and reduce the number of tax consumers. That's our job down here, and I would suggest that each one of us should look at this bill from that standpoint, give it an Aye vote, get it out of here, provide some relief for the average taxpayer of the State of Illinois.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Welch.

SENATOR WELCH:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Welch.

SENATOR WELCH:

My question is, would the sponsor be willing to limit the application of this bill to either Cook County or city...or

counties above a certain population?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Well, I guess I should ask the people who have told me that they're going to vote No on the bill if they'll vote Yes if we do that. So, if those people who have told me within the last five minutes that they weren't going to support the bill would support the bill if we did that, I'd be happy to do that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Marovitz may close.

SENATOR MAROVITZ:

Well, all I can tell you is affordable housing for seniors, the homeless and people who...who really need their housing stock rehabilitated is and should be a concern of all of ours...of all of ours. One of the things that is always frustrating in the legislative process is to see how screwed up we get our priorities when we vote on things. We're down here in a fiduciary capacity to do the people's business and we talk about a road for this one, a sewer for this one, a highway for this one or a bridge for that one that don't impact on my district whatsoever, but...you always get support. The fact is, this...things like housing should be things like education, they're basic needs, they're basic rights that everybody has and is entitled to and they should be the priorities of this legislative Body, they should be the priorities of every legislator here and they should be the things that constituents back home take a look at. You won't hear any complaints from anybody who takes...who gets a closing statement and sees an additional twenty-five or fifty dollars on a closing statement for a hundred thousand dollar house, they won't even see it, but the fact is if you can give a...give thousands and thousands of people a decent

HB 3379  
3rd reading

place to live, you can walk out of here with your head up high and say, I've done something. That's what this bill is all about and I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 3338 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 22, the Nays are 31, 8 voting Present. House Bill 3338 having failed to receive the required constitutional majority is declared lost. 3372, Senator Welch. 3379, Senator Brookins. House bills 3rd...Senator Newhouse, for what purpose do you arise? All right. House bills 3rd reading is House Bill 3379, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 3379.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. House Bill 3379 contained three provisions. The first provision addresses a recent Supreme Court decision in which the courts declare the Personnel Records Act unconstitutional because the Act vagueness. The provisions in House Bill 3379, which is agreed by both business and labor, clarified the exemption section in this bill which is the section in which the court used to throw out the Act...provision number two of House Bill 3379 is Amendment No. 3 which Senator Demuzio sponsors. This...this provision makes it continued compensation for Disabled Law Enforcement Officer Act applicable to all home rule units except the City of Chicago. This extra cost to



home rule unit will be reimbursed by the state. What this provision will simply do is if any law enforcement officer, correction officer, firefighter suffers injury in the line of duty and is unable to perform his duties, he or she shall continue to be paid at his same salary for a year. The...third...the third provision to House Bill 3379 is a JCAR provision which permits three...the state's three labor relation boards to jointly adopt rules allowing parties to be represented by the attorney and other representative parties of their choice. The JCAR proposal also requires the Educational Labor Relation Board to initiate a mediation at any time which jointly request employers and...representatives. That's what the bill does.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further...all right, discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise to support this bill in its present form. Senator Brookins, I think, is to be commended, as...as are others that worked hard to remove some of the initial considerations...perhaps disagreements about this bill. My understanding is that labor and business have signed off on the...on the measure as it now stands. So, I would urge support of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? There are...are two speakers. I just want to alert everyone that we have another bill and then we're going to be going to the Order of Postponed Consideration. Discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Fawell.

SENATOR FAWELL:

I notice according to our analysis that the...the portion of the bill that says, in effect, that a...we will be paying policemen, firemen and...correctional officers who were injured in the line of duty that...that...Chicago is exempt?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brookins.

SENATOR BROOKINS:

This law is already in effect in Chicago, we already have it there.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

Has the...is the Municipal League still opposed to that portion, do you know?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brookins.

