

85TH GENERAL ASSEMBLY

REGULAR SESSION

June 26, 1987

PRESIDENT:

The hour of ten-thirty having arrived, the Senate will please come to order. Will the members be at their desks and will our guests in the gallery please rise. Prayer this morning by Senator Kenneth Hall, East St. Louis, Illinois. Senator Hall.

SENATOR HALL:

(Prayer given by Senator Hall)

PRESIDENT:

Amen. Thank you, Senator. Reading of the Journal, Madam Secretary. Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I move that the reading and the approval of the Journals of Tuesday, June 16th; Wednesday, June 17th; Thursday, June 18th; Friday, June 19th; Monday, June 22nd; Tuesday, June 23rd; Wednesday, June 24th and Thursday, June 25th, in the year 1987, be postponed pending arrival of the printed Journals.

PRESIDENT:

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

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 the following bills.

Senate Bill 39 with House Amendment 1.

Senate Bill 48 with House Amendment No. 1.

Senate Bill 49 with House Amendment No. 1.

Senate Bill 85 with House Amendments 1, 2, 3,

4, 5 and 6.

Senate Bill 100 with House Amendments 1 and 7.
Senate Bill 123 with House Amendment 1.
Senate Bill 187 with House Amendment 1.
Senate Bill...220 with House Amendment No. 1.
Senate Bill 232 with House Amendment 1.
Senate Bill 237 with House Amendments 1, 2 and

4.

Senate Bill 256 with House Amendment 3.
Senate Bill 283 with House Amendment 2.
Senate Bill 284 with House Amendments 3 and 4.
Senate Bill 286 with House Amendment 1.
Senate Bill 287 with House Amendment 2.
Senate Bill 288 with House Amendments 1 and 2.
Senate Bill 290 with House Amendments 2 and 3.
Senate Bill 291 with House Amendment 1.
Senate Bill 315 with House Amendment 1.
Senate Bill 316 with House Amendments 1 and 3.
Senate Bill 318 with House Amendment 1.
Senate Bill 319 with House Amendment 1.
Senate Bill 320 with House Amendments 1 and 2.
Senate Bill 321 with House Amendments 1, 2 and

3.

Senate Bill 322 with House Amendments 3 and 4.
Senate Bill 323 with House Amendments 3 and 11.
Senate Bill 324 with House Amendments 1 and 4.
Senate Bill 326 with House Amendment 1.
Senate Bill 327 with House Amendments 3 and 6.
Senate Bill 330 with House Amendment 1.
Senate Bill 331 with House Amendment 1.
Senate Bill 332 with House Amendments 6, 7 and

9.

Senate Bill 333 with House Amendment 1.
Senate Bill 335 with House Amendment 1.
Senate Bill 336 with House Amendment 1.

Senate Bill 337 with House Amendments 1, 2 and
3.

Senate Bill 338 with House Amendments 1, 2, 6,
7 and 8.

Senate Bill 339 with House Amendment 1.

Senate Bill 343 with House Amendment 1.

Senate Bill 344 with House Amendments 1, 2 and
5.

Senate Bill 345 with House Amendment 1.

Senate Bill 347 with House Amendments 1, 2, 3,
4, 5, 6 and 13.

Senate Bill 349 with House Amendments 1 and 2.

Senate Bill 363 with House Amendments 1, 2, 3
and 11.

Senate Bill 417 with House Amendment 1.

Senate Bill 484 with House Amendment 1.

Senate Bill 495 with House Amendment 1.

Senate Bill 537 with House Amendments 1, 2 and
3.

Senate Bill 548 with House Amendment 1.

Senate Bill 551 with House Amendment 2.

Senate Bill 553 with House Amendment 1.

Senate Bill 580 with House Amendments 1 and 3.

Senate Bill 630 with House Amendments 1 and 2.

Senate Bill 783 with House Amendments 1 and 2.

Senate Bill 784 with House Amendment 1.

Senate Bill 785 with House Amendment 1.

Senate Bill 822 with House Amendment 1.

Senate Bill 836 with House Amendment 1.

Senate Bill 839 with House Amendment 1.

Senate Bill 912 with House Amendment 3.

Senate Bill...916 with House Amendments 1 and
2.

Senate Bill 961 with House Amendment 1.

Senate Bill 977 with House Amendment 1.
Senate Bill 1177 with House Amendment 1.
Senate Bill 1234 with House Amendment 1.
Senate Bill 1295 with House Amendment 1.
Senate Bill 1322 with House Amendments 1 and 2.
Senate Bill 1377 with House Amendments 1 and 2.
Senate Bill 1487 with House Amendment 1.
And Senate Bill 1502 with House Amendment 1.

PRESIDENT:

Secretary's Desk, Madam Secretary. Resolutions.

SECRETARY:

Senate Resolution 451 offered by Senator Hawkinson.
Senate Resolution 452 offered by Senator Hawkinson.
Senate Resolution 453 offered by Senator Vadalabene.
Senate Resolution 454 offered by Senator Dudycz.
Senate...Resolution 455 offered by Senator Kustra.
And they are all congratulatory.

PRESIDENT:

Consent Calendar. Messages from the House.

SECRETARY:

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

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

Senate Bill 317 with House Amendments 6, 8, 10 and 15.

...pardon me, I'm sorry, that's Amendments 1 through 6, 8, 10 and 15.

PRESIDENT:

Secretary's Desk. All right, ladies and gentlemen, if we can get started. This is Friday, June the 26th, it is the last day to consider House bills in the Senate. So in order to afford all members the opportunity to at least present

their bill, we will continue today until we are concluded on the Order of House Bills 3rd Reading. We will start where we left off yesterday which was the middle of page 10 and that's House Bill 2766. So the first five or six are Senators Barkhausen, Geo-Karis, Karpel, Hudson, Keats, Madigan, Weaver, Mahar. All right, Madam Secretary, on the Order of House Bills 3rd Reading is House Bill 2766. Read the bill, please.

SECRETARY:

House Bill 2766.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, House Bill 2766 deals in three different ways with the Illinois Preneed Cemetery Sales Act. It, first, decreases the penalty for a first time violation of the Act from a Class 4 felony down to a Class A misdemeanor. The bill was then amended in committee to incorporate a number of changes that the Comptroller's Office which is responsible for administering the Act had recommended and placed in another bill which never got out of the House, House Bill 1917. And, finally, we amended it on the Floor to provide that where a seller of preneed funeral services has had to pay money in advance for transportation of some of the markers or material that they provide that that money which they have to pay out right away for this purpose would not have to be set aside in an escrow. I'd be happy to answer any questions and would otherwise ask for your Aye vote.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall House Bill 2766 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who

AB 2791
3rd Reading

wish? Have all voted who wish? Have all voted who wish?
Take the record. On that question, there are 53 Ayes, no
Nays, 1 voting Present. House Bill 2766 having received the
required constitutional majority is declared passed. 2786,
Senator Geo-Karis. On the Order of House Bills 3rd Reading,
House Bill 2786. Read the bill.

SECRETARY:

House Bill 2786.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate,
this bill creates the Safety in Skiing Act...establishes
within the Department of Labor a Safety in Skiing Board which
will license and inspect devices used to transport skiers up
slopes, limits the liability of ski...area operators
for...skiing injuries. I move favorable passage.

PRESIDENT:

Any discussion? Discussion? If not, the question is,
shall House Bill 2786 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, 3 Nays, 1
voting Present. House Bill 2786 having received the required
constitutional majority is declared passed. 2791, Senator
Karpel. On the Order of House Bills 3rd Reading is House
Bill 2791. Read the bill.

SECRETARY:

House Bill 2791.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Karpel.

SENATOR KARPIEL:

Thank you, Mr. President. House Bill 2791 allows the Department of Nuclear Safety to raise their fees for administering the Inspection and Accreditation Program. They hope that the fees will fully fund this program. Last year, I understand, they ran into trouble in funding the program from the fees. The House amendment substantially lowered their original request for increases and a committee amendment in the Senate lowered the veterinarian fees. AFSCME is in support of this bill and I ask for your support.

PRESIDENT:

Discussion? Senator Welch.

SENATOR WELCH:

Question of the sponsor.

PRESIDENT:

Sponsor indicates she'll yield, Senator Welch.

SENATOR WELCH:

Senator Karpel, in committee there was a disagreement between the unions as to who was supporting it and who was opposing it and the employee...SEIU, I believe, was opposed to it at the time. Have they removed their opposition to this bill?

PRESIDENT:

Senator Karpel.

SENATOR KARPIEL:

No, I understand they haven't; AFSCME is the union that's in...in support of the bill.

PRESIDENT:

Discussion? Further discussion? If not, the question is, shall House Bill 2791 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 53 Ayes, no

Nays, none voting Present. House Bill 2791 having received the required constitutional majority is declared passed. 2793. On the Order of House Bills 3rd Reading is House Bill 2793. Read the bill.

SECRETARY:

House Bill 2793.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I am requesting that this bill, 2793, be rereferred to committee.

PRESIDENT:

Senator Hudson has moved to rerefer House Bill 2793 to the Committee on Finance. Without objection, so ordered. 2793 is rereferred. 2795, Senator Keats. On the Order of House Bills 3rd Reading is House Bill 2795. Read the bill.

SECRETARY:

House Bill 2795.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. The bill really has two parts. The first part is just a technical clean-up bill, it amends the Banking Act, the Electronic Fund Transfer Act and the Trust and Trust Companies Act. There's nothing in that of any great significance, it's simply clean-up language. Committee Amendment No. 1 was offered and accepted in committee which superficially would appear to be minor and catch certain things that had to be cleaned up, but it is in

reality more than that. What it really does is repeal the Section 6 of the Banking Act which prohibits branch banking. Initially that was viewed as a cleanup 'cause we're the only bank in the midwest that uses the term facility instead of branch and...and so we figured it would simplify the process. I think as it's examined more it is more substantive than that, and I think because it is repealing Section 6 would touch on the constitutional provision of what majority would be taken and I would, of course, at this time request the President to give us a ruling on what number of votes it would take to pass the bill. This bill is really part of the effort to get us ready for national interstate banking. The House and Senate have both passed Senate Bill 990 sponsored by the President, that in November or December of 1990 opens Illinois up to wide-open interstate banking. Whether I'm for or against, whether you're for or against it is not relevant. The point is we are going to do it, the Governor has pretty much said he will sign it. This is part of the preparation so that we are prepared for the kind of competition that the Illinois banking structure will face. I would solicit your Aye vote.

PRESIDENT:

All right. Senator Keats, you are correct, under Article XIII, Section 8 of the Constitution of 1970 which says specifically "Branch banking shall be authorized only by law approved by three-fifths of the members voting on the question or a majority of the members elected whichever is greater in each house of the General Assembly." So it will take it appears something more than thirty affirmative votes. Senator Demuzio.

SENATOR DEMUZIO:

Well, that's precisely what I thought too. This is, in fact, branch banking and the Chair has so indicated that it would take an extraordinary majority as required by our Con-

stitution, and I want everybody to understand and...what...what is before us here today. It is represented to us simply as a definition change since we are one of the few states, obviously, according to Senator Keats, that does not use the terminology branch in our statutory...in our language; but I, in fact,...if you take a look, Senator Keats,...it says a branch...in Amendment 1 "A branch bank or branch office at which deposits are received or checks," and then it goes on to other sections. But this, in effect, is in some instances a method to back-door branch banking rather than hitting at it...hitting at it...directly, and I would suggest to you that the members of this Senate who are opposed to such activity would take a very strong and very hard look at what we are about here this morning. Thank you.

PRESIDENT:

Further discussion? Further discussion? Senator Keats, you wish to close?

SENATOR KEATS:

Thank you, Mr. President. Just very briefly to say that we are the only state in the midwest that uses the term "facilities," and you have to remember, this is not really branch banking, it is a terminology change but it does repeal Section 6 and that's why I specifically requested the ruling. We have this in a de facto sense now, we just call it facilities, but the amendment does not remove the geographical restrictions that are placed on facilities. So, in other words, even if you call a facility a branch, hey, there's no change in what they can do. There's no powers changed, there's no location change, there's no de novo change. It's a terminology change but it does take out Chapter 6 which prepares us for the wide-open interstate banking we will have in 1990, and for that reason, I solicit your support.

PRESIDENT:

Senator Demuzio, for what purpose do you arise? The

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3rd reading

gentleman was attempting to close.

SENATOR DEMUZIO:

Oh, he was? Well, I was wondering perhaps since this bill is before us that he might indicate to us how House Bill 475, which reposes on the Calendar this morning, how that and that merger and those new facilities would now become branches. So you're going to end up with all kinds of branches through every rural community throughout Illinois.

PRESIDENT:

I'm sure we'll deal with that when 475 comes about. The question is the passage...shall House Bill 2795 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 43 Ayes, 14 Nays, none voting Present. House Bill 2795 having received the required constitutional majority is declared passed. 2800, Senator Madigan. On the Order of House Bills 3rd Reading is House Bill 2800. Read the bill.

SECRETARY:

House Bill 2800.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President and members of the Senate. House Bill 2800 amends the Mental Health Code. Presently, the Statute provides that if a written objection is made to the admission of a minor to a mental health facility, the minor must be...discharged at the earliest possible time not to exceed five days. This first...first part of the bill would amend that to fifteen days instead of five days. The second part of the bill, there are three conditions that are presently applicable in the disapproval of an admission of a

minor. Presently, one of those three conditions need to be met. The second...part of this bill would require that all three of those conditions would have to be met, and I would try to answer any questions and would ask for the adoption of this amendment.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall House Bill 2800 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, the Ayes are 55, the Nays are none, none voting Present. House bill 2800 having received the required constitutional majority is declared passed. 2806. On the Order of House Bills 3rd Reading is House Bill 2806. Read the bill, Madam Secretary.

SECRETARY:

House Bill 2806.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President and members of the Senate. House Bill 2806 relates to the emergency acquisition of a failing bank and it also establishes procedures for removing directors by shareholder vote. If there are any questions, I'll be happy to try to answer them.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall House Bill 2806 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 2806 having received the required

constitutional majority is declared passed. Bottom of page 10, 2807. On the Order of House Bills 3rd Reading is House Bill 2807. Read the bill.

SECRETARY:

House Bill 2807.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and members. First of all, the Calendar is not entirely correct. The original provisions of 2807 are...continue to be incorporated in this bill as amended and they were to remove the provision for matching grants of up to fifty thousand dollars to local units of government for site review for the possibility of locating low-level radioactive waste disposal facilities in their area. It now requires up to fifty thousand dollar...fifty thousand dollar limit is still there but the matching provision is removed. The balance of the bill is comparable to Senate Bill 1125 which passed this Body with fifty-two favorable votes, and what it would do would require businesses who are involved in the production, transportation and storage of high- and low-level radioactive waste develop a plan and submit that plan to the director of DASA for his approval to test selected employees for alcohol, cannabis and...and other specified controlled substances. The plan which would be approved, as I say, by the director would incorporate the following, an annual...an annual testing of all employees who are in a close proximity to the...this material. It would apply, as I say...wait a minute here, it would require that the testing be done in an appropriate...atmosphere. It would test, as I say, for specific substances. It would require that the business establish a program which would include

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counseling, remediation and other entities. It would...the provision for confidentiality is...has been improved from the original bill, 1125, and it further establishes fines for noncompliance and I would be happy to entertain any questions.

PRESIDENT:

Discussion? Senator Welch.

SENATOR WELCH:

I had a question of the sponsor.

PRESIDENT:

He indicates he'll yield, Senator Welch.

SENATOR WELCH:

Senator, what was the drugs they were testing for, the alcohol and what?

PRESIDENT:

Senator Mahar.

SENATOR MAHAR:

Alcohol, cannabis and other controlled substances.

PRESIDENT:

All right. Further discussion? If not, the question is, shall House Bill 2807 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 2807 having received the required constitutional majority is declared passed. Top of page 11 is House Bill 2808. Read the bill, Madam Secretary.

SECRETARY:

House Bill 2808.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. House Bill 2808 is the administration bill for the Department of Mental Health and Developmental Disabilities. What happened in the House is there were quite a few bills that dealt with this issue and they were all put into one which is House Bill 2808. When it came over to the Senate, we put on one technical amendment at the request of the Auditor General to eliminate some language that he thought was unnecessary and might be confusing. The bill is fairly lengthy, there are about twelve changes made in the code. Rather than explain it, I'll accept any questions on...the part of anybody who might have any.

PRESIDENT:

Discussion? Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President, and I'd like to ask Senator DeAngelis a question or two.

PRESIDENT:

Sponsor indicates he will yield, Senator Kelly.

SENATOR KELLY:

Okay. For one thing, is this final action? Has there been any Senate amendments at all or is this final...final action?

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

No, as I indicated, Senator Kelly, we did put a technical amendment on it to take out a part that was confusing to the Auditor General.

PRESIDENT:

Senator Kelly.

SENATOR KELLY:

Good, because that slows it down a little bit. I would ask you a question...a couple of items here. One, there is a portion here dealing with the recipients can be sent to vet-

erans' administration facilities from private facilities. Does this mean that nonveterans can be entered into...it's on page 14, line 29 through 31, it...and that's the...is that the intent to allow them 'cause...we have had a separation where veterans' homes are for veterans. Will this open up to any recipients?

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Senator Kelly, I think what that says is that you can use alternative facilities for some groups of people. I think it's designed to give more flexibility, and maybe if you...restated your question or it was a little more pointed or the fear...explain the fear that you have, we might be able to respond to that.

PRESIDENT:

Senator Kelly.

SENATOR KELLY:

Well, the way I read the bill, it looks to me like the department could accept nonveterans into veterans' homes in Illinois and I just want to make sure if that's the intent of the legislation or not. I...I don't know,...I know that some of the veterans' homes are not fully, you know,...are not filled presently and maybe this is one way to try to, you know, help them along. I'm not sure, but I just know that this would be a concern maybe for some veterans' organizations, I don't know. Another question. What about on this area of...immunity? Until now, if...if a patient had to have an emergency operation or whether...whatever the case may be, they could...a doctor or a physician or dentist could go ahead and...and do that procedure, but under this legislation, it looks to me like maybe it is opening up to a little more than that. There is a provision for immunity that indicates that they can operate...I just want to know if

someone...can a physician for any reason under this bill operate on someone that they determine needs a...if...if they're doing it in good faith, if they need an operation rather than an emergency?

PRESIDENT:

(Machine cutoff)...DeAngelis.

SENATOR DeANGELIS:

Can you please give me a reference on that again? This is a very, very extensive bill.

PRESIDENT:

Senator Kelly.

SENATOR KELLY:

Yes, on page...page 7 is where it comes in, line 21 and 22, the new language would indicate that there would be an immunity for physicians to provide medical...you know, an operation of some type. It just seems a... "nonnegligent good faith determination the recipient is not capable of giving informed consent." This is the immunity provision that I'm talking about. What I want to know is if someone can actually go in there for any reason, a physician and...operate. That...I don't think that's your intent. It's...it's with good faith with the fullest amount of a physician's capability that person needs that service, is that right, that's your legislative intent?

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Yes.

PRESIDENT:

Senator Kelly.

SENATOR KELLY:

Okay,...one more point on the first...page 3, line 13, you took out the word "incompetent" as referring to recipient and made it a "legally disabled." You're not in any way

taking away legal rights from disabled recipients with this additional language?...and I've got one more question.

PRESIDENT:

Senator Kelly has one more question, Senator DeAngelis.
Senator DeAngelis.

SENATOR DeANGELIS:

Yeah, I'm sorry, could you repeat that again, Senator Kelly?

PRESIDENT:

Senator Kelly.

SENATOR KELLY:

I...I just want to make sure that once again your...your intent is not to take away any legal rights of the disabled recipient. You took out the word here "incompetent" and you place in its stead "legally disabled recipient," and I...you...you don't intend to take away any legal rights from any disabled recipients in any facilities or...

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

I think that's strictly a definitional change. It applies to the same group but it's not taking anything away.

PRESIDENT:

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDENT:

Indicates he'll yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, I was state's attorney for six years and we often dealt in the...emergency admissions of people to institutions where you would need a...an examination or more appropriately you...you'd have the question of a fitness of a

defendant come up and the court would have to find either...either a qualified...psychiatrist or...or other individual to perform an examination and to render an opinion on fitness. In some of our smaller counties and communities, we still have these problems. Sometimes the only person that we could go to who is qualified is employed by the State Department of...of Mental Health and Developmental Disabilities. Our analysis says that...that one part of this bill would...would prohibit any physician, clinical psychologist or psychiatrist employed by the department to be ordered to perform these evaluations. As a matter of practice, what happens is the court does enter an order of examination which will name the physician or psychiatrist; however, generally, that's done with the cooperation and consent of the...the psychiatrist who's employed. Would this bill prohibit such an order from being entered even where the employee of the department is agreeable to performing the examination?

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Well, let me give you some background. Now, first of all, one of the reasons why DMH was...was requesting this change is the fact that they are allowed to bill those authorities for those service but they never get paid. Now, in reading it, I think and I have to say I think, I think the department can decline; that doesn't mean they won't do it, that means they have the right to decline.

PRESIDENT:

Senator Hawkinson.

SENATOR HAWKINSON:

Does the department intend to require its employees to decline such requests now that this bill will give them the authority, do you know?

SENATOR DeANGELIS:

No, I really don't.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

No, I don't; in fact, I was awaiting somebody from Mental Health to come here, but I would think that what they don't want to do is to...to be banged on to do it and then have to take people away from the...the work they're doing, send them over to someplace, send out a bill then and don't get paid.

PRESIDENT:

Senator Hawkinson.

SENATOR HAWKINSON:

Well, as a practical matter, I don't think at least downstate it works that way, I think you generally try and accommodate the employee. You take the person out to where he normally works and you schedule it in at the convenience of the employee. Is this...if this is going to go to Conference Committee, I'm not going to rise to oppose this bill now, but if this provision was...is in it in such a way to prohibit this normal practice from taking place, I would strongly oppose it at that time. Is it..do you know if it's going to Conference Committee?

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Well, truthfully, there's no intention on my part to...to throw the bill into conference. However, since there were numerous Acts...numerous parts of the code that were changed and I'm certain there's probably some other changes out there that haven't been made that should have been made, it's conceivable that it could get thrown into conference.

PRESIDENT:

Senator Hawkinson.

SENATOR HAWKINSON:

Well, to the bill, Mr. President. Most of this bill is reasonable and...and a...a good approach and departmental bill, but...but this one provision would literally wrack havoc on downstate prosecutors, and at this point, I oppose this bill for that reason.

PRESIDENT:

Further discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senator...DeAngelis, this bill came through our committee and there was much concern about this bill, and I'm asking if you would do us the courtesy of explaining some of these things that are contained...there's an awful lot of things that are contained in this bill. And since this is a very important bill, I think that we are entitled to the courtesy, if you will explain some of these things to us because you have a number of items that are implemented into this legislation that's going to have repercussions, and I think that the...whereas it's dealing with mental health and development disabilities, I think it would be kind enough for you to do me a courtesy and let us hear some of these items that you have listed here, please.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

All right, this will be the first filibuster of the morning. Senator Smith, first of all, this bill did come out of committee with unanimous consent; and do you want me to read right down through the analysis and all the changes that were made, the reason for the changes and what the current law is right now?

PRESIDENT:

Senator Smith.

SENATOR SMITH:

He...we let this come out so that it can be discussed, because this is going to concern many, many people that are involved. That's why we permitted it to come out to the floor and we thought that you would do us that courtesy.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I...I'll be very happy to read through the six pages of explanation, single spaced, if the sponsor would like...I mean, if the...if Senator Smith would...we could start right now and take about twenty minutes but I'll read it.

PRESIDENT:

Senator Smith.

SENATOR SMITH:

May I make the suggestion that we take it out of the record for right now, please.

PRESIDENT:

Well, if the sponsor is willing with the understanding we'll get back to it, today is the last day. I...you know, that's up to the sponsor. Senator DeAngelis.

SENATOR DeANGELIS:

Well, why...since there seems to be a lot of confusion, why don't we do this. Why don't we go ahead and pass it out, I will talk to the House sponsor, we'll throw it in conference and then if there's any questions that anybody has, we'll take care of it at that particular time. But I don't want to run the risk that we're not going to get it back to this 'cause this will be the last bill called.

PRESIDENT:

Senator Smith.

SENATOR SMITH:

You have fourteen pertinent items listed in this legislation and I think that it really should...something should

be said about them, really.

PRESIDENT:

Senator Topinka.

SENATOR SMITH:

...to group all of this on us like this, I don't think it's...fair.

PRESIDENT:

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and...and Ladies and Gentlemen of the Senate, you know, we...we did have this bill on our last day in committee and, you know,...all the bills were moving pretty quickly at the time and, personally, I have no objection if Senator Smith, you know, would like to hear a rundown on this. But I would personally think it would be a wise move if we would proceed with the bill rather than, you know, take it out of the record, because our schedule today is going to be awfully quick too and I would hate to think that a bill of this importance might be skipped over in...in the long run. It is an administration bill. It's...it's...I don't think this is institutionalizing communism or anything like that in the State of Illinois. So maybe if Senator DeAngelis could just briefly hit upon some of the items in here to appease Senator Smith, maybe we could move it along. Would that be all right?

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Well, can I go back? I would be very happy to discuss this bill with Senator Smith in great detail, but...but if we could...if we pass it, I will make my commitment to get the House sponsor to nonconcur, we will throw it in conference and whatever objections might arise from those discussions, we will deal with in confer-

ence. I realize it was the House...what the House did is they took about twelve bills and rolled them into one, I agree with you, Senator Smith, and made some rather extensive changes. The department was not in favor of that process, they're only the victims of that process. This was not the way the bill was originally entered. They were entered as separate bills to be dealt with separately, but the House in its wisdom chose to roll them all into one bill. So if we could do that, then I will have my staff meet with, Senator Smith, and whatever changes have to be made in conference, we'll make those changes or else we'll delete that part that people find objectionable.

PRESIDENT:

Senator Smith.

SENATOR SMITH:

Since...Mr. President and members of the Senate, I agree. I will go along with the Conference Committee.

PRESIDENT:

The question is, shall House Bill 2808 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, 1 Nay, none voting Present. House bill 2808 having received the required constitutional majority is declared passed. On the Order of House Bills 3rd Reading, top of page 11, is House Bill 2812. Read the bill.

SECRETARY:

House Bill 2812.

PRESIDENT:

Senator Mahar, for what purpose do you arise?

SENATOR MAHAR:

A point of personal privilege.

PRESIDENT:

State your point.

SENATOR MAHAR:

Thank you, Mr. President and members. Today in the visitor's gallery on the Democratic side of the aisle we have twenty-five Illinois high school students from schools throughout the State of Illinois who will be going to the Soviet Union as student ambassadors on the People-to-People Initiative for Understanding American Youth Exchange Program, and I would ask that we recognize them and welcome them to Springfield.

PRESIDENT:

Will our guests please stand and be recognized. Welcome to Springfield and good luck on your journey. Read the bill, Madam Secretary.

SECRETARY:

House Bill 2812.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, does exactly what it says on the Calendar. This is the multistate lottery bill and appreciate a favorable vote.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall House Bill 2812 pass. I beg your pardon, Senator Demuzio.

SENATOR DEMUZIO:

Yeah, it's the state lottery bill alright. There's an amendment on here that says that all the monies that are earmarked from the new multistate lottery, I assume, are deposited into a fund for pensions and it seems to me that that is contrary to policy that we have established in the past where all lottery proceeds are deposited in the Common School Fund.

Now, I don't have any quarrel with pensions, but it just seems to me that we're going to be out there in our districts, as we have been for the last decade, answering questions with respect to where the proceeds of the lottery go to. And this particular bill indicates that...that the money is not to be deposited in the Common School Fund and I was wondering if, Senator Davidson, you could tell us what the...the Governor's position is with respect to this bill.

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

I...all I can tell you is the Governor's people have been here every day wanting to know when we're going to pass this bill 'cause it's highly important to him. What their position is on the different amendments, I can't tell you 'cause they haven't told me.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Well, again, I just want everybody to know what we're doing here that the...these monies and they're of a undetermined amount since it's a...a new venture, it just seems to me that there's no guarantee that the proceeds...the net proceeds will be of any benefit to the pension program because, as I understand it, there's no specific designation as to what accounts these are to be deposited in and it just seems to me that this departure from our policy in the past is going to cause our constituents to have more questions for us to respond to. And I just want everybody to be aware of what we are doing here this morning because you're caught in a sort of a Catch-22, it's pensions versus the Common School Fund and it certainly is, as far as I am concerned, a...a departure from what we have done in the past and this is a new procedure that we're establishing by virtue of passage of

this bill.

PRESIDENT:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I certainly...subscribe to the lottery going to education, but we also have another duty...the education is provided by teachers and we should protect their pension funds and other pensioners that...are involved here in the State of Illinois. There's nothing wrong with the amendment on it, I think it's a good amendment. This is a...multistate lottery, it's different than the ordinary lottery we have. So we're not hurting anyone, we're just helping the other side of the coin, the pensioners that are depending on funds and where are we going to get it when we've been short of funds? I think it's a good bill, a good amendment and I'd like to ask leave to be entered as a cosponsor of this bill.

PRESIDENT:

Senator Weaver.

SENATOR WEAVER:

Well, thank you, Mr. President. Just to correct Senator Demuzio, it is spelled out that this will go to the five state supported pension funds.

PRESIDENT:

Further discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I am sure of one thing and that is that I will be a voice crying in the wilderness here today as I was when the lottery concept first appeared, but I rise in opposition to this. If it does what I believe it is doing and that is extending the lottery concept outside of the State of Illinois to other states and making us a part thereof, I think I'm correct in that. I opposed the lottery concept back when

it first started on the basis that it seemed to me to be an idea that leads to in some ways the exploitation of those very people that it is supposed to serve. Granted, many, many people have a propensity and the desire and they're going to do it anyway, they're going to gamble and they're going to want to gamble. That is the argument. So as long as people are doing it, let's have the state...or the multistates come in and take a part of...share of the proceeds. I think this is an extension of a bad concept. I stand in opposition to this as I stood in opposition to the original lottery, and as I say, I...I know that I am a voice probably crying in the...wilderness on this issue, but I think it's a road that we shouldn't...we shouldn't travel and, I, for one, will be voting against this measure.

PRESIDENT:

Further discussion? Senator Hall.

SENATOR HALL:

Will the sponsor yield?

PRESIDENT:

Indicates he'll yield, Senator Hall.

SENATOR HALL:

Senator Weaver answered part of my question that they all going into all pension funds but, Senator Davidson, can you tell me if it's going to be equally divided among all five or...our pension fund, we pay more into than anyone where I'm talking about the legislators. Now, are they...have they got a formula how they're going to place it in there?

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Yes, they have. The revenue shall be appropriated in proportion to the actuary reserve deficiency of each fund bears to the total actuary reserve deficiency of all funds, and it'll be into the State Employees' Retirement System,

Teachers' Retirement System, State University Retirement System, Judges' Retirement System and the General Assembly Retirement System.

PRESIDENT:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you, Mr. President. I think Senator Demuzio has hit on something that could be a problem for all of us, but I don't think it has to be, Senator. It seems to me that...that the big public outcry had to do with the original proposal which was putting the proceeds from the Illinois State Lottery into education and I think we've solved that issue. What we're talking about here is new money, an expanded program, the multistate lottery and I think we can also tell people back home that a part of this money that we would be appropriating to the pension fund is a part of the...of the cost of operating our...our state schools. So I really think we've got a little different issue here. I'm going to support the bill. I think it's something we need to do because of the problem that we have in the state pension systems.

PRESIDENT:

Further discussion? Senator Welch.

SENATOR WELCH:

...question of the sponsor, Mr. President.

PRESIDENT:

Indicates he'll yield, Senator Welch.

SENATOR WELCH:

Senator Davidson, will these tickets be sold at the same outlets other lottery...other lottery tickets are sold at throughout Illinois?

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

According to the man from the lottery, yes, they will. They will be available through the same outlets.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

...then how much will this reduce sales of current lottery tickets for the State of Illinois when the multistate lottery goes into effect? What's the projection on reduction in sales?

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

According to the man from the lottery, the additional income which is sixty million plus from the multistate lottery, it would more than make up any loss of income on reduced sales of the Illinois Lottery by itself. They figure from what they did on the survey, most people will be buying both the ticket for the Illinois Lottery as well as a ticket for the multistate lottery.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

Well, that didn't answer my question. How much money is going to be brought in less than this year for the coming year if we pass this multistate lottery bill? How many millions of dollars less are we going to sell in Illinois State Lottery tickets?

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

According to their projections, there will not be a decrease in the amount for the Illinois State Lottery. That...it will be a net increase because the additional monies that will be coming in from the multistate lottery.

They...there...according to their survey, they will not have a drop over all the year from the sales of the Illinois Lottery.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

That is totally illogical, that makes absolutely no sense and whoever made those projections should probably be subject to an examination. There's a certain limited dollar amount that's going to be spent for lottery tickets, and if you create a new lottery with a bigger pot, obviously, some of those dollars are going to go to the multistate lottery and leave Illinois lottery tickets. When that happens, you're taking money directly from the education budget. I'm not going to go back home and say, yeah, we gave money to the Teachers' Pension Fund but we reduced the lottery money going to the Education Fund. Now, I don't know if this is another part of a reallocation plan, but I don't think it's very well thought out. Why don't you just...you know...the Lottery Department is interested in passing the lottery, that's fine, I'd support the multistate lottery, it's where you're sending the money. You know, put it back into the Common School Fund or General Revenue Fund but what you're doing is taking money out of the Common School Fund which we finally did after many years with the...a bill we passed last year, signed by the Governor. This is a retrenchment upon funding of school education.

PRESIDENT:

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. All I can say is I strongly recommend, Senator Davidson, you take this bill out of the record and remove this amendment, because...I strongly recommend you take this bill out of the record and remove the

amendment. This...the bill is good in its original pristine form but as amended, you're going to end up in a Conference Committee, you're going to pay a heavy price for multistate lottery, and I strongly recommend that this thing should be removed.

PRESIDENT:

Further discussion? Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. I rise and...in opposition to this bill as amended and the perception of this as you return to your homes is that you and the General Assembly who support this have made a blatant attempt to take money away from children, something that the public has told us time and time again they wish those lottery receipts to be used for, and instead, you're putting it into...well, one of those pension systems is our own. So I would encourage all the members to vote against this bill as amended.

PRESIDENT:

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, members of the Senate, when the teachers had their lobby day here a week or two ago, I had a rather sizable number of them from my district meet down in one of the rooms on the first floor and we talked about the various issues they were concerned with and...and one of the first questions was the status of the Teacher Pension Fund. And I mentioned to the teachers that this idea was being floated and they were very enthusiastic about it. Now, I have noticed that several of my friends on the other side of the aisle that I tend to associate with the large...largest downstate teachers' organization as they probably tend to associate me with that organization on occasion seem to have rather strong objections. No one from that organization has relayed any concerns to me about this. Have they taken a

position officially or unofficially in opposition to this funding for the pension systems that has not been conveyed to this side of the aisle? Anyone here aware of that? I just wondered. I...I, frankly, think we can do both. I think we worry about kids a lot and we should, but I don't think we can forget about those people who are at retirement age. I think this is a good idea and, frankly, for years we've been robbing their pension fund. It's sad their only hope has been winning the lottery. I think this is a good balanced approach. I can defend it in any education group in my district and I think any one of us can. I think we have to have a broad based agenda down here and I heartily recommend support of this bill as amended.

PRESIDENT:

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I'm going to vote No, Schaffer...No, Senator Schaffer, but not necessarily because of the amendment that you put on. I think there is a case to be made for dipping into something to begin to address the pension problem. My concern really has to do with the extent to which the state is becoming dependent on lottery funds to avoid other problems that it does not want to face up to. Admittedly, our lottery has done very well, although if you look at the last few months, it has leveled off and there are signs of...of old age or at least maturity that have set into our existing lottery. The multistate may give it an additional shot in the arm and may add to our general revenues. It may also cause a decline in the revenues from our own state lottery, that is our own Illinois-bred lottery. In any event, whether it actually adds some funds or does not over a period of time, I think it is very dangerous for us to become as dependent as we are on gambling proceeds to fund our basic state programs. It is not a particularly stable source of

revenue and I'm not even talking about the morality of whether or not we should rely on milking people who probably oughtn't to be doing these things in order to fund State Government in this way. But quite apart from the...the moral problem, I just don't think it's good fiscal policy to continue to put such a heavy dependence on a source of income that is really not that predictable and not that stable and that requires us several times a year to dream up new gimmicks in order to keep people playing at the same level that they'd been playing in the past because we've gotten so hooked on that fund...on those funds to finance State Government. And the only way I can express that is by voting No on the...authorization for multistate lottery and that's what I intend to do.

PRESIDENT:

Further discussion? Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President and Ladies and Gentlemen of this Body. I've studied lottery ever since I've been a member of the General Assembly and in some instances appeared that I was fighting the lottery. In reality, I am a realist and I know that people are going to play, they're going to gamble and they love it. It was supposed to have been a fun game, it has turned out to be something else. It is not so much fun now, it is serious and I think that we're really in a lot of instances taking from the people that we are reported to be helping in this lottery play. We put the proceeds in what is called the Common School Fund. The Common School Fund funds education and the proceeds from lottery is not enough to actually fund the Common School Fund, so, therefore, we go to the general revenue and make up the difference. So in actuality, we're taking money from one pocket to another and we have hoodwinked the public in thinking that the lottery is funding education. The lottery is not funding education.

The lottery in reality is doing what it all did...always did, going into the general...school fund. Now we're coming with the multistate lottery, of which I will be supportive of, but I am not going to support it to hoodwink others in thinking that we are going to do something with the pensions or we're doing something special with the lottery proceeds...is expected to be gained. Here, again, it's just going into the Common School Fund and, yes, we're doing just what Senator Netsch said we're doing with it, becoming dependent and more dependent on proceeds from a gambling situation. We're not doing anything. I know...I know that we should put this money into education but we should fund the educational system. We should fund the...the...the Common School Fund from general revenue, then we should take the proceeds from the lottery and put it on top of that and then the citizens of the State of Illinois will be getting what they voted us...what they expected to get from the lottery when they allowed us to vote it in. I think and I know that this bill will go into a Conference Committee where this can be worked out, and with that, I'm urging an...an Aye vote for...

PRESIDENT:

...further discussion?

SENATOR BROOKINS:

...the purpose of it going to a Conference Committee.

PRESIDENT:

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I couldn't agree with anyone more than I can with Senator Brookins on that issue. I think that we have a distinct problem, that we are hoodwinking the people; however, I am for the multistate lottery, so I have a question of the sponsor and that question is, if we vote No on this bill, is there any vehicle out there for the multistate lottery?

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Hell, not by...under the title multistate lottery by itself. If you vote No, you got to hope that there is a bill dealing with Section 120 that can go to a Conference Committee on another subject that this could be put on. But if I may answer this, you know, I don't know what the House sponsor is going to do or not do in relation to Amendment No. 3 or Amendment No. 2 or Amendment No. 4. So whether this will...bill is final action or whether we'll see it in a Conference Committee, I can't answer that, 'cause she has not relayed to me one way or the other. But there is no multistate lottery bill per se alive other than this one, there is some bills dealing with Section 120 alive, I've been informed. If you vote No, I want to tell you, ladies and gentlemen, this bill is not going on postponed consideration. You're going to vote it up or down.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

Yes...yes, sir. Thank you, Mr. President. In the Appropriations Committee when Director Paul came in, I...I made an...or asked a question of her and she responded and my concern was, I said, well, I'm from an area of the state in which Missouri, of course, is close by and they've just started a lottery and they're kind of floundering around, they're not having a whole lot of success. So we are still generating a lot of sales...for the Illinois Lottery out of Missouri. So I said, why isn't...Missouri...is a...one of the participants in this multistate lottery, I said, why do we want to go in and...get into a program with Missouri and Iowa and some of the other states its lotteries aren't successful and actually be helping them? And her response was

and it makes good sense was if we don't participate in the multistate lottery and if we don't get involved with the Iowa's and the Missouri's, then a situation would occur in which we'll lose that support from...from St. Louis and the Missouri area in the lottery sales. So it could have a real negative impact on the lottery if we don't go into this particular program. That made good sense to me and I think it's a good idea and I support this provision. Thank you.

PRESIDING OFFICER: (SENATOR DEWUZIO)

All right. Further discussion? Senator Rock.

SENATOR ROCK:

Well, thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise, unfortunately, in opposition to House Bill 2812 as amended, and I think that's the point that we were trying to convey that with this amendment, I would ask all of you who stand for election to be a little careful, because the people are going to say, what happens to the money, and we're going to be in a position to say as Senator Keats is so fond of saying, well, it goes into the Judges' Pension Fund and the General Assembly's Pension Fund, that's what we're doing. It's coming out of the Common School Fund and going into our pension fund. I don't want any of my members voting for this thing.

PRESIDING OFFICER: (SENATOR DEWUZIO)

Further discussion? If not, Senator Davidson may close.

SENATOR DAVIDSON:

Well, ladies and gentlemen and members of the Senate, been a lot of rhetoric about Common School Fund. One item...could we have a little less noise, please?

PRESIDING OFFICER: (SENATOR DEWUZIO)

Yes, we can...it's coming from your side of the aisle, I might point out. If we could have some order, please. Senator Davidson.