SENATOR BROOKINS:

We have not heard from the Municipal League so we can assume that they are not opposed to it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

A question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, I...did I understand you correctly that...that there is a provision in this bill that...that would require home rule units...downstate home rule units to pay the salary of a...of these officers that are injured in the line of duty for a one-year period?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brookins.

SENATOR BROOKINS:

The answer is, yes, and all local governments is...is doing that now, that's in effect already.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, is...is it only home rule units or is it all...all local governmental units?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brookins.

SENATOR BROOKINS:

Current law has any unit of local government.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

And...and is this a payment...I mean...you speak as though this is already law but, obviously, you're doing something here. Is...is whatever is that you're doing by way increasing the...the benefit, is that in addition to the worker's compensation responsibility to pay salary?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brookins.

SENATOR BROOKINS:

Current law provides for all units except for home rule units, and what we're doing is adding home rule...units. But the answer to your specific question about compensation is no.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman. Further discussion? If not, the question is, shall House Bill 3379 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 3, none voting Present. House Bill 3379 having

received the required constitutional majority is declared passed. House bills 3rd reading is House Bill 3408, Mr. Secretary. Read the bill.

ACTING SECRETARY: (MR. HARRY)

House Bill 3408.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brookins.

SENATOR BROOKINS:

Thank you. House Bill...I'm...correction, 3408 has five amendments. The first exempt the vehicle inspection of private interstate motor carriers of property registered...properly registered with the Bureau of Motor Carrier Safety of the Federal Highway Administration. Number two, on vehicles under...nine thousand pounds, an interstate motor carrier need not display registration or...or authorization numbers on vehicles. Number three authorizes additional state agencies' relocation programs in increasing maximum on state relocation grants to comply with the new federal relocation laws and does qualify for federal relocation funds. And number four expands the definition of state agencies to include any person who has authorized the acquired property by eminent...domain under state law and multistate agency involved...involving Illinois. And number five authorize any county board to fuel motor tax funds for the construction of any county highway interchange connecting a county highway and a county or state highway in the adjoining county.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 3408 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

*NO 3 H H H  
consideration Postponed*

voting Present. House Bill 3408 having received the required constitutional majority is declared passed. All right, with leave...Senator Vadalabene, for what purpose do you arise?

SENATOR VADALABENE:

Yes, I would like to have leave to be recorded Aye on 3379. I was called off of the Floor and when I got back it was to late to vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, the record will so indicate. Page 21. Page 21 on your Calendar, the Order of Postponed Consideration. It'll be Senators Jerome Joyce, Keats, Etheredge, Welch, Degan. (Machine cutoff)...Joyce on House Bill 3083. Senator Jerome Joyce, 3083...3444, Senator Keats. All right, on the Order of Postponed Consideration is House Bill 3444, Madam Secretary. Senator Keats.

SENATOR KEATS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is a bill...the original bill was fairly innocuous, there were four amendments added. One had some minor controversy involved where it just had to do with one school district that in order to tuition out its students they have to maintain their unit district so they can tax. If we don't allow them to do this, they can't tax and they can't educate those kids, so it is necessary. It's a...it...it was a downstate issue, it's not an upstate issue. I would appreciate your favorable support. I believe several people who've been concerned about the bill had specific questions answered and I'd be glad to answer any question anyone happens to have.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Berman.

SENATOR BERMAN:

Thank you...thank you, Mr. President. I rise in support of the bill. In committee one of the amendments was defeated

more as a result of bad timing than on the merits. The...one of the controversial amendments deals with...the Town of Homer. Past school boards, I think, did a great disservice to their students. I don't think we should inflict the errors of the past on the present board which is trying to do something for their kids and I would solicit an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall House Bill 3444 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 46, the Nays are 11, none voting Present. House Bill 3444 having received the required constitutional majority is declared passed. House Bill 3445, Senator Etheredge. House bill...Senator Etheredge on House Bill 3445.