SENATOR DAVIDSON:

You know, some of you seem to forget the Downstate Teachers' Pension Fund is part of the appropriation out of the Common School Fund. So who are you kidding, you know? Secondly, Senator Brookins was right that the half a billion dollars that lottery brings in in income probably should have went on top of what we should have been appropriating, but you know, they passed the sales tax back in the 1930's and it's still on the books that one cent of the sales tax is escrowed to go into the Common School Fund. And all we've done all these years is just put it in first, then we put the half a billion from lottery in and then we have to add onto it. Lottery income amounts to what, one-seventh...one-eighth of what we appropriate out of the Common School Fund, but out of that, we've got to make the state's part to the pension...to the downstate teachers and to the Chicago teachers which is part of the deal and the reason that...the only reason the General Assembly Retirement is in this is because as Senator Rockwell knows and Senator Netsch particularly since she helped write the Constitution, you can't do special legislation and if you took the General Assembly out and had the other four in, then it wouldn't be constitutional. Now, ladies and gentlemen, quit making rhetoric and decide, one, do you want to have a multistate lottery that's going to bring additional income to the State Treasury off the top? Two, are you going to bring tremendous amount of more income because the home base of the multistate lottery will be in Chicago, Illinois, and the auditing firms, the TV firms, the production people, all going to be working, it will increase the job income. Those people are going to be paying state income tax, state sales tax on what they buy, the corporation will make a profit, they'll be paying an income tax. Now, you know, you do what you want to do but a lot of speeches was made on here and one of the speeches from my side who said he was against lottery, but he also is against taxes and

if the lottery wasn't in place right now, we'd have to have another half a billion dollars of source of revenue...the only other source is one kind of tax or the other. Now this is a good bill, now we've all made our speeches. Whether it'll be in Conference Committee or not Conference Committee, I don't know, but I just told you awhile ago, you're going to vote it up or down. It ain't going on postponed consideration, so vote your conscience.

PRESIDING OFFICER: (SENATOR DEBUZIO)

The question is, shall House Bill 2812 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 22, the Nays are 31, 4 voting Present. House Bill 2812 having failed to receive the required constitutional majority is declared lost. House Bill 2813, Senator Schaffer. House bills 3rd reading is House Bill 2813, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2813.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Senator Davidson. I beg your pardon, Senator Schaffer.
SENATOR SCHAFFER:

Mr. President, members of the Senate, House Bill 2813 is a rewrite of the Emergency Service and Disaster Act. It incorporates numerous minor changes primarily to update technology and clarify agency powers and to respond to some of the changes of various agencies at the Federal level. It was on the Agreed Bill List, I pulled it down...pulled it back at the request of the City of Chicago and amended it so that the Mayor of the City of Chicago could appoint his own disaster agency head rather than the Cook County board chairman having

that power which was something, apparently, the mayor and George Dunn agreed on. I don't think there's any opposition to the bill.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Discussion? Discussion? If not,...I beg your pardon. Senator Topinka.

SENATOR TOPINKA:

Yes, if I may ask a question of the sponsor. Yeah, why...it was my understanding that...I know during our recent Cook County sheriff's campaign that the sheriff's office was supposed to be putting together a Cook County Emergency Services plan which, of course, included the city as well. Would this affect that in any way?

PRESIDING OFFICER: (SENATOR DEBUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Frankly, the bill before the amendment had a provision in that would have allowed the director of the department to allow the Mayor of Chicago to have his own appointee, which is what would have happened anyway, but the city being the city wanted to have explicit language and I...I don't think it...makes any difference at all.

PRESIDING OFFICER: (SENATOR DEBUZIO)

All right. Further discussion? Senator Thomas Dunn.

SENATOR THOMAS DUNN:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DEBUZIO)

Sponsor indicates he will yield. Senator Dunn.

SENATOR THOMAS DUNN:

Does this contain any portion of a tax increase in any way, shape or form?

PRESIDING OFFICER: (SENATOR DEBUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

HB 2821
3rd Reading

To the best of my knowledge, there's...this is strictly state funds and it does not empower any taxes at any level.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Further discussion? If not, the question is, shall House Bill 2813 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 2813 having received the required constitutional majority is declared passed. 2821, Senator Friedland. House bills 3rd reading is House Bill 2821, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2821.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Senator Friedland.

SENATOR FRIEDLAND:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 2821 would license clinical laboratories in Illinois. It's an administration bill suggested by the department and it's identical to Senate Bill 1322 which passed the Senate 59 to nothing, and I'd urge your favorable consideration.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Discussion? If not, the question is, shall House Bill 2821 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. House Bill 2821 having received the required constitutional majority is declared passed. 2823, Senator Barkhausen. House bills 3rd reading is House

Bill 2-8-2-3, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2823.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, House Bill 2823 is intended to make clear that organizations of a not-for-profit nature providing live performances of music and dramatic arts are entitled to exemption from the retail occupation tax for equipment that they buy. As a matter of practice, these organizations have had such an exemption; however, it is not clear under existing state law that they should continue to be entitled to it. They have been relying on opinion letters issued by the Department of Revenue, but in the absence of this legislation, they may be technically required in the future to pay sales tax. And so it's the intent of this legislation to give them the exemption that they've already had in practice and I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Discussion? Discussion? If not, the question is, shall House Bill 2823 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 2823 having received the required constitutional majority is declared passed. Would like to point out to the members that we had a hundred and some bills on 3rd reading today that we have to get to, so we're going to try to pick up the pace. House Bill 2825, Senator Kelly. House bills...I beg your pardon. Senator Barkhausen, 2825. All right. House bills 3rd

reading is House Bill 2825, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2825.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, House Bill 2825 really now does four separate things, all in the area of bad checks. The original bill is intended to apply our bad check laws to bad checks that are issued to the state for obligations other than tax bills. The sanctions applying to bad checks already apply to those who...who write bad checks in payment of tax obligations. This is meant to cover other items paid to the state such as license fees. In addition to that, the...the bill has been amended three times. The first amendment is meant to clear up a glitch in the bad check law that we passed a couple of years ago dealing with checks issued in payment of credit obligations to make sure that the civil liability provisions of the bad check law apply to such checks. Secondly, an amendment of Senator Berman's changed the basis for a finding of prima facie attempt to defraud from...from what had previously been two insufficient funds...checks deposited seven days apart to twenty-one-day notice and subsequent failure to pay on...on the part of the writer of the bad check. Finally, we modified the law that we had passed a couple of years ago preventing a banking institution from imposing a bad check charge on a merchant who deposits that check to make it clear that a bank which in turn receives a bad check from the depository institution such as a clearing banking can impose a charge on the initial bank that receives a check, in other words, the depository institution and to...to provide that such a charge can also

be imposed on one other than a commercial accountholder. I'd be happy to answer any questions and would otherwise ask for your Aye vote.

PRESIDING OFFICER: (SENATOR DEHUZIO)

All right. The UPI has sought permission to take still photographs. Is leave granted? Leave is granted. Is there discussion? Discussion? Senator Marovitz.

SENATOR HAROVITZ:

Senator Barkhausen, on the limitation of fees that will be charged for an NSF check, why are we making a distinction between commercial accounts and other types of accounts?

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

I guess there...there are two reasons for that, Senator Marovitz. One is that in the vast majority of cases, the...the balances maintained by commercial accounts are...are substantial and therefore there is arguably less reason to impose this charge on commercial accountholders than on other types of accounts; otherwise, I might...I might honestly say that the practical reason is that the amendment represents a...a compromise between the...the bankers and the savings and loans institutions on the one hand and the retailers on the other.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator...Senator Marovitz.

SENATOR HAROVITZ:

Well, I mean, that's all well and good, but you're...you're making that...that compromise at the expense of every other personal accountholder in the State of Illinois. You're making an accommodation for a small group of people, the commercial accounts or...IRMA at the expense of every other personal accountholder in the state and...and to me, that doesn't seem fair. Prior to...prior to this,

we...we...we had that kind of...there was no distinction. Now, you're...you're giving favored status to certain type of accountholders and really not providing that kind of protection for other accountholders which doesn't seem to be fair at all, and I can't understand why anybody would support something that...that could jeopardize all of our citizens who are holding regular personal accounts.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Senator Barkhausen.

END OF REEL

REEL 2

SENATOR BARKHAUSEN:

Senator Marovitz, I...I share some of your misgivings in that I...I opposed the legislation a couple of years ago preventing the imposition of the...of the bad check charge on...on...on merchants. I sided with the...with the banks on that issue between the banks and...and the retailers. So, I think it makes sense to...really to alter the...the law in any way we can. What we're really talking about is a...you know, is a pricing issue here because...clearly if...to the extent...to the extent banks are prohibited from imposing a charge for having to handle a bad check, they'll...they'll make it up in...in other ways by raising other types of fees whether it's a fee for not maintaining a...a balance at a sufficient level or whatever it might be and...so, really, the...the issue is...is somewhat academic in that sense, but I...you know, I don't totally disagree with you in the sense that I had misgivings about the original change in the law and this is an attempt to roll it back somewhat to the way it was before.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator Marovitz.

SENATOR MAROVITZ:

Well, I just a...last point, I just would say that, you know, this is...this is a bad bill. It's a bad idea. It jeopardizes the citizens of this state, and I think when you go home you're going to find your people saying, well, why are you giving favored status to certain people at the jeopardy of those of us who vote for you and those of us in your districts? You're giving favored status to certain commercial accounts and this is not something we ought to be doing. I

think even the sponsor realizes that, really, there should be a total rollback and...and if we're going to give favored status, let's give favored status to the people who really need it and...and treat everybody equally and not give...provided this thing...for certain types of accounts. I think the sponsor realizes that. I think we ought to vote No or Present on this bill. It doesn't deserve to pass out of here.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Further discussion? Senator Zito.

SENATOR ZITO:

Yes, thank you, Mr. President and members. I rise in support of House Bill 2825 with that amendment and I...to try to answer Senator Harovitz' concerns, I think the amendment exempts commercial accounts because commercial account holders maintain balance of sufficient size to justify exemptions from per item charges. I think additionally and...and in addition to that point, commercial accounts usually finance their operation through the same institutions which is...and I believe is another compensating factor. We discussed this when it was on 2nd reading. I think it's a good amendment. I think it puts those commercial accounts and gives some relief to the financial institutions which have been forced to absorb the sizeable cost associated with processing returned checks. I would ask for your support.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I recognize and I concur in Senator Harovitz' objections; however, like many of the bills in these final days, there is some good parts and there are some bad parts in this bill. I think the part that deals with the charges for depositing bad checks is terrible. We made a terrible mis-

take when we exempted everyone from being charged for their bad checks, whether they be retailers or others...and I wish we had the votes to reverse that whole posture, I don't think we do; however, there are other parts of this bill that I think outweighs this infirmity and that's why I stand in support of the bill. The part that allows the state to be included in recovering treble damages for bad checks is an important program that the Attorney General strongly supports. The other amendment that Senator Barkhausen referred to is one that I have been arguing for for several years and that is to correct the law where somebody who issued a bad check and didn't even know it was a bad check could wind up being charged with a crime. We have corrected that in this bill by requiring notice to the issuer of the check in a twenty-one day period before the check is redeposited before they can be charged with a crime. I think that's important...that's an important consumer plus. So, I think on balance, although there are some bad parts, I'm going to vote Aye for the bill.

PRESIDING OFFICER: (SENATOR DEWUZIO)

Further discussion? If not, Senator Barkhausen may close.

SENATOR BARKHAUSEN:

Thank you, Mr. President. I think what Senator Berman emphasized is important that there are several aspects to this bill and I feel a little bit self-conscious in that the original bill is an important one to the Department of Central Management Services. You all ought to realize that the state has...has garnered an additional extra half million dollars a year in the estimation of the Department of Revenue and the Department of Central Management Services by being able to impose these bad check charges on those who issue bad checks in payment of tax bills, and that the expansion of...of this law to cover other obligations to the state

should be helpful in bringing in some additional revenue that we all know is so vital. So, I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DENUZIO)

Question is, shall House Bill 2825 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 44, the Nays are 10, 1 voting Present. House Bill 2825 having received the required constitutional majority is declared passed. 2826. House bills 3rd reading is House Bill 2826, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2826.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DENUZIO)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President and members of the Senate. House Bill 2826 deals with the individual-to-individual used car tax. It actually replaces the percentage that we now charge on the individual..individual transaction with a flat rate fee. I'd be willing to go through those fees, but I think most of you have a copy of that in your analysis. Due to comments in Revenue Committee, it was decided that we should create another tier to the original bill. So, we actually have a two-tiered structure on the flat rate and that other tier was put on to address the concerns expressed by the committee...over the luxury cars and I think that we have...have gotten this in as...in as good a shape as we possibly can. Part of the problem and the reason for the bill has been the...the difficulty in the administration and collection of that particular tax and this certainly will

ease the administration in...in collection...of the individual-to-individual used car, and I would be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I, too, will support House Bill 2326. I think that after a period of time when you come to realize that the particular form of a tax is simply not working that there is no point in adhering to it and just hoping somehow it will straighten itself out. For whatever combination of reasons, none of them terribly attractive, the used car tax, so-called, is...is not working very well right now. It is falling way below the original estimates and it is quite clear from what enforcement the department is able to do that some of the information that's being submitted is not totally...true, shall we say. So, I think it makes some sense to try to shift the...the base for collecting it. It's not an easy thing to do because whenever you get into a flat rate tax, there is a certain amount of arbitrariness to it. But I think this pattern is reasonably comprehensible and about as equitable as you can get it. The one thing that was critical that we raised and the department has addressed is the fact that you do not want the really high-priced cars that are transferred in private arrangements, that is, sold through private individuals, to be paying exactly the same as the very low-priced cars. That has been addressed by having one schedule that applies to vehicles for...that are sold for less than fifteen thousand dollars and another much higher fee charged for those that are sold at fifteen thousand dollars or over. In addition, they've taken out the motor-cycles and the mopeds and so forth. There, obviously, are going to be still some irate people out there who will find they fall into the higher category and you will probably hear

from them from time to time if you have people who are rich enough to have...sell cars at that price, but I think, still, it makes sense and there is no question that it is going to bring in more money; and if it doesn't, then we ought to scrap the whole idea and...and go back to a different form of taxation. So, I think...I rise in support of House Bill 2826 and I think it is very much worthwhile trying.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Woodyard may close.
SENATOR WOODYARD:

Thank you, Mr. President. As I indicated in my opening remarks, we have had problems with the administration collection of the individual-to-individual. This will correct that situation certainly. In some studies that had been made we find that our average price being turned in to the Department of Revenue is much below the national average and so we hope to correct that. I would seek your favorable support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 2826 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 40, the Nays are 15, none voting Present. House Bill 2826 having received the required constitutional majority is declared passed. 2827, Senator Barkhausen. House bills 3rd reading is House Bill 2827, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2827.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, House Bill 2827 amends several

of our licensing Acts to provide that professional licenses under these Acts can be withheld or suspended for failure to pay state taxes. As a matter of fact, this already applies to most state licensing Acts and this bill simply extends it to...several other Acts that were not previously covered by such a provision. In addition, the...the bill contains...the Senate Amendment 1 that was offered by Senator Philip to say that a not-for-profit corporation can only use the word "Republican" or "Democrat" in its title with the consent of the state central committee of the respective party. Be happy to answer any questions and would otherwise solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 2827 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 2827 having received the required constitutional majority is declared passed. House bills 3rd reading is House Bill 2834. Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. HARRY)

House Bill 2834.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. House Bill 2834 is the Central Management Services administration bill. It has approximately eight substantive changes and about nine technical changes. Let me mention some of those. First of all, it gives the department the ability to implement some future

benefits based on some changes in the Tax Code. It gives them a flexible spending account, premium payment plan, adoption benefits, et cetera. It also gives the department...or makes clear the language that they may establish...contribution levels to the plan based on age, sex, geography or other demographic characteristics. It provides statutory authority for the implementation of a group dental plan and makes other changes. The technical changes I won't go through but I'll be happy to answer any questions on House Bill 2834.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Discussion? If not, the question is...I beg your pardon, Senator Hall.

SENATOR HALL:

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

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Senator DeAngelis, I see that you're deleting the requirement for an annual report to the General Assembly on the group insurance program. Why are you deleting that?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Because they report to the Economic and Fiscal Commission and the Economic and Fiscal Commission does have some oversight on the group health plans.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Hall.

SENATOR HALL:

In other words, we'll get our information now from the...from the other group rather than direct from that. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

HB 2838
3rd Reading

Senator DeAngelis.

SENATOR DeANGELIS:

Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall House Bill 2834 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 2834 having received the required constitutional majority is declared passed. 2338, Senator Barkhausen. House bills 3rd reading is House Bill 2838, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2838.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, House Bill 2838 amends the Illinois Insurance Code at the request of the Department of Insurance to provide for confidentiality of certain financial information provided to the department by the National Association of Insurance Commissioners. The commissioners' regulatory information system has provided the Illinois department with financial analysis ratios and examination synopsis concerning insurance companies. As a matter of practice, the department is already keeping this information confidential but they want the statutory obligation to do so in case there are certain states that do not follow this practice. In addition, the bill was amended to make it clear that commercial liability insurers as well as personal liability insurers are not required to offer uninsured or

underinsured motorist coverage up to the amount of an excess or umbrella policy but are only required to offer such coverage up to the amount of a...a primary policy. This amendment merely codifies current interpretation of the law as determined by the Department of Insurance. Some confusion had developed over what was apparently a drafting error made in the original legislation and which the drafters concede was such an error, and I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DEWUZIO)

Discussion? Senator Berman.

SENATOR BERMAN:

Thank you. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DEWUZIO)

Sponsor indicates he will yield. Senator Berman.

SENATOR BERMAN:

On the explanation that you gave regarding the obligation of offering uninsured and underinsured coverage, could you give that to us again?

PRESIDING OFFICER: (SENATOR DEWUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Yes, apparently, there...there may be some confusion as to whether a...a commercial liability insurer providing an excess or umbrella policy is required to offer uninsured or underinsured motorist coverage up to the amount of that excess or umbrella policy as opposed to only offering it up to the amount of...of the primary policy. The Statute now reads that...that personal liability insurers are not required to...to provide such coverage and the...the insertion of the word "personal" in the original draft, which apparently stems from 1980, was reportedly...according to the department and...and those involved in the drafting of that legislation was...reportedly a drafting error and it was not meant to...to limit this provision to...to personal liability

insurers. It was...meant to apply to liability coverage of an excess or umbrella nature generally.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Berman.

SENATOR BERMAN:

Does this reduce the amount of underinsured or uninsured coverage that automobile insurers must offer to their insureds?

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

For the most part, Senator Berman, the answer is no because it already applies to personal liability insurers, but it would potentially reduce it in the...in the commercial liability setting because the...the wording now...now provides that personal liability coverage of an excess or umbrella nature need not offer the uninsured or underinsured motorist coverage to the amount of an excess or umbrella...up to the amount of an excess or umbrella policy, but it was...it was intended at the time that that was drafted in 1980 not to limit that provision to personal liability insurance only but, as I've said, to apply to liability insurance policies generally.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Berman.

SENATOR BERMAN:

I apologize for belaboring this. Let me ask it in a different way. If I buy...an automobile insurance policy and I have liability limits of three hundred thousand dollars, does this allow that company to say to me that they don't want to write anything more than fifteen thousand/thirty thousand underinsured/uninsured?

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

If...no, because you're talking about a primary policy and they would have to offer it up to the amount...they would have to continue to offer it up to the amount of your primary policy which is one hundred/three hundred.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman. Further discussion? If not, the question is, shall House Bill 2838 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 2838 having received the required constitutional majority is declared passed.

PRESIDENT:

Senator Schaffer. We are ready for the Schaffer hour I take it, huh? On the Order of House Bills 3rd Reading is House Bill 2842. Read the bill.

ACTING SECRETARY: (MR. HARRY)

House Bill 2842.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, if I can, I'd like to make some general remarks about the next series of bills. Ten or twenty years ago, this state embarked on a rather bold plan, along with a good part of the country, to establish a system of special education for those children who were disabled and developmentally disabled. That system, I think, is one of the real great success stories of this state and something I think hope...I hope all of us have a great deal of pride in. The success of that system has meant that a lot of children

that would normally have gone to places like Lincoln and Dixon didn't go there but were provided programs at the local level and were able to stay with their parents and to the absolute degree possible lead normal lives. Well, what has happened now is that that generation of children starting to age out of that program and those systems of services. They are at the point now where they are going to be getting out of school. They are going to be looking for alternatives. One of the alternatives, obviously, is a state institution. I think all of us understand how expensive that particular alternative is. What this bill and the next couple of bills propose to do is to get the state embarked on a series of programs to assist the aging out population with the...to the maximum degree possible to allow them to remain independent, to remain with their families. I would suggest to you that this is not only a humane direction for us to be going, it is probably a cost efficient one; obviously, for us to provide some levels of services and to allow these now young adults to remain in a family situation or somewhat of an independent living situation is to our benefit financially. This first bill, House Bill 2842, would require the Department of Mental Health and Developmental Disabilities to establish a family support subsidy program to provide financial reimbursements to assist families in providing home care for the severely and profoundly developmentally disabled and, hopefully, to prevent reinstitutionalization of them. Obviously, the program is subject to the appropriations of the General Assembly and it...there are some requirements, there are some stipulations setting top end possible subsidies. I think it's a step in the right direction, obviously, dependent on our ability to fund it.