SENATOR ETHEREDGE:

This is...Mr. President and Ladies and Gentlemen of the Senate, this is the bill that establishes the...a revolving fund in the Capital Development Board that would be established by assessing a fee on all those contractors who build buildings for the State of Illinois. The purpose in establishing the fund is to speed up payment to these contractors. The...the entire effort which I...as I say, has been worked out between contractors and the Capital Development Board is to speed up payment and save taxpayers money. I would be happy to respond to any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I do rise in opposition to this bill, as I did before. I can understand why the contractors and the Capital Development Board made a deal on this, it makes sense for

them. The only people it doesn't make sense for are the tax-payers of Illinois, because what this revolving fund does is something very unique and different. It is not, I repeat, not analogous to the revolving funds in banks and trusts or savings and loans or places where we go in and investigate and charge them for the costs of doing that 'cause we're regulating them. It is also not like local government charging a permit fee to make sure you comply with the Life Safety Code. Those are legitimate local government functions. What this says, and I'm not surprised the contractors favor it, is that when we issue bonds to pay for buildings, that those bonds will also pay for travel, postage, salaries, retirement, telecommunications of the employees of the Capital Development Board. Well, those of you who follow the system will understand that it takes almost two and a half dollars to pay off a one-dollar bond. I think it is absolutely ludicrous to take general revenue funds, and that's where these bonds get paid from, and instead of paying a dollar for the postage or telecommunications or employees to pay two and a half dollars each year to pay for those people. To those of you who are concerned with tax dollars, to those of you who are concerned with wasteful spending, to those of you who are concerned with the bonded indebtedness of this state, this is a terrible vote. Why would we say to contractors, add to your bid and we'll pay you back? Of course, they would love it. Add to your bid, we'll pay you back and then it'll be paid out of bond funds at two and a half times. Why would we want to pay for postage and paper and employees at two and half times? I think that's silly. I think it's a bad idea.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR ETHEREDGE:

Thank you, Mr. President. It's...it's quite clear that we have a...a very significant difference of opinion as to the impact that the passage of this legislation would have. I would argue that the net impact of the establishment of...of this fund will save money because it will speed up the final payouts to contractors. By delaying payouts, which is what we're doing now, we are increasing their costs, their costs of doing business. Now, the only way they can recoup those costs is to submit higher bids to the State of Illinois and that's what they have been doing. Through the establishment of this fund we will speed up the...payouts, it will reduce their costs of doing business, they can submit lower bids and will save all of us money. I would urge an Aye vote on this good bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

...question is, shall House Bill 3445 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 43, the Nays are 11, none voting Present. House Bill 3445 having received the constitutional majority is declared passed. House Bill 3620, Senator Welch. Read the bill, Madam Secretary.

SECRETARY:

House Bill...I'm...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. House Bill 3620 lost on a verified vote last week. The...there apparently was some confusion concerning the application of the bill, it's an aboveground storage tank bill not a belowground storage tank bill. The bill has been agreed to by both the Petroleum Marketers Association, the Fire Marshal and what it does is basically give the state authority to regulate aboveground



storage tanks. It exempts the City of Chicago because they have their own plan run by the Streets and Sanitation Department. I would be glad to try to answer any questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall House Bill 3620 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 44, the Nays are 8, none voting Present. House Bill 3620 having received the constitutional majority is declared passed. For what purpose Senator Marovitz arise?

SENATOR MAROVITZ:

Thank you, very much, Mr. President. Just to clarify the record. On House Bill 4005, I...inadvertently recorded as Aye...wanted to be recorded No and my switch was inadvertently recorded Aye and...and my intent was to vote No and I am unalterably opposed to that bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The record will so indicate. House Bill...House Bill 3661, Senator Degnan. Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. Yesterday there may have been some misinformation. There certainly was some miscommunication on 3661. 3661 grants full police powers to qualified, and I stress qualified, Attorney General's investigators but limits the exercise of such powers to particular civil and criminal matters which the Attorney General is required to enforce. I would be...again, to answer Senator Schuneman's question yesterday, there is no pension impact, there is no way to bootstrap these gentlemen...or these investigators into any pension fund. I'd be happy to answer questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Raica.