PRESIDENT:

Discussion? Senator Demuzio.

SENATOR DEMUZIO:

I was wondering since this is a costly new program if Senator Schaffer has any estimates as to how much this, in fact, will...will cost?

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

It's my understanding, and it's only from the staff and I...I...I would have to combine the programs but the potential cost if we choose to appropriate the money is ten million dollars, and I'm not just for this, I'm for the series of bills we're addressing. Some of them overlap and interrelate pretty heavily, you can't have one without the other so to speak.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Well, I noticed it wasn't in the 502 Plan, so I was just curious as to how much, in fact, it was going to cost since this is a new program and certainly it's laudable, to say the very least, but I just wanted to point out to everybody that it's an expenditure of some additional dollars.

PRESIDENT:

Question is, shall House Bill 2842 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 2842 having received the required constitutional majority is declared passed. On the Order of House Bills 3rd Reading is House Bill 2843. Read the bill.

SECRETARY:

House Bill 2843.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

This bill would provide...require the Department of Mental Health and Developmental Disabilities to establish a free-standing coordination pilot project in each of its administrative regions. The hope would be to be able to coordinate the various people coming...as they come out of the special education system, we should start planning, not the day that they...they're given their diploma and they walk out on the street. We should start planning in advance to allow them to...to...to be...to identify the best possible programs within their area, and if there are no programs, to start looking around for programs they can participate in effectively...what the bill does.

PRESIDENT:

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, I...I just want to make the point...here we go again, another new program from...from inception here and that...you know, obviously, it...it, too, was not in the 502 Plan.

PRESIDENT:

Question is, shall House Bill 2843 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 Ayes, no Nays, none voting Present. House Bill 2843 having received the required constitutional majority is declared passed. Top of page 12, on the Order of House Bills 3rd Reading is House Bill 2845. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2845.

HB 2846
3rd Reading

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, this bill creates a special line item in the Department of Mental Health and Developmental Disabilities for receipt of the various funds from the Department of Public Aid under the Medicare waiver from the Social Security Act for the purpose of these programs. It would allow us to coordinate...or to follow the amount of money being spent...and it just gives us a chance to...zero in on this particular priority.

PRESIDENT:

...Senator Demuzio.

SENATOR DEMUZIO:

Well, it's another new program and I guess the next bill is one that mandates all of the respective educational programs that we have for our school systems, so I guess...I guess we're...we're going to be taking it all out of there to put into this program, but...it's...again, it's a new program. It's certainly laudable, but it'll probably get fifty-nine votes here too, but I just want to point out that, you know, this is the twenty-seventh and we'll be talking about revenue before the end of...this Session.

PRESIDENT:

Question is, shall House Bill 2845 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 2845 having received the required constitutional majority is declared passed. On the Order of House Bills 3rd Reading is House Bill 2846. Mr. Secretary, read the bill, please.

ACTING SECRETARY: (MR. HARRY)

House Bill 2846.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Ladies and gentlemen, Channel 2 has requested permission to shoot some videotape. Is leave granted? Leave is granted, without objection. Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and members of the Senate, this is the amendment that was so skillfully drafted and molded by Senator Berman that I have offered. I didn't say he agreed with it but he certainly had a hand in molding it. I would respectfully point out to you that it's the twenty-sixth day of June, afternoon of that day. I don't see a tax increase bill anywhere. I notice we just killed a possible revenue source. We don't seem to be able to have the budget reduced in either House. It's starting to look very much like this General Assembly is going to drive out of town having neither increased taxes or left the Governor with a balanced budget. The implications of that are that the Governor will have to bring the budget down. I think we all understand that. At the same time, we have not wrestled or successfully wrestled at least up to this point with that situation. I am told by the various education associations that there are some thirty-six mandates...additional mandates, some of them which are very expensive, headed for the Governor's Desk. I suspect I voted for a few of them. I was trying not to but I suspect I did whether I wanted to or not. I suspect all of us voted for at least a few of them. Some of us probably voted for all of them. Now, we are going to leave the schools without money. We are going to force these additional mandates on top of the current mandates and we are not even going to give them a flexibility. What this bill pro-

poses to do is to allow school districts in the case that a particular mandate is underfunded by...if we fail to fund it at least to the ninety percent level, so that if we make a mathematical error, there's a shortfall...a small shortfall, they still have to comply, but if we fund it to the ninety percent level or...or below or eighty-nine percent level and below and fail to fully fund it, which I perceive is going to be a very real possibility in a large number of these mandates, that the school districts may if they choose to, if they say, look, we are so pressed, we are absolutely desperate, maybe we can't teach P.E. five days a week, forty minutes; maybe we're going to have teach it three days a week, sixty minutes. This is the kind of flexibility we need to give our school districts so they can survive. We've put some safeguards in there too. We have not allowed them to...opt out of the special education program, the school lunch program and we've required them to maintain the core curriculum, language arts, mathematics and science programs...along with, obviously,...a student transportation. I think we've put the safeguards in here to protect those vital programs that I think we all agree have to continue regardless or...or the school is not a school in any sense. What we're saying though is on some of the other mandates, that they can have some flexibility. I don't see how one can in clear conscience not give them this authority, and if we don't want them to exercise the authority, there's a very simple answer, we just fund all of our mandates and keep all of our promises. If we can't work up the compromises necessary to keep those commitments, I don't see how we can walk away and say, okay, we're making you do this, we promised you the money, but we aren't going to give you the money but you still have to do it, we won't even give you any flexibility, you just have to sink. Well, if we aren't willing to help them bail, I don't see why we should stand in the way when

they try and save their school systems.

PRESIDENT:

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDENT:

Indicates he'll yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, I agree with most of what you said and I voted for the amendment. My question is, is the original bill still on this bill?

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

Yes, but it was also amended on a bill we've already passed. So, it...it survives with or without it.

PRESIDENT:

Senator Hawkinson.

SENATOR HAWKINSON:

My problem is, I'm against that original bill 'cause I think it does many of the things that...that you just talked about. I have quite a few letters from the Peoria School District and the special...the administrators of special education and I...and I'm going to ask if...if any of their concerns have been addressed and...and the concerns that they gave me were, number one, that...that the original bill places primary responsibilities on the school district. Number two, there's a lack of adult services available to transition two. Number three, inclusion of a case coordinator at annual review will double the time needed for the annual reviews. And number four, and most importantly, given the rest of your talk, no additional revenue has been allocated to accomplish the purpose.

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

We're...we're standing in the way of Senator Berman's broadside, but let me answer your...your questions. Frankly, the bill originally talks about pilot projects and...this is not a broad based proposal. What we're saying is we want a pilot project in each of the several areas of the state and presumably the reason we want the pilot project is so we can identify the problems by working with the locals so that before we go into a...and if we find the money, which is my sincere hope, before we go into a broad based state program, we have been able to address those kind of concerns. The bill specifically talks in terms of pilot projects.

PRESIDENT:

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senator Schaffer tried very hard to make this workable. I submit to you that he still is a little short of the mark. Let me tell you...and I think it's important to correct the record. Senator Schaffer said that we're about to leave town "and leave the schools without any money." I listened very carefully, I marked it down. I think that's a little bit less than accurate. If we do nothing more regarding appropriations between now and Tuesday, I don't think that you can categorize state appropriations between Senator Rock's bill and my bill that are the programmatic funding of...of elementary and secondary education and totals two and a half billion dollars as being...leaving town without giving the schools any money. Two and a half million dollars even to Senator Schaffer is folding money. Is that fair to say? Thank you. Now, let me tell you why I stand in opposition to this bill, and we were very responsive and voted...Senator

Schaffer has passed three bills out that addressed special education. We're funding education at about a forty-three percent level. Now that's a statewide average. That means that the average school district...I don't know if that even exists but we'll use it hypothetically. That means that forty-three cents of every dollar that the schools spend comes from state money. We also...we also allow them through the School Aid Formula to raise local tax dollars to the extent of somewhere above fifty cents and there's some Federal money that flows through the state to the schools. Now with all those three sources, two and a half billion dollars of state money, local tax dollars and Federal money, I've got to suggest to you that we are not being overly oppressive when we give a half a dozen or a dozen courses that a school district ought to teach. There's nothing wrong with that. We're paying the...the band and we have the right to call some of the tunes, and that's all we're doing in this process, some of the tunes. Now let me tell you what happens to some school districts, and regrettably there are some out there that try to figure every angle to utilize what we do down here to what I call not the best interest of the school children. Under this amendment, it says that if a program isn't funded to ninety percent...now it doesn't limit that to state funds, ladies and gentlemen, it can also be local funds, and if there's a school district that doesn't like vocational education or bilingual education or summer school or physical education or driver's education or adult education, they can cut their own funds, not only what we give but their own funding below ninety percent and we're saying to them by this amendment, you don't have to teach that program. Now, I don't think that's what Senator Schaffer wants to do, but that's what this amendment allows them to do. It's a bad idea. We are giving everything we can and some of us are ready to give substantially more, if there is more

resources, to our schools, but don't let irresponsible school districts take a walk on what we think is important and what we give substantial money to. I urge a No vote.

PRESIDENT:

Further discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. I know Senator Berman certainly doesn't...mean to mislead, but, Senator, I must say that your comments do just that. You represent the largest school district in the State of Illinois and for that one, you're absolutely right. The state is paying about half, I believe, of the Chicago school budget, but you couldn't shoot a cannon from your district anywhere and hit any other district that comes anywhere close to that kind of state support, because you know and I know that as you travel around and out of your district, across the suburbs, across the collar county, the average contribution which the state gives to a school budget runs from three to five to ten to fifteen percent and where does the rest of the money come from? It comes from the local property tax, and all Senator Schaffer is trying to do with this amendment and with the passage of this piece of legislation is say that in those cases, especially those of us who represent those kinds of school districts, have every right in the world to say, give us some flexibility because we don't get those state dollars. Those are our own dollars that are funding our kids' education, that's the reason why House Bill 2846 ought to pass.

PRESIDENT:

Further discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. Due to Senator Kustra's fine remarks, I'll shorten my dramatically because he said the main point. This bill probably will end up in a Conference

Committee. I...I hope not. I'd like it to pass. If it does...we would offer something to...whether it's Chicago or some of the other school districts that receive huge amounts of money, maybe we should say if you only get X amount of your total budget from the state this applies to you. I think it should apply to everyone. But, remember, for those of you from Chicago, this really doesn't apply to you; for those of us...I have districts that get as little as three percent of their total budget from the state. The other ninety-seven percent is our pocket and it's called property taxes. All I ask is, give us the benefit of the doubt, the school districts in that shape. We are the ones who for every dollar we send to Springfield get back twenty-five cents. We try not to put too many limitations on what we do with the money you send to Chicago for your Chicago schools or to the Decatur schools or the...the Danville schools or...or the...or the East St. Louis schools. We try to give you some flexibility. Please, give us a little. If you were funding us at fifty and fifty-seven percent and more the way we do some of the downstate schools, then...let's play by the same rules, but we're getting ten percent is good for a school district in my area. Please give us the flexibility if you're not going to give us the money, we can't come up with the money and you and I know it, so we'll settle for the flexibility. We'd appreciate your concern. Thank you.

PRESIDENT:

Further discussion? Further discussion? Senator Schaffer may close.

SENATOR SCHAFFER:

Well, one thing I think should be said, what we're doing is we are giving the school superintendents...or proposing to do and the...and the school boards some flexibility. I don't know about you, I occasionally get frustrated sometimes by my school boards, but one thing I've always felt, whether I

agreed with their individual decisions on occasion or not, is that people don't run for the school board 'cause they don't care about education and people don't become superintendents and administrators in school systems because they don't care about...education. The people that we're giving a little modicum of...of flexibility and relief when we have failed to fund things are caring people who care about education. We are putting them in the...particularly in the districts that receive relatively little state funding, the downstate districts, the suburban and collar county districts, we're just saying, okay, we're not going to pay you for the twenty-eight dozen and...and by the way, this is a two-page list, single spaced, of the mandates that we're forcing on education this year, some of which are not frightfully high priorities. What we're saying is, give the school boards...if we aren't going to give them the money, let's at least give them the flexibility so they can save the core educational program of the school systems. This is particularly important in the downstate and suburban areas where we are pressed for funds and we get little help from the state. I don't know what conceivable argument one can have for not giving us this flexibility. We aren't asking Chicago for a dime. Not for a penny are we asking. We're just saying, give our school districts the flexibilities to survive in the face of our inability to fund them at the level we promised.

PRESIDENT:

Question is, shall House Bill 2846 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 26 Ayes, 28 Nays, none voting Present. House Bill 2846 having failed to receive the required constitutional majority is declared lost. 2849, Senator Maitland. On the Order of House Bills 3rd Reading is

House Bill 2849. Read the bill.

SECRETARY:

House Bill 2849.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. House Bill 2849 as...as amended increases the...the annual fee that's assessed against each of this state's nuclear reactors. There are thirteen of them. This increases the fee from ninety thousand dollars a year to four hundred and eight thousand dollars a year. This money will be deposited into the Low-Level Radioactive Waste Facility Development Fund, and this money will be used to finance the engineering and the site selection of the low-level waste site that will be established in Illinois in a few years. This amendment is agreed to by, as I understand it, everyone. I...I know of no opposition. I would appreciate a favorable roll call.

PRESIDENT:

Discussion? Senator Welch.

SENATOR WELCH:

A question of the sponsor...question of the sponsor.

PRESIDENT:

Indicates he'll yield, I'm sorry, Senator Welch.

SENATOR WELCH:

Senator Maitland, could you explain for legislative intent the credit that will be given for the money that's going to be generated in operating the site?

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Yes, I...I think so. The fee system created must...must provide credits...must...must provide credits equal...the credits must equally amounts paid plus interest accruing on the fees. I think that's the...that's the answer to the question that you wanted.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

My understanding is that the money that's going to be raised will then be utilized, in effect, as a loan and those companies that pay the fees will then receive a credit back for the same amount of money plus interest from the state up to the point at which the...they deposit low-level radioactive waste in that particular site. Is that your understanding, Senator?

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Yes.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

Further, how long...over how many years will this credit extend? We are worried about the fund having enough money in it to operate. If one business, one nuclear plant, provides most of the fees, such as Commonwealth Edison who has most of the nuclear plants, and they provide so much waste and if that's eighty percent of the waste and they're getting one hundred percent credit, the fund may not have enough money to operate. Could you explain that?

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

It is my understanding that that determination will be

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made when we...when we...when we get to that point. We're not there now, as you well know, and that...that prorata...that proration will be determined at that time.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

I just say that I would stand in support of this. We need to have the low-level radio...radioactive waste site because of the Midwest Compact. The Federal Government is making us do this and we have to have a site, so that's why we're generating this money even though it's nothing anybody really wants to do, we have to. So, I would support this.

PRESIDENT:

Question is, shall House Bill 2849 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 51 Ayes, no Nays, none voting Present. House Bill 2849 having received the required constitutional majority is declared passed. Senator Schaffer. On the Order of House Bills 3rd Reading, middle of page 12, is House Bill 2853. Read the bill.

SECRETARY:

House Bill 2853.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and members of the Senate, this is the Welfare Reform Act. It's a rather extensive piece of legislation. It makes a variety of changes. We have attempted...by we, I mean the Department of Public Aid and the various other proponents of the bill, have attempted to work with all of

the groups involved including the public aid advocacy groups, and I believe we have arrived at as close to a consensus as it is humanly possible to arrive. It's a...a rather bold bill. It's quite a departure from business as usual in the welfare area. Does some things I think almost everybody here can agree with and I think taken in concert is a balanced program aimed, quite frankly, at getting people off of public aid into gainful employment and to improving their lives and to preventing people from getting on public aid. It restructures the general assistance program, particularly in the City of Chicago, to provide that general assistance recipients can be required to participate in educational or work programs five days a week or forty hours a week. Obviously, there are exemptions for those elderly and the blind and the disabled. Develops a grant program for...entrepreneur programs and diversion programs to keep people from becoming welfare recipients and to develop additional financial opportunities for them. It extends day-care services and medical benefits for those who would lose their eligibility if they became employed and it allows the department to conduct some demonstration projects. We create a...pilot program to explain...expand employment activities for absent parents. We have a child support amnesty program followed by a very aggressive collection program. I think...I would probably be...could go on and on but I think that basically covers the major parts of the bill, and I'd be happy to answer any questions.

PRESIDENT:

Discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. As chairman of the Health, Welfare and Committee, I stand in strong support of House Bill 2853 as it is amended...I must say to all of you that this has been the

result of numerous hours of negotiation between the Department of Public Aid, the chairman...the director should I say, the City of Chicago and all of our welfare advocates, and I recommend...and commend the...the department for reconsidering their position in the Senate and did not accept any amendments on this bill. This is one of the many steps forward of welfare reform in Illinois, and with the passage of Senate Joint Resolution 59, which is currently on the Calendar, we really hope to continue to improve the welfare system here in our state. I ask for your...favorable support...

PRESIDENT:

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

I beg your pardon. Senator Schaffer, Amendment No. 2...I...I just wish some clarification. It says that on the request of the Department of Public Aid that the State Board of Elections shall provide the department with tapes, discs and other electronic data which provide only the name, addresses and, where available, the social security number of the registered voters and goes on to prescribe a...a fee for the...cost of and the administration of...up to...the reason...shall include the cost of duplication plus fifteen percent for administration. I understand the confidentiality of the provision here. It says all the information contained on the tapes shall be protected as provided in the Illinois Public Aid Code, and I was wondering if there is any kind of penalty for violation of that confidentiality and...and I want to make it for the record that this is only in connection with the...this particular program, not for voter registration nor for anything else.

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

Senator Demuzio, as I recall the amendment, it...it interfaced into a section of the Election Code which I believe has a penalty. The purpose of...of wanting these tapes, quite obviously...and we think we've closely worded this so that we're...we're not...these tapes can't be mis-used. We're attempting to locate errant parents who are not living up to their share of support for children, and I don't think...I think with the safeguard language which I think was worked out by all sides we have done our best to protect that from misuse. But, obviously, if a parent has gone south on his financial obligations, I think we ought to go find them and we ought to explain their rights to them and then we ought to get the money they owe us.

PRESIDENT:

Further discussion? Senator Marovitz.

SENATOR HAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Well, I...I rise in support of the bill. I think we're going to have unanimous support of this legislation...many people have worked so very hard on and has been the result of good faith and negotiations between the department and the director...Director Duffy, Deputy Director Taylor and the activist groups who have really worked very hard...very diligently in good faith negotiations with the activist groups, and I would hope that those continued good faith negotiations would...would go on in the rule making procedure, because as everyone in the department understands the rule making procedures regarding this legislation are as important in many instances as the legislation itself and if the same kind of good faith, open negotiations go on during that rule making process, I think we'll have a bill that everybody can be proud of and everybody can support and we'll have a positive effect on the welfare system in the State of Illinois.

PRESIDENT:

Further discussion? Senator Alexander.

SENATOR ALEXANDER:

Thank you, Mr. President. To the Senate, I think the bill as prepared by Senator Schaffer is an excellent piece of legislation. What troubles me about the bill, and I will decide how I'm going to vote, is that it is tied in to the State Board of Election submitting tapes to the Department of Public Aid. I do not question that there will be total confidentiality in this phase; however, I do feel that when the word gets out into the streets that if I apply that there is a possibility that they will not register to vote and exercise that God-given right by our Constitution for fear of being found. I have supported all legislation...dealing with child support, but I'm wondering how this will affect those unregistered voters who may have a desire and want to register to vote whether they will not come in and register because of this one phraseology in this piece of legislation.

PRESIDENT:

Further discussion? Senator Collins.

SENATOR COLLINS:

Question of the sponsor.

PRESIDENT:

Indicates he'll yield.

SENATOR COLLINS:

Senator,...could you give me that...I...I...I looked at this staff analysis, I don't have the language, but...I...I guess I'm really concerned about under what circumstances could the Board of Election supply one's social security number...acquire one's social security number 'cause it's most certainly not requested on the application for...for registration.