SENATOR RAICA:

Yeah, Mr. President and Ladies and Gentlemen of the Senate, just yesterday the bill came before us and it was defeated. It's just creating another police department. I would just solicit our members on this side of the Floor to remain No on the bill. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise in support of this bill. It's a very needed bill because of the work that these people do and I'd urge your Aye vote for this legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Degnan may close.

SENATOR DEGNAN:

Thank you, Mr. President. In answer to Senator Raica's statement, we've already given those powers to the Secretary of State, Department of Revenue, Department of Conservation and the ICC. The gentlemen...or the people we are talking to...giving these powers to are qualified, for the most part, ex-Chicago police officers working on specific assignments that our Statutes call for them to work on. We are giving them police powers. I urge your passage.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 3661 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 33, the Nays are 19, 3 voting Present. House Bill 3661 having received the required constitutional majority is declared passed. House Bill 3917, Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I, again, present to you a proposal from the Chief Executive and the members of the Chicago Board of Trade and what they are proposing is that they will, in fact, provide money in terms of grants, contributions and investments to build a school building in Chicago which will be known as the Chicago High School for Agricultural Sciences. This is a...as I indicated yesterday, a unique proposal, one that takes advantage of a...of private enterprise and is, in fact, a private/public partnership. The bill authorizes...authorizes the Chicago Board of Education to enter into this lease purchase agreement, first of its kind, and, obviously, as I indicated yesterday, also authorizes without referendum a two-cent increase in the tax levy which will yield some four and a half million dollars annually to pay the debt service and for the operation of this school. The school will be limited by amendment to six hundred students. It is an opportunity we should not turn down and I would solicit your favorable support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr...thank you, Mr. President. We debated this bill at length yesterday. I'm not going to prolong the debate, just to remind the Senate members that this is the nonreferendum tax increase to Chicago property owners and we still would urge a...a negative vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall House Bill 3917 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted...who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record.

*HB 4014  
Consideration  
postponed*

On that question, the Ayes are 35, the Nays are 19, none voting Present. House Bill 3917 having received the required constitutional majority is declared passed. (Machine cut-off)...4014, Senator Berman. Senator Berman on House Bill 4014.

SENATOR BERMAN:

Thank you, Mr...thank you, Mr. President. House Bill 4014 deals with the Asbestos Abatement Authority. When we created this authority, we put the Attorney General in...in as chairman. The purposes of the authority which require his leadership have been accomplished and this bill now puts the Capital Development Board in to the position as...as chair of this authority because...the involvement now involves the engineers, architects and people knowledgeable in building construction. That's CDB's function much more than the Attorney General's. I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Schaffer.

SENATOR SCHAFFER:

Well, I think Senator Maitland debated this bill very effectively yesterday and he pointed out that the Attorney General was quite interested in this, and I think after this period of time with the Attorney General developing the expertise and experience in this field that it would be a mistake to...to hand it to anyone else, so I...think he...to be commended for his interest and his continued efforts on behalf of the people on this issue should be something we all want.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, I concur with Senator Schaffer; in fact, that's why I voted for the Attorney General to have some additional powers

in his investigators. So, I think he'll be well qualified to carry it on now with the additional help, so I...I speak against the bill.

PRESIDENT:

Further discussion? If not, Senator Berman may close.

SENATOR BERMAN:

Thank you. I solicit your Aye vote and Senator Geo-Karis' continued Aye vote on behalf of the Attorney General.

PRESIDENT:

Question is, shall House Bill 4014 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 28 Ayes, 30 Nays, none voting Present. House Bill 4014 having...failed to receive the required constitutional majority is declared lost. 4068, Senator Hall. On the Order of Consideration Postponed House Bills 3rd Reading is House Bill 4068. Read the bill, Madam Secretary, please.