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

Well, first of all, social security numbers have been on the voter registration form for a number of years. Now if you registered...if you're as old as I am when you registered, you didn't have to put it on, but certainly over a period of time it...those are being required. I think I can end the discussion on this. The department informs me and I...frankly, I recall it in the discussions, they already get these tapes. They get them, for instance, from the...the Board of Elections and the city and from the County of Cook and from any other county they want. All they're really trying to do is go to one place that has a common format, the State Board that has all these tapes on file. They just process the information to identify errant parents. I have been corrected for using a gender term and being a chauvinist since, obviously, there could be errant parents of both sexes, and they return the information to them immediately, they do not keep it. They do a run. They identify the people they're looking for and that's that. I believe, actually, it could be forcefully argued that the language we put in about confidentiality actually protects people more than they currently have protection. From your point of view, Senator Alexander, and I think, Senator Collins, if I interpret your position correctly, this bill is a step in the right direction.

PRESIDENT:

Further discussion? If not, the question is, shall House Bill 2853 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, 2 voting Present. House Bill 2853 having received the required constitutional majority is declared passed. All right, we're...we have effectively turned the corner, ladies and

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gentlemen. We'll go back to the beginning of the Calendar, bottom of page 3. On the Order of House Bills 3rd Reading, bottom of page 3...Senator Joyce, for what purpose do you arise?

SENATOR JEREMIAH JOYCE:

Inquiry of the Chair.

PRESIDENT:

Sure.

SENATOR JEREMIAH JOYCE:

After we finished with House bills 3rd reading, do you have any idea where we will go then?

PRESIDENT:

Well, I...I...I'm presuming there will be a request to go to the Order of Consideration Postponed...after 3rd reading, we go to the Agreed Bill List and after that, we'll go to postponed, and after that, we'll go to concurrence, then...House bills 3rd reading. On the Order of House Bills 3rd Reading is House Bill 3. Read the bill, Madam Secretary.

SECRETARY:

House Bill 3.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. House Bill 3 was on the Agreed Bill List and then taken off. It will have only one result. It's a bill that is designed to save lives. It's the Smoke Detector Act. It's a bill that requires installation and maintenance of smoke detectors in all new and substantially remodeled dwelling units at the time of first occupancy and in all existing dwelling units by July 1st, 1988. There are some other provisions of the bill. I think the important thing is to take a look at the City of

Chicago and the ordinance which they passed not too long ago. If you take the five years preceding the passage of the Chicago ordinance and compare it with the five years after the passage of the Chicago ordinance, the Chicago fire lieutenant who testified down here will point out that seventy-five lives a year have been saved in Chicago with the passage of their smoke detector ordinance. I think it's important that we move in the same direction on the state level. I will point out to those who might have some kind of a problem with mandating this that...that we really mandate a lot of things in people's homes. We have building codes. We require building permits when people go to improve a garage or to build a new garage or an addition to their home. We have all kinds of requirements that people put certain things in those homes to make them safe. All this says is, they ought to have a smoke detector in there as well. I know of...of no organized opposition to the bill and I would ask for your favorable approval.

PRESIDENT:

Discussion? Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and members of the Senate. I am a hyphenated sponsor of this legislation and probably join Senator Kustra in sponsoring and asking...soliciting your support on House Bill 3. As the Senator pointed out, this legislation is supported by the Fire Marshal's Office and by the local fire chiefs' organizations in Illinois. It...it will save lives, and if there's any questions, we'll be pleased to answer it, otherwise, appreciate your support.

PRESIDENT:

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Will the sponsor yield for a couple of questions?

PRESIDENT:

He...he indicates he'll yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, if...if the bill really did just all that you indicate about other building codes and things, I think I'd probably support it, but does not this bill require smoke detectors in all existing dwellings by 1988?

PRESIDENT:

Senator Kustra.

SENATOR KUSTRA:

Yes, it does.

PRESIDENT:

Senator Hawkinson.

SENATOR HAWKINSON:

So, unlike other building codes which are prospective, this requires every existing dwelling to go back and have them. Secondly, what does willful failure to maintain mean in your opinion of legislative intent?

PRESIDENT:

Senator Kustra.

SENATOR KUSTRA:

I assume that would mean someone who is aware of the fact that we have passed this law and chooses not to implement a smoke detector.

PRESIDENT:

Senator Hawkinson.

SENATOR HAWKINSON:

That would speak to willfully failure to install. What about willful failure to maintain? What does that mean in your opinion?

PRESIDENT:

Senator Kustra.

SENATOR KUSTRA:

I would assume that might be a landlord, for example, who

knew he had smoke detectors in a building and they were not working having been reported as such by tenants.

PRESIDENT:

Senator Hawkinson.

SENATOR HAWKINSON:

What about the owner of a private residence who has three detectors and...I have three in my home and when the battery starts to wear out, you get a little beep occasionally. Is failure to replace that battery willful failure to maintain when you know that the battery is worn out?

PRESIDENT:

Senator Kustra.

SENATOR KUSTRA:

I doubt that it is, Senator Hawkinson, and I don't know any way that you could write a piece of legislation that's going to cover every specific little incident. I think the fact of the matter is that you're going to find it very difficult to go out and enforce a bill like this. This is, obviously, a bill that is designed to provide an educational tool to fire chiefs and firefighters across the state who want to do everything they can to encourage people to get out there and install smoke detectors.

PRESIDENT:

Senator Hawkinson.

SENATOR HAWKINSON:

To...to the bill, Mr. President. The statements of the...the sponsor are all very well and good but, in fact, and, please correct me if I'm wrong, Senator, you can go to jail for six months under this bill for...willful failure to maintain in operating condition any smoke detector required by this Act, and this Act requires smoke detectors in every existing private dwelling in Illinois by next year. So, if you know that that battery is worn out and you don't replace it and you know about it, under this law you're passing, you

could go to jail for six months. Now, it's all very well and good to say that this is an educational tool, but we're making it a Class 3 misdemeanor which could be enforced. Now you can say it won't be enforced, but then why are you putting the penalty in here if you're only meaning it to apply to multifamily dwellings, why don't you say so in the bill? If your seventeen-year-old takes the battery out of the home and doesn't replace it, it's tampering under this definition, a Class A misdemeanor, a year in jail for the first time he does it, a Class IV felony the second time he does it. We can save lives in this General Assembly in a number of ways and we come back with more big government every year. We could abolish smoking and save many more than the seventy-five lives a year. We could require everybody to jog and eat the right foods and sometimes I think that's the direction we're headed with this kind of big government. I would support this as a Building Code provision to apply to new dwellings or to additions like we have everywhere else, but to put it in the nature of a criminal offense, albeit a felony in some cases, and to go to every existing dwelling in this state without providing any dollars for education or providing any dollars to pay for these smoke detectors, I think is simply a...an improper exercise of government and would urge a No vote.

PRESIDENT:

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate, in an agreement with Senator Hawkinson who has said most of what I wanted to, but with one question for the sponsor, if I may.

PRESIDENT:

Sponsor indicates he'll yield.

SENATOR TOPINKA:

Is there any kind of a standard that has been established for what type of a smoke detector is going to be used here because there are a variety that are out there and they kind of range from the kind you can get at a Walgreens, that's a minor type of thing that doesn't last too, too very long, right on down to being installed to your local fire department if you want to do the wiring which is a very expensive proposition? Do you have a standard or do you try and delineate?

PRESIDENT:

Senator Kustra.

SENATOR KUSTRA:

Yes, Senator. Under the definition of approved smoke detector, on the first page of the bill, you will see that a smoke...detector of the ionization or photoelectric type which complies with all the requirements of the rules and regulations of the Illinois State Fire Marshal.

PRESIDENT:

Further discussion? Senator Raica.

SENATOR RAICA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Just one comment that Senator Hawkinson made where he said someone could go to jail for failure to maintain a smoke detector. I just look at it realistically, Senator. If you knew that someone who maintains your apartment building failed to put a battery in a smoke detector and that smoke detector did not function and there was a fire and someone in that building died as a result of that, I'd say that person there deserved to go to jail for that. Secondly, most of the people in fires die from one thing more than anything and that's smoke inhalation, not necessarily fire or the heat, it's smoke inhalation. This is a good bill. It worked in the City of Chicago. It's cut down deaths. It's increased access and warning time to families who have been

overcome by fire, and I would solicit your Aye vote on House Bill No. 3.

PRESIDENT:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President and members of the Senate. I think what we have here is another good idea for persuasion, for education, because smoke detectors are good and we should all have them, but, for goodness sakes, are we going to pass a law that mandates that every little old lady in this state has to go out and buy some product because those of us in this General Assembly think that it's good for them? You know, a few years ago we passed the seat belt law and you know what happened as a result of that, you still have people who are chaffing under that...that requirement that we put upon them, and...I don't argue against seat belts. I...I think seat belts are a great idea but, you know, we can really carry this to ridiculous extremes and I think we may be doing it in this case. Now, I understand why a fireman wouldn't want to see anybody die in a fire, none of us want to see that, but I think we're really going right into the homes of all of our citizens now and mandating what they're going to buy and how they're going to furnish their homes. I think this goes too far in that direction and I don't feel that I can support the bill.

PRESIDENT:

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. I just want to remind my good friend, Senator Geo-Karis, that we're preempting local building codes here, Senator, so I think that this bill should go the same route as...House Bill 755.

PRESIDENT:

Further discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Will the sponsor yield?

PRESIDENT:

Indicates he'll yield, Senator Etheredge.

SENATOR ETHEREDGE:

Senator, didn't...we did away with spousal immunity the other day, as I...as I recall. My question to you, would it be possible for a spouse to sue another under the terms of this bill for failure to install a...a smoke detector and send that spouse to...to...to jail for six months?

PRESIDENT:

Senator Kustra.

SENATOR KUJSTRA:

This bill deals with no civil suit of any kind, Senator Etheredge. It deals only with...criminal violation of the Criminal Statute.

PRESIDENT:

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, at the time of the seat belt rebellion, I happened to have a public opinion poll in my district and I was kind of amazed that about three-fourths of my people, a little less than that, didn't like mandatory seat belts and two questions underneath that question was a question on mandatory smoke detectors and about seventy percent of them wanted us to mandate smoke detectors. It kind of surprised me a little because it...you know, the same people are saying we're going to string you up if you vote for the seat belt law. We're saying but everybody ought to have a...there ought to be a requirement that everybody have a smoke detector. I don't know. I do know one thing though that smoke detectors work. I lost a friend a couple of years ago in a fire and I don't know whether there was a smoke detector in the house, but...maybe if there had been a couple of them, I wouldn't

have lost that friend. I'm going to vote for the bill.

PRESIDENT:

Further discussion? Senator Donahue.

SENATOR DONAHUE:

Well, thank you, Mr. President. I just...I don't normally rise and talk on things like this, but I think that there's been some very important points brought out by Senator Schuneman and Senator Hawkinson. I could...I think the intent of the legislation is very laudable and I could support it if it's prospective, but to get into individual homes like we're doing and making it a criminal offense, we're going to have many accusations of being Big Brother especially since the enforcement is...is...mechanism is not there to be able to assure that each and every home is operating, and I just would hope we could defeat this legislation.

PRESIDENT:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, first, an answer to my colleague on the other side. I think this is a matter of a life and death situation. We just had a young woman in Chicago...loosing her life on the twentieth story of an apartment building...or office building because the smoke detectors weren't working and what have you. I happen to have smoke detectors in my own house and I think this is a preventive...measure to save lives. It's not the same thing as preventing...people who want to bring...freak of houses into your city when you can't tell what's...what material is in there. So, I rise and speak...to speak in favor of this bill. I think this is much better than being forced to wear your seat belts and I...I'm all for it.

PRESIDENT:

Further discussion? Further discussion? Senator

Hawkinson.

SENATOR HAWKINSON:

Parliamentary inquiry, Mr. Chairman. There's been some suggestion that this preempts home rule, and if that's the case, how many votes would it take for passage?

PRESIDENT:

Well, it is the opinion of the Chair, if...if, indeed, it was preemptive, it would require thirty-six affirmative votes. The opinion of the Chair is that it is not preemptive. It is a new Act and provides for criminal sanctions and establishes a minimum beyond which any unit of local government is welcomed to go about. Further discussion? Further discussion? Senator Kustra may close.

SENATOR KUSTRA:

Thank you, Mr. President. To answer Senator Schaffer's inquiry about his friend. I can only assume that the friend to whom Senator Schaffer referred was our own esteemed, distinguished colleague, Senator Bloom. Senator Schaffer, there were no fire detectors in Senator Bloom's home. I'm sorry. I...I understand it's not true, I heard this yesterday that it was true, so maybe there is a difference of opinion. On the question that was raised about, gee, it's too bad that we'll require every little old lady to buy a product like this. I'm not going to get around it. That's precisely what we're going to be doing by this bill, because those little old ladies, as they were referred to, are the people who...in the middle of the night are going to be warned by that product that starts beeping and get somebody out of a house before the smoke gets them. It's not always in...in my interest to sponsor bills which mandate things, but when saving lives is the ultimate result, I think we have to do that. I think as far as the penalties are concerned, Senator Hawkinson, you really answered your own question, you know that a court will not necessarily impose a six-month

sentence on somebody, they have flexibility and you were a state's attorney, you know that's exactly the kind of flexibility that would be shown in this particular case. First and foremost, this bill is an educational process. We have to get people out there to start buying these things and install them in their homes, and I would ask for a favorable vote.

PRESIDENT:

Question is, shall House Bill 3 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 32 Ayes, 21 Nays, 5 voting Present. House Bill 3 having received the required constitutional majority is declared passed. Bottom of page 3, on the Order of House Bills 3rd Reading is House Bill 10. Read the bill, Madam Secretary.

SECRETARY:

House Bill 10.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Welch.

END OF REEL

REEL #3

SENATOR WELCH:

Thank you, Mr. President. Four years ago we passed Public Act 831234 allowing a unit district with fewer than two hundred high school students to petition and dissolve itself, form a new...elementary school district and annex to an existing contiguous high school district. What the bill would do would be to increase the number from two hundred people in the high school to two hundred and fifty. This would affect forty-five school districts in the State of Illinois. An amendment to the bill added in committee and then amended again on the Floor to be the same amendment allows for a student to continue to participate in extracurricular events such as athletics or other extracurricular events if they meet certain criteria, and that is if they were injured and missed a full semester of school...were injured so that they could not participate in that event for two semesters and then their...eligibility is extended for one year. Be glad to answer any questions.

PRESIDENT:

Discussion? Senator Keats.

SENATOR KEATS:

This being the redshirting bill, I rise in opposition not because I'm necessarily opposed to high school athlete getting an extra year but, you know, the change in physical development at this age is significantly different than at several years later, and I don't always know that it's to the advantage of those kids to have a kid who's a year or two older competing against him, and it's very possible, depending on where their birthdate is, you could get a kid who's basically two years old...two years older than some of their

competitors if they've got that midyear birthdate and are redshirted. I just think in high school competition we're getting carried away. I'm not even sure I was ever very excited about redshirting at the college level either. By the time you get to high school, you just have to say to yourself, you know, this is a secondary activity and this is giving a significant physical maturity advantage to certain kids. I would...I would hope you would vote No.

PRESIDENT:

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. Senator Welch, the...the individual that suggested this...this amendment is a...is a friend of mine, he's a regional superintendent and we both know him, a very fine gentleman, and brought to us a very real case and very important to both he and his son. I'm wondering...are you aware...did...did he make an attempt to have a change made with the Illinois High School Association?

PRESIDENT:

Senator Welch.

SENATOR WELCH:

Senator, he did and what happened was the...the school association, they meet once a year, the meeting was going to be something like next November which would have been past the time when a student would have been able to engage in football or basketball for the coming year. So, to wait for the actual meeting would have resulted in...being a moot point. I did...he did try to get a special meeting. At the special meeting several of the members wanted to go along with this proposal; however, because of the fact that they call so few special meetings, many of the members voted against doing anything because they didn't want to set the precedent of any time any issue came up special meetings are

called during the middle of the year. That's the explanation I got. I would point out that I did put a one-year sunset provision on this law to see how it works. So, in effect, if it passes, it would go in effect July 1 of this year, be repealed unless we do something June 30th of next year.

PRESIDENT:

Further discussion? Senator Maitland.

SENATOR MAITLAND:

I...I guess my concern about this...and I didn't know the sunset was in. I think that's...that's a step in the right direction. I guess the...my area of concern is one of, once again, the Legislature doing something that I think the IHSA should be a part of and I...you know, that something that's been debated on this Floor many times and continues to be debated and I...I think I'm going to reluctantly oppose it only for that reason but still recognizing the problem that's been created for this one gentleman.

PRESIDENT:

Further discussion? Senator Welch may close.

SENATOR WELCH:

Well, in closing, let me correct what I think was a misstatement by Senator Keats and that is that you've got two-year differentials. You do have that now because under the current law, an individual can compete in athletics until they're nineteen years ten months of age. This bill allows you to compete to age twenty if you meet the certain criteria. The certain criteria is that you would specifically be out of school for a semester. So, there's absolutely no chance to redshirt an individual. How do you keep a student out of high school? And if you're injured and you can't go to high school, then you can do it. It's absolutely incongruous to compare it to a redshirting situation, but in case somebody was devious enough to think of that, I put on the one-year sunset provision, so no one starting school in

September of this year could look at this bill and say, hey, I'm going to take advantage of this by keeping out Johnny Jones who's...who's six feet but he's going to grow to seven feet next year. You can't do that. You have to have a medical statement from a doctor. You have to have missed two semesters of athletic or other interscholastic competition such as band or cheerleading, and, third, you have to be actually out of school for a semester. So, there's absolutely no advantage to any student, any parent or any...coach to do this, so this kind of a red herring. A redshirt is a nice appellation. Everybody sort of understands redshirting but that's not what this is. I would move for passage of this bill. Thank you.

PRESIDENT:

Question is, shall House Bill 10 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 43 Ayes, 13 Nays, 1 voting Present. House Bill 10 having received the required constitutional majority is declared passed. 16. Is there leave of the Body to come back to 16? Senator Karpziel.

SENATOR KARPIEL:

If we're going to come back to it; otherwise, I was going to suggest that I could handle House Bill 16.

PRESIDENT:

Well, I...I promised my friend, an antagonist, I'd wait till he got back before we...before I called it. I think there's at least one No vote that I'm aware of and he wants to be here. 47, Senator Donahue. We'll get back to it, I promise you. On the Order of House Bills 3rd Reading, top of page 4, is House Bill 47. Read the bill, Madam Secretary.

SECRETARY:

House Bill 47.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill adds...amends the Pharmacy Practice Act and the Medical Practice Act to revocation of licenses for...fraud with controlled substances in the Illinois Department of Public Aid. It also provides for cease and desist orders for license problems...sorry, and I think there's a couple of other technical amendments. I would move for its passage.

PRESIDENT:

Discussion? Senator Davidson.

SENATOR DAVIDSON:

Mr. President, I need to...to declare my conflict. This bill could...applies to the Act which licenses myself and other people. I do declare my conflict and expect to vote Yes on this bill.

PRESIDENT:

Further discussion? Any discussion? If not, the question is, shall House Bill 47 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57, no Nays, none voting Present. House Bill 47 having received the required constitutional majority is declared passed. 71, Senator Berman. 100, Senator Marovitz. On the Order of House Bills 3rd Reading is House Bill 100, read the bill.

SECRETARY:

House Bill 100.

(Secretary reads title of bill)

3rd reading of the bill.

HB 100
3rd Reading

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. The purpose of House Bill 100 is to provide confidentiality of testing for exposure to AIDS and to require written informed consent before an individual can be tested for AIDS. The...confidentiality portions of the bill will...encourage more individuals in high risk categories, homosexuals and I.V. drug users to come forth for testing. Establishes...this bill established the AIDS Confidentiality Act mandating written informed consent before testing. It places certain restrictions on the disclosure of those test results, guarantees confidentiality. It amends the Anatomical Gift Act and the Blood Labeling Act to provide for testing for exposure to AIDS. Creates the AIDS Advisory Council, recommends a state AIDS control plan. Disclosure of the identity of persons tested is prevented except to the following persons. Those testing or legally authorized representative, anyone who secures legal release executed by the person being tested, the authorized agent or employee of a health facility or health care provider, DPH or the center for disease control, a health care facility or provider...processing, distributing or using human body parts that have been donated, funeral directors or embalmers, health facility staff committee or health care service review organizations for the purpose of conducting program monitoring, program evaluation or service reviews and persons authorized to release the information by a court order. All the concerns of the insurance industry have been dealt with by this legislation and I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and members of the Senate. I just want to say that, you know, confidentiality is one thing and I suppose we have to have this because people's rights are important and there's no question about it. But I think you can go over board on getting too much confidentiality and...where you cannot go into records or review and we're getting into a gigantic stage, and I see it coming in the next ten or twenty years that this thing is going to get to be bigger and bigger unless they find some solution, I hope to God they do. But I think we've spent a lot of time watching out for those afflicted and we ought to be, I think, especially concerned about those that are not afflicted because it's a...it could become a continuing catastrophe.