SECRETARY:

House Bill 4068.

(Secretary reads title of bill)

3rd reading...pardon me, postponed consideration.

PRESIDENT:

Senator Berman. Oh, I'm sorry, Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill is...is known as Bistate which is in Senator Ralph Dunn's district, Senator Watson, Senator Vadalabene and mine and it is a compact between the State of Illinois and...and Missouri, and we're simply saying that the Governor appoints five people and it's no more than fair that no more than three commissioners shall be of the same political party. That's all we're asking. Fair is fair and

that's...I'd like to...your most favorable support of this bill.

PRESIDENT:

Any discussion? Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. Well, as the first time we addressed this bill, I have to stand in opposition to it. First of all, I see no reason at all why we have to make a commission...partisan commission that isn't, that's working as a bipartisan commission. It's not a political or a partisan issue. It has to do with transportation. There is no reason to do this unless there's some ulterior motive which we haven't heard yet. Also, Missouri did not change their Statute. The Governor's Office has heard nothing about it. Our staff has heard nothing about Missouri changing their Statute to make it a partisan committee and so I...I think that it is foolish for us to do so and I ask, again, for your No vote.

PRESIDENT:

Further discussion? Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. I'd just like to follow those comments with my...my effort in...in opposing this legislation also. As some people have pointed out to me that why not do this because they do this in other areas of the state, we ought to do it in...in metro-east area also. The problem with this is, we have to mirror the same legislation that Missouri has and Missouri is not proposing this at this particular time, it's not before them and so we'll be out of sync with them. So, the...the obvious and right vote on this is No.

PRESIDENT:

All right, any further discussion? Further discussion? Senator Hall, you wish to close, sir?

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Missouri will act on this if we do. You know, that when you think of it, the reason I say fair is fair, for over twelve years you've had the same Governor in this state and he will be fourteen years and there's never any Democrat appointed to this commission. That's no reflection...what's fair is fair. What I'm saying is that if we have a compact between two states and all...that during that long a period that there is no member of the other party appointed as a commissioner, the thing is that you're saying...that I can understand why nobody has requested. If they've been in there for twelve years, all we're saying that...there's...if you're going to do things right...and they don't maybe hear some, but I hear complaints. Senator...Representative McPike over there and Senator Vadalabene can tell you what we need is...let's do it the right way. So, I'd ask for your most favorable support of this vote.

PRESIDENT:

Question is, shall House Bill 4068 pass. Those in favor 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 30 Ayes, 28 Nays, none voting Present. House Bill 4068 having received the required constitutional majority is declared passed. Senator Karpziel, for what purpose do you arise?

SENATOR KARPIEL:

A verification of the affirmative roll.

PRESIDENT:

All right, that request is in order. Senator Karpziel has requested a verification. Will the members be in their seats. Madam Secretary, please read the affirmative vote.

SECRETARY:

The following members voted in the affirmative: 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, Severns, Smith, Vadalabene, Welch, Zito and Mr. President.

PRESIDENT:

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

SENATOR KARPIEL:

Yes, Senator Jeremiah Joyce, please.

PRESIDENT:

Senator Joyce. Senator Joyce on the Floor? Senator Joyce on the Floor? Strike his name, Madam Secretary.

SENATOR KARPIEL:

That's all. Thank you.

PRESIDENT:

All right, the roll has been verified. On that question, there are 29 Ayes, 29 Nays and the...the bill having failed to receive the required constitutional majority is declared lost. All right, ladies and gentlemen, it appears we have been through the entire Calendar. There is...a lot of paper work and Messages from the House and we will have the adjournment resolution. It will call for us to return to Springfield next Monday, Monday, at the hour of noon, which we will get to shortly, but effectively, we have concluded our roll call business. Have a nice weekend.

END OF REEL



HB 3806  
Refuse to concur

REEL #4

SECRETARY:

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

House Bill 3100 with House...with...pardon me, with Senate Amendment 1.