PRESIDING OFFICER: (SENATOR DEMUZIIO)

Discussion? Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. The...as I'm sure everyone knows the insurance industry...the life insurance industry in particular had great problems with this bill and were concerned about what restrictions that might place upon them as far as prohibiting them from giving an AIDS test or...prohibiting some of their ordinary operations as far as communicating with their insurers, their applicants and physicians. But, Senator Marovitz had, I think, you've done everything he can to answer those objections and it's my understanding that they now have...released whatever objections they may have to this bill, and I just thought I ought to speak to that issue.

PRESIDING OFFICER: (SENATOR DEMUZIIO)

All right. Further discussion? Senator Netsch.

SENATOR NETSCH:

Just along the same line to add one thing to Senator Schuneman's point. The bill does not say either that insurance companies may require testing or that they may not. It

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3rd Reading

simply does not address that point. What it says is that if they do require testing, they must meet the standards that are...set out in...House Bill 100.

PRESIDING OFFICER: (SENATOR DEMUZIO)

I'm sorry...Senator Netsch, was that a question. All right. Further discussion? Senator Marovitz may close.

SENATOR MAROVITZ:

Just solicit your Aye vote on this very important piece of AIDS legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 100 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 54, the Nays are none, none...I'm sorry, 1 voting Present. House Bill 100 having received the required constitutional majority is declared passed. House Bill...House bills 3rd reading is House Bill 126, Madam Secretary.

SECRETARY:

House Bill 126.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President and members of the Senate. House Bill 126 as amended puts that bill in the same condition as Senate Bill 707 sponsored by Senator Severns was in when it left this Chamber. As you may recall, when we passed the Educational Reform Act of 1985, we put a program in that Act that...that rated teachers, and there was some controversy about the three different levels on the positive side of the rating and this bill simply eliminates the word

"superior" which was a...which was a very serious problem for most of the schools. I know of no opposition and I would...would appreciate your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, discussion? Discussion? If not, the question is, shall House Bill 126 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 126 having received the required constitutional majority is declared passed. House bills 3rd reading is House Bill 180. Madam Secretary, read the bill.

SECRETARY:

House Bill 180.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 180 creates the Illinois College Savings Plan Act and is jointly sponsored in the Senate with me by Senator Collins and Senator DeAngelis. It creates the Illinois College Savings Plan Advisory Board and provides for Illinois College Savings Bonds. This is similar to other plans that have...have passed this Body. It includes the Zero Coupon Savings...Plan as well as an advisory board that will further study other kinds of savings plans and be able to advise parents on what type of savings might be better for their students. It provides for the creation of this nine-member advisory board for the purpose of studying these alternative payment and investment plans and asks that this noncompensated board shall report its recommendations to the

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3rd Reading

General Assembly by June 1st of 1988. It provides for the sale of General Obligation College Savings Bond and excludes that investment from the Scholarship Commission's needs assessment, what we think is a very, very important provision. The bill also contains the original language of House Bill 180 which was that of the Illinois State Scholarship Commission requiring high schools to certify to the Scholarship Commission the date fixed for the next graduation class, that the merit recognition scholarship is applicable to two semesters or three-quarters of enrollment per year for two years. If a student withdraws from enrollment before the completion of the first semester or quarter for which the scholarship is applicable, the student shall refund to the ISSC the full amount of the scholarship. Also, when appropriations to the ISSC are insufficient to provide scholarships to all the qualified students, priority shall be given to renewal scholarships. The next priority shall be to offer initial scholarships in order of decreasing percentile of the applicant's cumulative grade point average. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 180 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. House Bill 180 having received the required constitutional majority is declared passed. Okay, I think we're now down to something like seventy-five more to go on...just on 3rd reading, so just to keep everybody posted. House bills 3rd reading is House Bill 192, Madam Secretary.

SECRETARY:

House Bill 192.

(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 192 prohibits the state's attorney from issuing a subpoena to an attorney to appear before a grand jury without prior judicial approval when the purpose is to seek information on a client of the attorney. This is not a bill to protect attorneys. The proponents, as we are arguing, that...compelling an attorney to provide information against or relative to his client denies the client the constitutional privilege...the client-attorney privilege. The right to counsel includes the right to effective counsel. The issue that is addressed by House Bill 192 is one that's in the forefront of the criminal justice system in recent times. Recently, grand jury subpoenas have been issued wherein the prosecutors attempt to obtain information relating to fees paid by clients that are targets of investigation. Prosecutors believe that the amount of the fees and the source of the funds have a bearing on the charges and, indeed, in some cases, they may have. And what this bill says is that if you're going to call the attorney before the grand jury and have a subpoena issued, that a judge must determine that it is proper to do that and then you can still do it and get that information before the grand jury. I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, we've debated this legislation previously...on a couple of occasions and I have at those times expressed by reservations about the bill which are that...that...that the prohibition on the subpoenaing of a

criminal defense attorney is...is not limited simply to the protection of...of information covered by the attorney-client privilege but would, in addition, require the prosecution to establish to the satisfaction of the court that there is no feasible alternative to obtain the information and it's...it's my fear that that may be difficult to...to establish and it would, therefore, in certain instances, impair the process of a criminal investigation and...and keep them from getting information that...that may be relevant and useful and important to a criminal investigation, and that is why I oppose this bill in its current form and...and urge my colleagues to do so.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? If not, Senator Marovitz may close.

SENATOR MAROVITZ:

We've discussed this issue before and I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Question is, shall House Bill 192 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 37, the Nays are 18, none voting Present. House Bill 192 having received the required constitutional majority is declared passed. House Bill...House bills 3rd reading is House Bill 237, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 237.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Hall.

SENATOR HALL:

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

Senate.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Pardon me, Senator Hall. Senator Collins, for what purpose do you arise?

SENATOR COLLINS:

A point of personal privilege, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point.

SENATOR COLLINS:

Mr. President, it is too cold in here. For those of us who are over the age of forty, this...this condition is dangerous to our health because it's intolerable and it most certainly...whether or not you know it right now, it does add to the risk of our having arthritis. So, I would suggest we turn up some heat in here.

PRESIDING OFFICER: (SENATOR DEMUZIO)

No...no...no...no...no. House bills 3rd reading, House Bill 237, Senator...Senator DeAngelis, for what purpose do you arise? Senator DeAngelis...fortunately...

SENATOR DeANGELIS:

...okay now? Yeah.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

It has been suggested that if we want to end the Session quickly is we cut off the air-conditioning and bring the wives and kids down here. Is this part of a plot?

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, House Bill 237, Mr. Secretary. Senator Hall.

SENATOR HALL:

Thank you, Mr. President. Are we ready? Thank you, Mr. President and Ladies and Gentlemen of the Senate. I first want to thank everyone who helped get this bill to where it could be discussed for the full Senate. I certainly want to

thank your actions and I hope you continue to support us. Now this bill was introduced in the House by Representative Hensel, Parke, Rea, Hoffman, Flinn, Williams and Black. It had bipartisan support over there and even with an unfriendly attempt to put amendments on, the bill got out by a vote of 112 to 2. Now the reason I'm telling you this is that I know and I'm reading one dropped on my desk. It says here...and it's got my good friend who's on the other aisle I'm sure...I mean, behind me who will talk also. It says, "To Honorable Members...that Gerald W. Shea, Chicago Cosmetology Association; Ron Swanson, Illinois Hairdresser and Cosmetology Association and Richard Goddess, Illinois Hairdresser and..." they're opposed to this, but I want to tell you that the person who really is...and, of course, there might be...there must be a number of cosmetologists' groups in here because Carol Fredrick who is really in strong support of this bill and her associates that she represents the Illinois Association of Cosmetology Schools and...Senator Ralph Dunn and myself are supportive of this bill here in the Senate and what it simply does, it amends the Barber and Cosmetology Act of 1985 to provide that at least one member of the five registered cosmetologists on the Department of Registration and Education Barber and Cosmetology School must be an owner or major stockholder in a school of cosmetology. Now the current situation is this, the Barber and Cosmetology Committee was created within the Department of Registration and Education by the new Barber and Cosmetology Act passed by the Legislature in 1985. The Act requires that the committee composed of nine person designated by the director advise him in all matters related to the practice of barber and cosmetology. Presently, five members of the committee are registered cosmetologists and three are registered barbers, one public member who holds no license issued by the department has not yet been appointed. Now although the bill had

opposition, like I told you, in the House, that it...now, this is very important because it's going to tell you this...and Carol Fredrick, and all of you know her, and she's a very honorable person and she's worked very hard and she represents the Illinois Association of Cosmetology Schools. There was no agreement...and I state, there was no agreement that the Act would not be changed in the future. The only opponents to this bill, the Chicago Cosmetology Association, sponsored legislation this year to license skin care and include a provision that would require barber school owner to be on the committee. Now, if they can put a barber on the committee and with all the others, it's no more than right that the director should have input from the cosmetology school, and with this, I'll defer to my cosponsor of this, Senator Ralph Dunn.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, discussion? Senator Ralph Dunn.

SENATOR RALPH DUNN:

Thank you, Mr. President and members of the Senate. Senator Hall is absolutely correct in what he has told you and I think that it only makes sense that an advisory body which is...comprised of all the key players should also have a...a member of the...of a cosmetologist school on the board. That's what this is all about. It says that it...that we shall have at least one member of a cosmetology school. I think that this may be a turf argument between some of the Chicago schools and downstate schools. I have cosmetology schools in my district and they've asked me to support this bill and I'm proud to cosponsor it, certainly would appreciate your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator D'Arco.

SENATOR D'ARCO:

Well, Mr. President, it appears that Senator Dunn and

Senator Hall are attempting to gang up on me on this bill, and that's why...you know, you got a Republican cosponsor to sponsor this bill and I understand what you're trying to do, and let me say this to you, this may be the most important decision we make in the General Assembly this year 'cause without a tax increase, this may be it, I mean, you know. This is what you got to look forward to, ladies and gentlemen, two pieces of paper by two distinguished Senators. Now, on the one hand, you got...no...and who distributed mine? Gerald Shea, Ron Swanson and Rich Guidice. Now,...well, I don't want to talk about them. Let's see, Carol Fredrick. What about her? She's a nice woman. I like her too, Kenny, she's a very nice person; and as far as the bill goes, the truth is, ladies and gentlemen, there was an agreement two years ago and the cosmetologists at that time in negotiations with the barbers agreed that they would not have a person on the board that owned a cosmetology school, although the director, if he so desired, could appoint a person to the board who owned a cosmetology school. Now, I think that's fair and just and right and we should defeat this bill...soundly defeat this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Jones.

SENATOR JONES:

Yeah, thank you, Mr. President. You know, listening to the remarks about what happens in the other Chamber about how bills come out of there, all we got to do is look...at what happens here to some of those bills that come out of...out of there on a unanimous vote and end up getting defeated here, but I resent the fact that the truth has not been told as such. There was an agreement two years ago between the groups concerned, and as Senator D'Arco pointed out, and that agreement was...was made whereby the language of the law was changed which gave the director the authority as to appoint

a owner or a stockholder of a...of a beauty school, and this was the issue that was before committee and this is the issue that's before us today, but you talk about getting the truth...if you look at that clock, if it's broken, at least it will give you the truth twice a day, but listening to Senator Hall as he spoke about individuals on this legislation, amendments are always offered to bills whether they're good or not, some win, some...some fail, but because a person offer amendment don't...just because the amendment...and you don't like the amendment does not mean that the amendment is in...it is a bad amendment, but the bill should be defeated because it violated an agreement, and Senator Hall know very well because he was part of the agreement. He had a bill...he had a bill, Senate Bill 101, back in 1985 which would have extended the current Barber and Cosmetology Act until 1995, leaving in place the prohibition...the...the prohibitions against any beauty school ought to be in place on the board. We agreed to change that. He Tabled his bill. We agreed to change that and it was changed to give the power of the director of R and E to appoint if he so desire a member of...of that school. That is the truth which had not been told before and this is the issue that was heard in committee...was heard in committee and that's why the bill was defeated in committee...I regret the fact that members who are chairmen as well voted to take a bill out of committee after committee had acted properly on such legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Hall may close.
SENATOR HALL:

Thank you, Mr. President and Ladies of the Senate. If I didn't hear that from my own ears, I wouldn't believe what Senator Jones just said. I was no party to any agreement. I introduced a bill at...at the behest of the people from my

area and they came to me and asked me to...Table my bill so that Senator Jones and...bill and everything could progress and I did that because the lady told me she had the greatest representative and lobbyist down here in Gerald Shea and so I stepped aside. Now the point that happened is...if you want to really bring out the truth and...and she's sitting right up there in the gallery, and I'm telling you this, this is the reason that these people had...I...Senator Jones told me to Table my bill and I acquiesced to his wishes. Now, then he...around and says I had a party to it. I was no party to it. I didn't even know what they were doing. I just did it because my people came back and asked me that they had done that...Senator Jones, but nevertheless...we just may as well tell the truth and bring the whole thing out. You know confession is good for the soul and I'm glad that Senator Jones...last confession. I'll kneel down later after this, Senator Jones, and hear your confession. Now, what's going to happen is that the department needs the input from...from the cosmetology schools. License requirements for cosmetologists relate directly and intensely to the school curriculum, for example, a total of fifteen hours on this...fifteen hundred hours. So, what I will say, the rationale, to cut it short, it makes sense that an advisory board be comprised of all key players who have important information and experience to share. Since barbers and cosmetologists are represented on the committee, it's only fair to appoint a representative of a cosmetology school who must also be a licensed cosmetologist. With that, I'll close and simply say that I'd appreciate an affirmative vote on this important piece of legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 237 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 16, 4 voting Present. House Bill 237 having received the required constitutional majority is declared passed. Senator Jones, for what purpose do you arise?

SENATOR JONES:

Verification.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones has requested a verification of the affirmative roll. All members will be in their seat. Mr. Secretary, read...read the names of those members who voted in the affirmative.

ACTING SECRETARY: (MR. HARRY)

The following voted in the affirmative: Carroll, Collins, Degnan, del Valle, Demuzio, Donahue, Dudycz, Ralph Dunn, Thomas Dunn, Friedland, Hall, Holmberg, Jacobs, Jeremiah Joyce, Jerome Joyce, Karpiel, Lechowicz, Luft, Macdonald, Maitland, Marovitz, Netsch, Newhouse, O'Daniel, Poshard, Raica, Rigney, Schaffer, Schuneman, Severns, Smith, Welch, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR JONES:

Senator Welch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Beg your pardon.

SENATOR JONES:

Senator Welch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch on the Floor? Senator Welch on the Floor? Strike his name.

SENATOR JONES:

Senator Carroll.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll's in his...near his seat.

SENATOR JONES:

Senator Jeremiah Joyce.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jeremiah Joyce on the Floor? Senator Jeremiah Joyce on the Floor? Senator Jeremiah Joyce. Strike his name.

SENATOR JONES:

Senator Marovitz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz on the Floor? He's right behind you.

SENATOR JONES:

Where is the Senate President? Oh, there he is.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, we wouldn't verify him anyway. Let's go. Anymore? Next case.

SENATOR JONES:

No further questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Jeremiah Joyce is on the Floor, Mr. Secretary, restore his name. On that question, there are 32 Ayes, 16 Nays and 4 voting Present. House Bill 237 having received the required constitutional majority is declared passed. House Bill 259, Senator Dudycz. House bills 3rd reading is House Bill 259, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 259.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDY CZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate...House Bill 259 as amended was originally on

the Agreed Bill List. It's identical to Senate Bill 39 which passed out of the Senate 58 to nothing. I know of no opposition and I seek your favorable support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 259...no, I beg your pardon, Senator D'Arco.

SENATOR D'ARCO:

Hold it. It was on the Agreed Bill List and now it's not on the Agreed Bill List. I mean, so somebody took it off. You want to explain what the bill does?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCYZ:

Well, it was on...it was taken off the Agreed Bill List, Senator D'Arco, because your seatmate, Senator Newhouse, attempted to place three amendments and I chose not to call it on recall. Had nothing to do with what we had in the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

That's terrific. You want to explain what the bill does?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCYZ:

You're going to be here till Sunday, Senator. The bill is for specific instances, as examples, not to be all inclusive within the definition of killed in line of duty regarding law enforcement officers, civil defense workers, civil air patrol members, paramedics and firemen. The injuries received...number one, the injuries received as the result of a willful act of violence committed other than by the officer and a relationship exists between the commission of such act and the officer's performance of his duties whether or not he

is on duty. Two...want me to continue?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

No, you're...you're saying then, if there's a domestic dispute between the officer and his wife and he is killed as a result of that, or if it's a dispute between an officer and a friend of his and he is off duty at the time, then his wife or the officer or his children would be entitled to pension benefits that would accrue as if he were injured in the line of duty. Is that what you're saying?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCZ:

No, Senator. Senator, what...what I'm trying to say is...we're trying to define "killed in the line of duty" not being injured.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

My point is that if the officer is off duty and he is killed in a dispute with a friend or in a...a barroom dispute or, you know, he...he's killed in any type of accidental situation by someone. It would seem to me that you're saying in this bill that that occurrence would be considered in the line of duty for pension purposes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...Senator Dudycz.

SENATOR DUDYCZ:

No, Senator, if the officer is killed and his death is a result...and it can be shown to be as a result because he is a law enforcement officer or a...paramedic...fireman, civil air patrol member or a civil defense worker, then he would be afforded the same benefits for his...family as if he were

killed in the line of duty while he was working on the police or fire department.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator D'Arco.

SENATOR D'ARCO:

Well, that's exactly what I said. If...if...if he's off duty and he's killed by a friend in a dispute, he would qualify for pension benefits as if he were killed in the line of duty.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Dudycz.

SENATOR DUDYCZ:

That is correct if the fact that he was a law enforcement officer or one of the other mentioned occupations that I mentioned previously, that if he...if it was shown that that had something to do with his death, if he was killed...for example, Senator, if you and I were in a dispute and I was a law enforcement officer and...and you had lost one of your...we had a dispute of some sort and you said, you no good so and so police officer, and you...ended up killing me, I think that would be sufficient to show that I was killed as if in...it was in the line of duty. If it was shown that I being a police officer had something to do with the dispute or a paramedic or whatever.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator D'Arco.

SENATOR D'ARCO:

Well, Mr. President, when we discussed this bill in committee, the problems presented are such that if the law enforcement officer is involved in a domestic dispute with somebody, he can qualify for pension benefits as if he were killed in the line of duty, and that is an open-door situation that's going to create problems, I think, because I don't think you really want to do that.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Dudycz.

SENATOR DUDYCZ:

Senator, I don't understand your line of questioning. Maybe you can explain to me where you find the dispute between House Bill 259 which you apparently have a problem with and Senate Bill 39 which you voted for, which is...we put an amendment on the original language making it identical to Senate Bill 39 and it flew out of here with your support. Where...where...where...where is the difference that you cannot find acceptable?

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator D'Arco.

SENATOR D'ARCO:

Well, you know, the...the difference is that this bill...that...that was an amendment. This bill is going to create a problem for all the law enforcement officers across the State of Illinois in regards to pension benefits. Believe me when I tell you, you're going to have a problem because every law enforcement officer that is killed, his widow is going...is going to say that he was killed in the line of duty as a result of this bill and that's not the situation in many instances. There are many instances where people are killed by accident, because of their...their own initiative or other situations that shouldn't qualify under this bill, but this is...this is such an open-door policy that everybody is going to go to the pension board and say they deserve the maximum...pension benefits for this officer because he was killed in the line of duty, and it's...it's going to put a...a drain on the system and it's not fair...it's not fair to the officers that are really killed in the line of duty and really deserve that kind of pension benefit.

PRESIDING OFFICER: (SENATOR DEHUZIO)

All right, further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. Mr. President, the City of Chicago is opposed to this bill in its present form; and...in...in speaking to that, I'd just to echo the comments of seatmate here, Senator D'Arco. The facts of life are that this is unfair to those who are killed in line of duty and the facts are that it's going to put a burden upon the system that we simply can't anticipate. I wonder if the sponsor would yield to a question and...and ask me what...and answer the question what the fiscal impact of this bill would be? Is there a fiscal note?

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Dudycz.

SENATOR DUDYCZ:

Did you file a fiscal note, Senator? I'm unaware of that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Newhouse.

SENATOR NEWHOUSE:

No, I did not, Senator, and I'm...that's why I'm raising the question. Could you give us an idea of what the fiscal...impact of this would be?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCZ:

The impact would increase benefits to state supported law enforcement officers and their survivors and their spouses. I...the exact amount of dollars, I am unaware of.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Newhouse.