I have like Messages on House Bill 3490 with Senate Amendment 1.

House Bill 3636 with Senate Amendment 1.

House Amendment 3653 with House Amendments...Senate Amendments 1 and 2.

House Bill 3806 with Senate Amendment 1.

House Bill 3846 with Senate Amendment...1.

House Bill 3857 with Senate Amendment 1.

House Bill 3914 with Senate Amendment 1.

And House Bill 4037 with Senate Amendment 1.

PRESIDENT:

Message from the Governor.

SECRETARY:

A Message for the Governor by Zack Stamp, Director of Legislative Affairs.

Mr. President - the Governor directs me to lay before the Senate the following Message. State of...State of Illinois Executive Department.

To the Honorable members of the General Assembly, I have nominated and appointed the following named persons to the offices...enumerated below and respectfully ask concurrence in and confirmation of these appointments of your

Honorable Body.

PRESIDENT:

Committee on Executive Appointments, Madam Secretary.  
Resolutions, Madam Secretary.

SECRETARY:

Senate Resolution 1250 offered by Senators Smith,  
Alexander, Collins and Netsch. It is substantive.

PRESIDENT:

Executive.

SECRETARY:

Senate Resolution 1251 offered by Senator Topinka. It is  
congratulatory.

PRESIDENT:

Consent Calendar. With leave of the Body, we'll just add  
that to today's Consent Calendar. Leave is granted.

SECRETARY:

Senate Resolution 1252 offered by Senator Marovitz. It's  
also congratulatory.

PRESIDENT:

Consent Calendar. Again, with leave of the Body, we'll  
just add that to the Consent Calendar that has been already  
distributed. Resolutions.

SECRETARY:

Senate Joint Resolution 156.

(Secretary reads SJR 156)

That's offered by Senator Demuzio.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. This is, in fact, the adjourn-  
ment resolution. Calls for us at the conclusion of our busi-  
ness today to come back, reluctantly or favorably or  
enthusiastically or however, next Monday, June the 27th at  
the hour of noon. I would move...to suspend the rules for

the immediate consideration and adoption.

PRESIDENT:

All right, Senator Demuzio has moved to suspend the rules for the immediate consideration and adoption of Senate Joint Resolution 156. All in favor of the motion to suspend indicate by saying Aye. All opposed. The Ayes have it. The rules are suspended. Senator Demuzio now moves the adoption. Senate Joint Resolution 156 calls us...calls on us to come back on Monday at noon at which time we'll begin on the Order of Concurrence. All in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. Madam Secretary, have any objections been filed to the Resolutions Consent Calendar?

SECRETARY:

There have been no objections filed.

PRESIDENT:

In that event, Senator Demuzio moves the adoption of the Resolutions Consent Calendar; that is, Senate Resolution 1234, 1235, 1236, 1237, 1238, 1240, 1241, 1242, 1243, 1244, 1245, 1247, 1248, 1249, Senate Joint Resolution 147, Senate Joint Resolution 148, Senate Joint Resolution 153, 154 and 155 and Senate Resolutions 1251 and 1252. Discussion? If not, all in favor of that motion indicate by saying Aye. All opposed. The Ayes have it. Motion carries and the Resolutions Consent Calendar is adopted. Any further business to come before the Session? Further business? Any announcements? If not, Senator Demuzio has moved that the Senate stand adjourned until next Monday, June 27th, at the hour of noon. Next Monday at noon. Have a nice weekend everybody. Senate stands adjourned.