SENATOR NEWHOUSE:

Thank you for you response, Senator,...and I think that's exactly the problem, we simply don't know, we know that there

will be much greater. To what extent it'll impact upon the fiscal situation of the city, I do not know, and I suspect that those of you who represent other municipalities and townships might want to take that in consideration when you vote on this bill. I would solicit a No vote on this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Karpriel.

SENATOR KARPIEL:

Thank you, Mr. President. I just want to point out that Senator D'Arco voted Yes on this very bill in committee. As a matter of fact, it went out on the attendance roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator...Senator D'Arco, for what purpose do you arise?

SENATOR D'ARCO:

Well, I...you know,...because I voted Yes and it went out on an attendance roll call, you know, the implications of the bill weren't known to me then. So, excuse me for not knowing what was really in this bill at that time. The fact is that...a police officer can be killed in a traffic accident in this bill and if you can show that it's wreckless homicide...he could be coming off the golf course and if you can show that he's killed by a drunken driver, that's going to be in the line of duty. No, you don't think so, huh? Well, let me tell you something, you guys never practiced before the pension boards and what...what you...what is considered to be in the line of duty in cases before the pension boards would stretch your imagination to the point of absurdity, and all you're doing is opening it up even further for the pension boards to give more pension benefits and escalate the situation of what definition in this bill and what it means under the definition of line of duty, and that's what you're doing here.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Davidson.

SENATOR DAVIDSON:

Well, Mr. President, the amendment we put on this bill made it identical to Senate Bill 58 which went out of here 58 to nothing...I'm not sure I got the bill or not but the vote was 58 to nothing. Now, it says, if you read it, this happens to happen while the person may be off duty but is...trying to do his duty as a policeman. It doesn't have anything about whether it's a fight between him and his wife or whether he...if he has the accident, it doesn't say anything such as that. It says that the amendment...the person has to be result of a willful act of violence committed other than by the officer in a relationship existing between the commission of such act in the officer's performance of his duty as a law enforcement officer whether or not the injuries received while the officer is on duty as a law enforcement or not. We just had this happen here yesterday or the day before, if you looked at the police beat, where a park police officer who was off duty went to the aid of a lady who was being harassed and attacked by an individual outside of a White Hen Pantry store here. The gentleman identified himself as a...as a park police officer, showed the guy his badge and still had to defend himself while that person attacked him 'cause he was in civilian clothes, and all this is saying that if a person is off duty...it is my understanding that a sworn officer is responsible to...protect the citizens whether he's on duty or not, twenty-four hours a day, three hundred and sixty-five days of the year, that's why we give them the authority to carry a...an arm. All this is trying to do is make some equality if the person is trying to do his job whether he's on duty or not in defending the public or if he's harmed while he's off duty or going to the aid of someone. This is a good bill and I urge you to vote Yes, and it certainly hasn't changed from when you sent this bill out of

here as a Senate bill 58 to nothing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. There's a fine line between on duty and off duty when you become a police officer. You'll find that friends, relatives and everyone calls upon you whether you're at a barbecue, at the beach and sometime even at home taking your shower, you run out and put yourself back on duty, and in that fine line there will be decisions made if something happen whether you was in the line of duty or not in the line of duty. I submit to you that that fine line do need to be clarified, that we do need to give protection to our police officers that are our front line between what is happening now and what we need and what we ask them to do to protect us. I stand in support of this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Raica.

SENATOR RAICA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. In Section E defines the line of duty or killed in the line of duty. It excludes if this police officer or other uniformed officers were intoxicated or had willful misconduct, and you are correct, Senator, I don't practice law but I have been shot at. Paramedics and the other...they don't know a person in light blue from a person in dark blue or other uniforms. When you go in and help somebody and you're unarmed, you have a problem to begin with. This bill protects them. What it does say, if that police officer is shot and a...within a year, if that person should die as a result of that gunshot, that definition is clearly in this. I don't know why you have objection to this. This protects the police officers and the paramedics and other people who come and serve the public. They deserve our support and an

Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I think what's attempted to be...being done here is...is great. I have a question though of the sponsor and that basically is, what happens if that police officer is now working for another entity, say a bank, but he is wearing his uniform...we had a case like this and the city was held responsible and not the bank even though he was working for the bank. Would that be the case in this situation?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Dudycz.

SENATOR DUDYCZ:

It's my understanding, Senator, in the...at least in the City of Chicago, a police officer...if he is working as a guard in a bank, he is there for the presence and to do guard duties. Once he witnesses a crime being committed, he takes off that...that cloak of being a bank guard and he is automatically a...a police officer. Whenever he takes that police officer's action, he is on duty. If he is killed, he is killed acting as a police officer, not as a bank guard or as a citizen.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right. Further discussion on...Senator Thomas Dunn.

SENATOR TOM DUNN:

Will the sponsor yield, please?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Sponsor indicates he will yield. Senator Thomas Dunn.

SENATOR TOM DUNN:

In...in your example that you just gave, would he then not qualify for a pension? And if so, why do we need this if that's true?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCZ:

Yes, Senator, he...he would be...I...I...he would be killed in the line of duty. What this...what this does, it expands...if you have not read your staff analysis, I will go through it step by step, if you...if you would like for me to explain it to you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...further discussion? All right, Senator D'Arco.

SENATOR D'ARCO:

All right, let me...

PRESIDING OFFICER: (SENATOR DEMUZIO)

...for a third time. Senator D'Arco.

SENATOR D'ARCO:

...let me tell you something about this. If you read the amendatory language, what it says is...and obviously it's an expansion of what it means for an officer to be killed in the line of duty, we know it's an expansion, and then they list four instances of expanding the definition, but in the amendatory language, now get this, it says, "Instances in which a law enforcement officer receives an injury in the act of performance of his duties as a law enforcement officer include"...include these next four items, but are not limited to those four. So, what are they limited to? Who knows what they're limited to? We know under the law what they're limited to now. Under this amendment, they can be limited to anything. It could be that traffic accident you're talking about. It could be a domestic dispute. It could be a bar-room brawl. It could be him walking across the street and falling in...in front of a tree and bumping his head and...and accidentally killing himself. It could be anything under this bill. And I'm telling you, I don't think that's what you want to do.

PRESIDING OFFICER: (SENATOR DENUZIO)

All right, Senator...Senator...Senator Netsch.

SENATOR NETSCH:

Thank you. I...this is not usually my area of expertise except to be...tight on pension things, but I have read this language and I really...it does not bother me at all. I understand what Senator D'Arco is referring to, which is "are not limited to instances," and I suppose that might be an invitation but it would strike me that that is exactly where we are without this...Statute being passed or without this bill being passed. The courts right now can read that in common law terms anyway they choose. So, it seems to me...and...that they are less likely to read into it major gaps when they have a very specific set of circumstances which are intended to permit the...the officer to be covered. So, it seems to me in many ways it...it does work in the opposite direction to tighten up those circumstances and to be fairly specific about it, and it seems to me if you read the exact language of the three they are quite reasonable.

PRESIDING OFFICER: (SENATOR DENUZIO)

All right, Senator Dudycz may close.

SENATOR DUDYCZ:

Thank you, Mr. President. Ladies and gentlemen, House Bill 259 creates no problems. All of law enforcement is in favor of the bill. Senator Newhouse, if you, in fact, represent the City of Chicago this afternoon and the city does not care about its police officers if they oppose this. They care about the almighty greenback, if they're opposed to this. You weren't opposed to Senate Bill 39 that flew out of there...that flew out of here 58 to nothing. All of a sudden, nobody knows where all this opposition is coming from. Senator D'Arco, you mentioned the facts of life. You're right. The facts of life are I've never practiced before the pension board but I've worked the streets of the

City of Chicago, I witnessed six police officers getting shot, two of them killed. That's the facts of life. You're talking about the facts of life. You're talking about the...a Senate bill was...was an amendment. Senate bill was not an amendment. This is the amendment. I don't know what games you guys are playing over there. Well, you'd better stop it. You're...you're dealing with the law enforcement...community in the State of Illinois. This is a good bill. This is for the spouses and the survivors of police officers, paramedics and others that work for us, and...and...and protect us when we're sleeping. How could you stand there and say we're opposed to this? This is for your good as well as theirs. I seek your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 259 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are 5, none voting Present. House Bill 259 having received the required constitutional majority is declared passed. 262, Senator Degnan. House bills 3rd reading, bottom of page 4, is House Bill 262, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 262.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. House Bill 262 as amended is one of the recommendations contained in the 1987 Supreme Court Report to the General Assembly regarding improvements in the administration of justice. 262 provides that the trial court may reduce or modify a sentence upon motion of

any party or upon the court's own motion within thirty days of the sentence and sets out the procedures to be followed regarding such a motion. I know of no opposition; in fact, the ISBA and the ACLU are in favor. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 262...pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. House Bill 262 having received the required constitutional majority is declared passed. Top of page 5. Senator Netsch, for what purpose do you arise?

SENATOR NETSCH:

Thank you. On a point of personal privilege. I think the...thanks...all right. I think the record should note that that is the first time in the history of the Illinois General Assembly that Senator Degnan has been carrying an ACLU bill and I want you to note, Senator Degnan, you got fifty-eight Yes votes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Degnan.

SENATOR DEGNAN:

For the record, it'll probably be the last time too.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Wait a minute...all right, Senator Topinka, for what purpose do you arise?

SENATOR TOPINKA:

Oh, to address the bill, sir.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, we haven't got it there yet. Page 5 is House Bill 274, Senator Berman. House bills 2nd...I'm sorry, House bills 3rd reading is House Bill 274, Senator Berman.

ACTING SECRETARY: (MR. HARRY)

House Bill 274.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Berman.

SENATOR BERMAN:

In fearful anticipation of Senator Topinka, I would ask for leave to be able to come back to this before the end of the day.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right, is leave granted? Leave is granted. Take it out of the record. House Bill 308, Senator Carroll. House bills 3rd reading is House Bill 308, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 308.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 308 with its amendments in the Senate is truly a clean-up piece of legislation to allow the various elements that deal with Build Illinois the statutory authority to, in fact, spend the funds in a manner in which the General Assembly has indicated. I would be willing to answer any questions and ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I...I happen to like this bill, but I want to declare that I may have a possible conflict of interest because I'm a mayor,

but I'm going to vote my conscience.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall House Bill 308 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, 1 voting Present. House Bill 308 having received the required constitutional majority is declared passed. House bills 3rd reading is House Bill 316, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 316.

(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 316 would annex four vacant acres in the Village of Inverness to the Metropolitan Sanitary District. The land is owned by the Holy Family Catholic Church and it's supported by them, of course, and the Metropolitan Sanitary District and the villages concerned...urge your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 316 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. House Bill 316 having received the required constitutional majority is declared passed. House bills 3rd reading is House Bill 337, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

HB 401
3rd Reading

House Bill 337.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate, this provides that a patient has the...the right to receive blood from doners of his choice if the...if the donor's quality...qualify under the Blood Labeling Act...are solicited by the patient or someone on the patient's behalf and the blood is acceptable for the patient's medical needs. It provides that blood not used within seven days may then be used for other purposes. We have limited the bill by amendment to red blood cells only, and it is limited to immediate members of the family. I know of no objections at this time.

PRESIDENT:

Discussion? Is there any discussion? If not, the question is, shall House Bill 337 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, 2 Nays, none voting Present. House Bill 337 having received the required constitutional majority is declared passed. 401. On the Order of House Bills 3rd Reading, middle of page 5, is House Bill 401. Read the bill.

ACTING SECRETARY: (MR. HARRY)

House Bill 401.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. House Bill 401 in its current

form...amended form is identical to Senate Bill 172 which the General Assembly...or which the Senate passed out by a very substantial vote earlier in the Session. This is the compromise that was offered, in fact, by Senator Karpel in the Energy Committee to address the problem created when by court decision the CUB checkoff was invalidated. There had to be some substitute and this is the substitute. It provides that where a state agency has a mailing of more than fifty thousand...or a mailing to more than fifty thousand persons during a twelve-month period that CUB may produce a...an insert that would be included in that mailing. It requires that CUB pay all of the expenses with just one exception, if the weight is over a certain amount, but both postage and the...cost of preparation. It requires that the particular piece of literature be submitted to the Commerce Commission for approval and it makes it very clear that the information is to be very nonconfrontational, if you will, it is to be absolutely informational and very minimal in information. I would note that once the courts decided that a checkoff in the utility bill...or I'm sorry, an enclosure in the utility bills was a violation of the utilities' First Amendment rights that there had to be a substitute, because we created CUB and we certainly have an obligation to provide access for it. I think this was a reasonable compromise it...Senator Karpel and CUB and others worked out. There is no question that CUB is going to be very cooperative and very understanding in those requests that it does make to state agencies and, indeed, if you would ask the utilities, you would find that there has been very little friction during the period when the utilities had to carry the inserts and, needless to say, there was more of a...a...an air of hostility at that time. I think it is a good compromise and I would solicit your support.

PRESIDENT:

Discussion? Senator Rigney.

SENATOR RIGNEY:

Well, Mr. President, I kind of hated to do this because Senator Netsch and I really haven't fought over much this particular year, but as I understand from reading this, this applies to any mailing fifty thousand or more from either the Executive or Legislative Branch of Government. I would interpret that to mean, and if I'm wrong you can correct me, Senator Netsch, but if I mail out fifty thousand copies of the Rigney Report or whatever I call it...or any other member of the General Assembly, if we put out some kind of a bulk mailing back home, we would be required to...to insert CUB material, and, frankly, I don't want to be put in that kind of a position.

PRESIDENT:

Further discussion? Senator Karpiel.

SENATOR KARPIEL:

Well, thank you, Mr. President and Ladies and Gentlemen of the Senate. The original bill, Senate Bill 172, was amended to do the same thing, but I do...and since I was the originator of the amendment on that bill...the sponsor of that amendment, I do want to say...that in committee, I made it very clear that I wanted this amendment and wanted this bill to be permissive, to allow the agencies and departments to be able to say yes or no whether they wanted to be the designated agency...excuse me...and I wanted some more restrictive language in the amendment. There was a commitment given that we would do that. We never have. I'm for the idea of this...of this bill since I originated it, but I am disappointed that we were not able to get more restrictive language and more permissive language in it for the agencies and departments, and so I want everyone to know that while I am in principle for this amendment and for this bill, that all the commitments that were...were made and the promises

that were made have not been kept on this bill.

PRESIDENT:

Further discussion? Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. I stand in strong support of this particular...piece of legislation. To clarify the record, I have...for the intent of this bill, I have a list of questions that I would like to ask the sponsor so that for the record we will be able to...to clear the intent of...of...this compromise. The first question, Senator Netsch, is will CUB work closely and cooperatively with each state agency to make sure that its enclosure fit into the mailings of the agency?

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Thank...thank you, Mr. President. The answer is...is clearly yes and there are a couple of reasons for that. One is that CUB itself must pay for the enclosure and must pay for the postage if it goes over a certain amount. So, CUB has, if you will, an economic interest in the first place in seeing that the insert is going to be perfectly within bounds. Let me just add one footnote to that that I think is relevant. During the period of time that the CUB inserts were going into utility bills, and as I indicated before, that's a fairly hostile relationship to begin with, there really were no major problems between the utilities and CUB in this respect and, for example, every major utility at one time or other, at least once, asked that CUB not put literature in a particular month's billing because they had something they wanted to put in themselves. In every case, CUB readily complied with that request. There were several other special requests that were made by the utilities either with respect to the form in which the...enclosure would be submit-

ted or its weight. In all those cases, CUB complied and they never got any complaints from the utilities about their co-operation.

PRESIDENT:

Senator Macdonald.

SENATOR MACDONALD:

Thank you. The...the next question...

PRESIDENT:

Senator Netsch, I think, has used up all of your time. So, please bring your remarks to a conclusion.

SENATOR MACDONALD:

Well,...well, there are a couple of questions then that I would like...couple of issues I would like to address. In...in response to Senator Rigney, I can assure you, Senator Rigney, after my discussion with the Citizens Utility Board, there is absolutely no intent of the...Citizens Utility Board to utilize legislators' mailings for any of their mailings. I have been assured of that. Is the...is an agency required to print materials for the CUB? Absolutely not. An agency is not responsible for printing CUB's enclosures. Then, is CUB required to include its material in all state mailings over fifty thousand...pieces? The answer is no. Since CUB must pay to print and deliver its enclosure to an agency, CUB has the option of not sending its enclosure to a state agency for mailing. It may choose not to send out any enclosures. What happens if Federal law or regulation prohibit inclusions of CUB inserts in particular mailings of the state agency? The answer is that the bill is obviously subject to any Federal laws or restrictions. Those are the major issues that we wanted to read into the record and I...I, again, say that I...I commend Senator...Karpel for her...compromise amendment and I do hope that all of you will support this amendment.

PRESIDENT:

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Question of the sponsor.

PRESIDENT:

Sponsor indicates she'll yield.

SENATOR DAVIDSON:

Just to clarify this whether a CUB enclosure would or would not be enclosed on a Statehouse report sent by a member of the Legislature, since ninety-nine percent of the reports that I've seen go out are folded on bulk mail and are not in an envelope. Does the CUB mailing only apply if the state mailing is going in an envelope or can it be a...enclosed one sheet stapled inside of a bulk mailing?

PRESIDENT:

Senator Netsch. Senator Netsch.

SENATOR NETSCH:

Thank you. The precise language of enclosure is "card, leaflet, envelope or combination thereof furnished by CUB." I don't think that that would embrace the...the form in which of most of sent out newsletters, and in any event, Senator Davidson, I would reaffirm if there were any thought that that went into legislative newsletters, we could have excluded that. My understanding, and this may be my fault, is that there is a...a maximum limit of fifty thousand on newsletters and I think that's why...never even occurred to us that...that that might be subject to it. In any event, there is no intention that it would be and I think it might be okay under the...description of enclosure in the bill.

PRESIDENT:

Further discussion? Senator Schuneman.

REEL #4

SENATOR SCHUNEMAN:

Question of the sponsor...

PRESIDENT:

I beg your pardon, Senator Davidson, Senator Netsch used up your time too. Senator Davidson.

SENATOR DAVIDSON:

I agree and I don't want to delay this but there is more than...there is more than fifty thousand go in the Statehouse report, at least in the Senate district...I don't know what yours is but mine has got eighty-two thousand...households and one of the...the...covers are not...I paid additional and it goes out of one mailing. Am I or am I not liable if CUB would want to put a enclosure in...in my Statehouse report?

PRESIDENT:

Further discussion? Senator Schaffer. Senator Schuneman,...well, wait a minute. Who's...well, listen, your light was on, his was not, okay? What...what do you want me to do here? Senator Schuneman.

SENATOR SCHUNEMAN:

...there was a reason for that, Mr. President, you turned my light off.

PRESIDENT:

I...I do not have that capacity up here.

SENATOR SCHUNEMAN:

Well, you...well, no, you...

PRESIDENT:

If I had it, I might do it, but I don't have that capacity up there.

SENATOR SCHUNEMAN:

...touche...touche. A question of the sponsor.

PRESIDENT:

Indicates she will yield. Careful of your time now.

SENATOR SCHUNEMAN:

I will. Senator, does this bill require a state agency to include CUB mailings?

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Let me find...I'm just looking for the precise language here. "A state agency furnished with an enclosure shall include the enclosure within the mailing designated by the corporation."

PRESIDENT:

Senator Schuneman.

SENATOR SCHUNEMAN:

All I want to know is...is it permissive or does it require?

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

The language is not in the usual permissive. It doesn't say may, that is absolutely correct.

PRESIDENT:

Senator Schuneman.

SENATOR SCHUNEMAN:

Then on the bill. It seems to me that...and I'm a...I have been a supporter of CUB and I was a supporter of their original bill which supposedly would give them the right to make mailings, but if we're going to now insert in state mailings...official state mailings the statements of...a Citizens' Utility Board which may take adversary positions on rate issues, then I think we'd better be pretty darn careful about what we're doing. I can envision, for example, if the Citizens' Utility Board decides that they want to take on

some agricultural issue that naturally the Department of Agriculture would want to send out all their mailings or pick out any other department of State Government, and I would have a concern about that.