DAILY TRANSCRIPTION OF DEBATE INDEX

JUNE 24, 1988

HB-0253	THIRD READING	PAGE	21
HB-1491	THIRD READING	PAGE	24
HB-1576	THIRD READING	PAGE	25
HB-2755	THIRD READING	PAGE	29
HB-2909	THIRD READING	PAGE	29
HB-2913	THIRD READING	PAGE	31
HB-3024	THIRD READING	PAGE	37
HB-3085	THIRD READING	PAGE	38
HB-3096	THIRD READING	PAGE	41
HB-3125	THIRD READING	PAGE	42
HB-3216	THIRD READING	PAGE	43
HB-3264	RECALLED	PAGE	13
HB-3264	THIRD READING	PAGE	96
HB-3297	RECALLED	PAGE	14
HB-3297	THIRD READING	PAGE	97
HB-3338	RECALLED	PAGE	15
HB-3338	THIRD READING	PAGE	98
HB-3379	THIRD READING	PAGE	104
HB-3408	THIRD READING	PAGE	108
HB-3444	POSTPONED CONSIDERATION	PAGE	109
HB-3445	POSTPONED CONSIDERATION	PAGE	110
HB-3477	THIRD READING	PAGE	45
HB-3499	THIRD READING	PAGE	44
HB-3548	THIRD READING	PAGE	46
HB-3570	THIRD READING	PAGE	47
HB-3592	THIRD READING	PAGE	48
HB-3620	POSTPONED CONSIDERATION	PAGE	112
HB-3661	POSTPONED CONSIDERATION	PAGE	113
HB-3683	THIRD READING	PAGE	53
HB-3739	THIRD READING	PAGE	55
HB-3752	THIRD READING	PAGE	56
HB-3765	THIRD READING	PAGE	57
HB-3770	THIRD READING	PAGE	59
HB-3799	THIRD READING	PAGE	60
HB-3917	POSTPONED CONSIDERATION	PAGE	114
HB-3931	THIRD READING	PAGE	61
HB-3938	THIRD READING	PAGE	63
HB-3946	THIRD READING	PAGE	64
HB-4005	THIRD READING	PAGE	65
HB-4014	POSTPONED CONSIDERATION	PAGE	116
HB-4068	POSTPONED CONSIDERATION	PAGE	117
HB-4094	THIRD READING	PAGE	72
HB-4113	THIRD READING	PAGE	89
HB-4116	THIRD READING	PAGE	90
HB-4125	THIRD READING	PAGE	92
HB-4220	THIRD READING	PAGE	95
SR-0461	ADOPTED	PAGE	11
SR-0628	ADOPTED	PAGE	11
SR-0846	ADOPTED	PAGE	3
SR-0848	ADOPTED	PAGE	5
SR-1068	ADOPTED	PAGE	2
SR-1188	ADOPTED	PAGE	10
SR-1226	ADOPTED	PAGE	6
SR-1250	RESOLUTION OFFERED	PAGE	122
SR-1251	RESOLUTION OFFERED	PAGE	122
SR-1252	RESOLUTION OFFERED	PAGE	122
HJR-0081	ADOPTED	PAGE	8
HJR-0145	ADOPTED	PAGE	9
SJR-0111	ADOPTED	PAGE	9
SJR-0113	ADOPTED	PAGE	5
SJR-0114	ADOPTED	PAGE	4
SJR-0117	ADOPTED	PAGE	4
SJR-0133	ADOPTED	PAGE	3
SJR-0136	ADOPTED	PAGE	7

DAILY TRANSCRIPTION OF DEBATE INDEX

JUNE 24, 1988

SJR-0139 ADOPTED	PAGE	6
SJR-0154 RESOLUTION OFFERED	PAGE	2
SJR-0155 RESOLUTION OFFERED	PAGE	2
SJR-0156 ADOPTED	PAGE	122

SUBJECT MATTER

SENATE TO ORDER - PRESIDENT ROCK	PAGE	1
PRAYER - FATHER EUGENE WEITZEL	PAGE	1
JOURNALS - POSTPONED	PAGE	1
MESSAGES FROM THE HOUSE	PAGE	1
MESSAGES FROM THE HOUSE	PAGE	121
MESSAGE FROM THE GOVERNOR	PAGE	121
RESOLUTIONS CONSENT CALENDAR - ADOPTED	PAGE	123
ADJOURNMENT	PAGE	123