PRESIDENT:

Further discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. I rise I suppose more on a matter of...of...of principle if I can...I can't think of anything else to call it than specifics of how this is going to work. The courts created a problem for the Citizens' Utility Board and whether you were for or against what CUB wanted to do in utility mailings, at least we can all agree there was a relationship between what CUB wanted to inform the utility users of and the fact that the utility companies were the easiest and the most likely way to get at those customers. What we're doing now is dealing with apples and oranges. We're saying that State Government agencies who have jobs to do, whether it's to send out unemployment checks or welfare checks or information from the Department of Children and Family Services or driver's license renewals, all of those different jobs are now going to be complicated and confused by another task that has absolutely nothing to do with the task at hand of the specific agency. That doesn't seem to make a lot of sense to me and with all due respect to CUB and the jam that the courts have it in, I think they ought to go back to the drawing boards and find another way to raise their membership funds. Now, as I look over the agencies that are going to be presented with this problem, my guess is the agency most likely to get the task of informing everybody of CUB mailings is the Secretary of State's Office. It's the most likely, it's the largest. Now the bill says specifically that if the corporation's enclosure exceeds the weight of .35 ounces,

then it shall only be required to reimburse the state agency for postage costs over and above what the agency's postage cost would have been had the enclosure weighed only .35 ounces. So anything over and above .35 ounces, the agency pays, whether it's the Secretary of State's Office, whether it is the Department of Employment Security or whatever else. I've got some serious problems with that. But the fundamental problem is, why? If we talk here day to day about how our bureaucracies aren't delivering services properly, why now are we going to allow state agencies to deliver this task that has nothing to do with what they're all about, do nothing but confuse their operations and set up a totally new bureaucracy? I suggest there has to be another way, this certainly isn't it.

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

Well, first of all, I want to make it clear I'm not asking the sponsor a question. I have two concerns that have not, I think, been voiced and I don't particularly get that worked up about the problems of the bureaucracy, they'll just hire a few more people and get the job done I suppose. My concern is about that citizen who gets this piece of official state mail and opens it up and this other nonstate thing falls out. Now, if you've seen some of those epistles the Department of Revenue mails out, they're hard enough to figure out without confusing people and you get some of our senior citizens and they're going to think they just got a mailing from a...CUB and not realize that there's a form in there they have to fill out to get the circuit breaker. Now the other thing, quite frankly, that would be a very logical target are the amendments for the Constitution when we vote on them and those things are real tough to understand; you open those up and out falls the CUB information. I mean, I

think we would be confusing the citizenry. The other thing, quite frankly, there are a lot of noble causes around, cancer prevention, AIDS treatment; if we set this precedent, what will be the next group and how do we say no? I can see it now, every mailing we get from the state is going to look like an American Express bill, it's going to be half an inch thick with thirty-eight different appeals for money in it. I think we ought to think twice about whether we want to get into this business and, frankly, there are plenty of direct mail houses that have very good mailing lists and most organizations of this type are able to survive quite handily. They've already had an opportunity to...to establish a pretty effective mailing list. I think each one of us has proof of that on our desk sitting at home. I think it's a bad precedent and I think it would not serve our constituents well.

PRESIDENT:

Further discussion? Senator Jacobs. Senator Lechowicz.

SENATOR LECHOWICZ:

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

PRESIDENT:

That's in order. Further discussion? Further discussion? Senator Netsch may close.

SENATOR NETSCH:

Thank you, Mr. President. I do want to address a couple of the issues that were raised. First of all, with respect to Senator Davidson's point. I think Senator Macdonald had already made it clear that as a matter of legislative intent, it was not intended to cover anything like a legislative newsletter. I so reaffirm and if that is a matter of any dispute later, we can even clarify that, but that is in the record right now. Secondly, Senator Schuneman I think raised a good point except, Senator Schuneman, the bill itself is very clear. There can be no confrontational content, in fact, no content at all. It says, "An enclosure furnished

under this section shall be limited to informing the reader of the purpose, nature and activities of the corporation as set forth in this Act and informing the reader that it may become a member...maintain membership in the corporation and contribute money,* and that is subject to approval by the Commerce Commission. That is very different from the prior law where CUB was allowed to make inserts in the utility bills. The third thing, Senator Kustra, I think what everyone really has got to remember about this and why some of the horror stories...or horror possibilities are just not realistic is that CUB pays for every enclosure and it pays for any incremental costs to the agency and it pays for the postage if it goes over a certain amount. CUB's best estimate is that it is likely to use an agency even those that it considers a...a good candidates at most once or twice a year. It does not have and is not going to invest the money in printing up zillions and zillions of enclosures when it's got to carry the entire cost for it. The final point, Senator Schaffer, I think this is very important, there is a real difference between CUB and every other good agency such as you were referring to. We created CUB, the General Assembly created CUB. We specified that it was to exist, what its purposes were to be and how it was to be funded. Because the court has deprived it of one source of access, I think it really is our responsibility to come up with an alternative. This alternative which was worked out with CUB and Senator Karpel I think is a highly reasonable one. I would solicit your support.

PRESIDENT:

The question is, shall House Bill 401 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 31 Ayes, 23 Nays, 2 voting Present. House Bill 401 hav-

ing received the required constitutional majority is declared passed. 454, Senator Newhouse. On the Order of House Bills 3rd Reading is House Bill 454. Read the bill.

ACTING SECRETARY: (MR. HARRY)

House Bill 454.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. House Bill 454 amends the Public Community College Act and it sets minimum tax levies for newly formed districts. The Illinois Community College Board supports House Bill 454 and what...ensures is that the new tax levies for any new community college district formed after 1-1-87 would have a tax rate that is near the statewide average of 22.5 cents, thus, assuring adequate local funding of the district. A referendum decree at a new college...community college district would include the new tax levies. I'd be pleased to answer any questions; I'd otherwise ask for a favorable roll call.

PRESIDENT:

Discussion? Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, I know...last day, but this bill was not heard in committee because the person sponsoring the bill didn't get there and we had been there for two hours and we had already adjourned the...the committee. This bill is opposed by the Farm Bureau and I think rightfully so. This applies to only one new community college district and this community college district...if this Act would become law will have in place its base, its floor, what the rest of the community colleges around the state had to go out and have the people in their districts

decide what they wanted the rate to be. It sets their rate, it's...sure it's...a median rate, but they're set there. They start that with the floor and go up. It doesn't have an opportunity to go down, all it can do is go up. The other community colleges...the thirty-nine or forty-one, whatever it is, had to go out and prove to their constituency the need of the rate that they're now at and the need for the need of the money and this is a bad precedent and I'd urge everybody to vote against it.

PRESIDENT:

Further discussion? Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. Where is this district?

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

Senator, would you want to respond to that question?

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Yes, it's not my bill, but I'll respond to the question. It's the new district that will be in the Bloomington-Lincoln area.

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

I don't hear the Senator from that area saying anything. Is there...who represents that area? Do you...Senator Davidson?

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

I think the old saying is, "Discretion is a better part of valor" at times and he's got people on both sides and

H.B. 475
3rd Reading

probably doing the same thing you would if it applied to your district. The Farm Bureau is against it, the people want it and you would sit there and be quite too.

PRESIDENT:

Further discussion? Senator Madigan. I think your other advice was better...Senator Newhouse, you wish to close?

SENATOR NEWHOUSE:

Thank you, Mr. President. There apparently is no objection from the people in the district, so I think it's fair to assume that they probably want the community college district and I would ask for a favorable roll call.

PRESIDENT:

The question is, shall House Bill 454 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 13 Ayes, 39 Nays, 1 voting Present. House Bill 454 having failed to receive the required constitutional majority is declared passed. Senator Zito. On the Order of House Bills 3rd Reading is House Bill 475. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

House Bill 475.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT

Senator Zito.

SENATOR ZITO:

Yes, Mr. President, before we begin discussion of this bill, I would ask a ruling of the Chair as to how many votes it will take for passage. My understanding is thirty-six.

PRESIDENT

The Chair is prepared to rule based on the content of House Bill 475 as amended that it will require the affirma-

tive vote of the greater of thirty or three-fifths of the members voting, because under Article XIII, Section 8 it will...it does constitute branch banking in the...in the opinion of the Chair. Senator Zito.

SENATOR ZITO:

Well, thank you, for the ruling, Mr. President. Mr. President and members, House Bill 475 is certainly no new concept to this Illinois General Assembly. In the interest of time, I will give a brief synopsis of the bill and will stand ready to answer any questions. House Bill 475 will allow a bank which purchases another bank to use any open...to open any facility of the purchased bank as a facility of its own. In brief, this bill allows a bank to expand beyond the legal limit of having five facilities when it purchases another bank. This bill will strengthen our existing banking structure. With total interstate banking soon to be a reality with the legislation we have passed, our banks need to solidify their financial position in the state. By strengthening our banks, we can truly compete with the large out-of-state banks. We can retain the in-state control of our banks and the assets that they hold. Not one of the twenty-five largest banks in the world, not one, reside here in Illinois. While this bank will not place any Illinois bank in that category, obviously, it will give Illinois banks a competitive edge that they need. Your vote for this bill will give Illinois banks a fighting chance to compete and it...and to compete we must if Illinois is to remain an international financial center. I would ask for favorable consideration of House Bill 475.

PRESIDENT

Discussion? Senator Rigney.

SENATOR RIGNEY:

A question of the sponsor.

PRESIDENT

The sponsor...the sponsor indicates he'll yield, Senator Rigney.

SENATOR RIGNEY:

I understand that one of the differences between what the holding companies are doing and what's being proposed in this legislation, is that when a holding company acquires one of these other banks, that other bank retains its charter, and under this setup that charter will, in effect, be...be lost, is that correct?

PRESIDENT

Senator Zito. Senator Zito. Senator Zito, please.

SENATOR ZITO:

Yes, you're correct, that's a merger.

PRESIDENT

Senator Rigney. Senator Rigney.

SENATOR RIGNEY:

Well, that being the case then, we've seen a couple of these happen particularly in my area where they...after they were acquired by the holding company, they proved to be unprofitable, they were later sold out and since the charter was there, they had something to sell. I'm under the impression now that if that charter is gone, you really don't have a...a little bank out there to sell off anymore. Wouldn't that be kind of the practical effect of this?

PRESIDENT

Senator Zito.

SENATOR ZITO:

I honestly...can you rephrase the question, I didn't understand the thrust of it.

PRESIDENT

All right, ladies and gentlemen, let's have a little order. I'm going to ask the staff to take the conferences off the Floor. Let's afford the presenter and the interrogator the opportunity to hear each other. Senator Rigney.

SENATOR RIGNEY:

Okay, it works this way. The holding company buys a bank...you know, maybe four or five of these banks in the small towns, if...when the holding company owns it, one or two of them maybe proves to be unprofitable and they decide, well, you know, maybe it wasn't such a good deal after all. There's still a charter out there, there's still a board of directors, they can sell that thing off and maybe someone else picks it up. Once this process takes place, that charter is going to be gone and you've already said, yeah, the charter will be gone. So doesn't it make it impossible then to sell off that bank? You haven't really got anything left there to sell, have you?

PRESIDENT

Senator Zito.

SENATOR ZITO:

Well, I don't think that's totally correct, Senator. There still would be a...a number of assets available and...and present.

PRESIDENT

Senator Rigney.

SENATOR RIGNEY:

Well, I think of the specific instance, you know, where...one of these large holding companies out of the Peoria area bought up in Rochelle and...you know, it just proved to be a bad deal and they were able to sell it and some local folks picked it up. There was a charter there, there was a bank there that could be sold. How...maybe I ought to rephrase that then. Can you explain to me under similar circumstances if that had been a branch operation, the charter was gone, how would they have been able to sell that to...to a group of Rochelle investors for instance?

PRESIDENT

Senator Zito.

SENATOR ZITO:

Mr. President, may I defer to Senator Keats...Keats.

PRESIDENT

You may. Senator Keats.

SENATOR KEATS:

The way to explain that, Senator Rigney, and I...I appreciate your question. First of all, in terms of buying a bank, we'll call it a two-time loser because it can't make money and now someone is trying to sell it. If you leave the single charter so the bank bears a hundred percent of its own cost...operating costs, you're going to have some real trouble. The advantage of this structure is you can centralize the operating costs. A small bank that often is not profitable independently becomes profitable here because their shared operating costs whether it's check processing, whether it's personnel functions, whether it's going out and getting their bonds for investment, whatever, they share these costs. A bank like the Rochelle one due to confidential reasons we can't discuss financial status of some of these banks, but I can merely say that when banks are losing money as independents, really, their only hope is to have their operating costs dramatically reduced which this structure allows. The small independent bank that was not profitable is caught where it cannot reduce those operating expenses 'cause it's got no brothers out there who can absorb the shared costs of the banking house functions which are the nonbanking, those are the administrative. And so the bank you're talking about and several others, you can't talk about those publicly but, you know, there are reasons why banks like that are sold for dirt cheap reasons. There are reasons for that and we just can't talk about them.

PRESIDENT

Senator Rigney.

SENATOR RIGNEY:

Well, Senator Keats, I appreciate your explanation, but I think the fact remains that you must admit you haven't answered my question. I'm asking you if the decision is made as it was in the case of the Rochelle one to actually return it to local ownership, how are you going to be able to do that? There were local owners...local folks up there that wanted to buy this thing back and they did, they bought it back within about a year's time. How are you going to do it when the charter is gone?

PRESIDENT

Senator Keats.

SENATOR KEATS:

The combination of the two factors. I apologize, one, part of it has to do with the FDIC and you can't talk about that stuff in public. I mean, there...there are certain images that banks have to maintain. When the...FDIC is involved, other than Continental, you can't talk about that specific bank. In terms of the sale...terms of the sale, they can sell those back, you cannot sell the individual facility, but they have the chance either to a new charter which would let them get out from underneath the losses of that bank, you see. If you have a new charter, you don't start with the losses of that bank and nothing in that...this would preclude them because they're no longer hit with home office protection. They could put in that bank right across the street under a new charter without having to worry about all the bad assets of that existing bank. Some of the other stuff, I'll be glad to come over this moment, explain it to you, but you can't talk about it on the Floor.

PRESIDENT

All right. WAND-TV has requested permission to videotape. Senator Rigney, I'm going to have to...ask you to conclude your remarks. Senator Rigney.

SENATOR RIGNEY:

I think I have the answer to my question. I think it's pretty obvious to everybody here you can't do it and that's precisely the point I've been trying to make. Roger has kind of led me...around through the pasture here a little bit but the fact is you can't do it.

PRESIDENT

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you, Mr. President and members of the Senate. Of course, Senator Rigney hit it...has hit upon the key problems for small communities. Once the small town bank charter is given up, the only way you can get the charter back is to start all over again and apply to either the Federal Government or the State Government to get a charter and there's no guarantee that that town or community can get a charter. You know, we ought to take a look at what we've been doing in banking the last few years. We started out by allowing multibank holding companies...and the banks at that time said understand this is not branch banking. We had...we had a...you could only buy banks within a certain geographic area of the state. Then about two years later they came along and said, well, we've got to break down those barriers. That is...that is contrary to...to good business practices, and now here we are, what, about four years after the passage of the original bill when the President of the Senate, in his opinion, apparently, this does constitute branch banking. So within just a few years we're here trying to impose branch banking, which is not exactly prohibited by our Constitution but can only be done with a...with an extraordinary vote. I think this is something we should not do at this time. I urge defeat of this bill. I think it will have a bad impact particularly on the farm credit situations, small towns where the local people have some interest in their bank and this would tend to dilute that interest and I...I think it's a bad

idea.

PRESIDENT

Further discussion? Further discussion? Further discussion? Senator Keats.

SENATOR KEATS:

Just to close. Having spoken to another Senator, there...there are such things as troubled banks and we can't...can't discuss that because you don't want to cause problems for them in terms of their image. We've passed wide-open interstate banking. Virtually every major bank we will be competing against has a system similar to this today that allows them to have a broader asset base for them to operate off of, this allows that. This allows the...does away with some of the incongruities between our law and the other states will be competing against our banks to allege that Illinois banks could compete against a New York bank or a Pennsylvania bank. Without a bill like this, you've tied their hands to the point where we've opened the state with 990 and we are now saying our banks can't compete against them using the same basic rules they have. You just can't do that sort of thing, you have to have this kind of legislation that gives us four years to build the competitive resource base that those banks can have their strength from that allows them to compete in the bigger marketplace.

PRESIDENT

Senator Zito may close.

SENATOR ZITO:

Yes, Mr. President, just very briefly to Senator Rigney and Senator Schuneman. Gentlemen, we are not talking about tax dollars, we're talking about private industry and when stockholders of smaller institutions decide to sell a bank, they should have that option and if, in fact, they would like to reorganize and recharter, that's fine, it's private industry. This bill has been debated, this concept has been

HB 513
3rd Reading

debated in this state. I'm sure that the discussions and the questions are not going to change anybody's mind in this Illinois Senate and I would ask for your affirmative confirmation of House Bill 475.

PRESIDENT

The question is, shall House Bill 475 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 40 Ayes, 18 Nays, none voting Present. House Bill 475 having received the required constitutional majority is declared passed. 513. On the Order of House Bills 3rd Reading, middle of page 5, is House Bill 513. Read the bill.
ACTING SECRETARY: (MR. HARRY)

House Bill 513.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT

Senator Demuzio.

SENATOR DEMUZIO:

Yes, 513 adds some statutory authority that's now provided by the Supreme Court ruling as it relates to check cashing by merchants. It limits the fees imposed where the issue is not addressed by the court action. The legislation will provide direction for merchants who cash customer's checks for other than the amount of purchase and will provide consumer protection by limiting fees imposed as such. Amendment No. 2, the controversial part of this bill was...was...Amendment No. 2 was Tabled and it was handled by virtue of passage of Senator Keats' bill earlier this morning.

PRESIDENT

The question is, shall House Bill 513 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open.

HB 527
3rd Reading

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 513 having received the required constitutional majority is declared passed. On the Order of House Bills 3rd Reading, Senator Karpel, Is House Bill 527. Read the bill, Madam Secretary.
SECRETARY:

House Bill 527.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT

Senator Karpel.

SENATOR KARPIEL:

Thank you, Mr. President. House Bill 527 was on the Agreed Bill List and taken off to remove Amendment No. 1 which dealt with psychologists, so that has been taken out of the bill. The bill as it stands, requires the court to impose as a condition of bail in cases involving a sex offense against a child under eighteen conditions to restrict the defendant's access to the victim if they are in the same household. From what I understand, as it is now, most judges will do this anyway, but this bill will simply say that it has to be done. The bill also says that a...when a minor child is going to be temporarily removed from Illinois, the parent responsible...this is in cases of divorce, the parent responsible for the removal shall inform the other parent or the other parent's attorney of the place where that child can be reached and when the child will be returned.

PRESIDENT

Discussion? Any discussion? If not, the question is, shall House Bill 527 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 58 Ayes, no Nays, none

voting Present. House Bill 527 having received the required constitutional majority is declared passed. 579, Senator Luft. On the Order of House Bills 3rd Reading is House Bill 579. Read the bill.

SECRETARY:

House Bill 579.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. House Bill 579 changes to three hundred thousand from four hundred thousand the minimum population of a county in which townships may provide sidewalks, street lights or traffic signals by special taxation. Currently, townships within counties have a population between four hundred and three hundred thousand may provide for the construction or installation, repair of sidewalks or street lighting or control devices by special...taxation. This simply lowers the minimum population to three hundred thousand.

PRESIDENT

Discussion? Any discussion? If not, the question is, shall House Bill 579 pass. Those in favor vote Aye. Opposed 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 42 Ayes, 12 Nays, 5 voting Present. House Bill 579 having received the required constitutional majority is declared passed. 705. On the Order of House Bills 3rd Reading, bottom of page 5, is House Bill 705. Read the bill, Madam Secretary.

SECRETARY:

House Bill 705.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. House Bill 705 creates the Farm Debt Mediation Act under the direction of the...director of the Department of Agriculture to promote a cooperative relationship between farmers and creditors in restructuring farm debts. The mediator's role is to set the ground rules for the meeting, the mediator does nothing more than assist the parties in talking to each other, clarifying problems and improving communication. I'd be happy to answer any questions.

PRESIDENT

Discussion? Any discussion? If not, the question...I beg your pardon, Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President, members of the Senate. I...I rise in opposition to House Bill 705 and I will admit to you that...that the bill is in better shape than...than what earlier bills have been...much better bill I think than what Minnesota and Iowa have, and I guess the point becomes one of to what extent should we be involved and...and I think that's where I find myself coming down on...on this bill. I am one of those farmers who has gone through difficult times in the last five or six years too and...and purchaser of farmland and has been very difficult for us to make things...make things happen and, yet, I have talked with numerous bankers and I've talked with numerous farmers and I absolutely find no cases, at least my own conditions where I...in any of those conversations where a banker has refused to talk with a farmer who is in severe trouble. They have attempted to work out...a debt restructuring plan. Now it's to the banker's best interest

also to make this happen. By the same token, the farmers that I have spoken to, the ones who really could survive, given...given some kind of help from the banker have been put in a...position where they can do that. I think this bill does one thing, Senator Joyce, I think it calls attention to...to a serious problem that's out there, but I think we are right now at a point in our history where the problem with agriculture is...leveling off, things are getting better and I think to force this kind of a...a condition on to us, I think is...is probably wrong at this point and we should let the...the mediation...the natural mediation be...between lender and farmer work in its natural way and probably should defeat this bill.

PRESIDENT

Further discussion? Any further discussion? Senator Weaver.

SENATOR WEAVER:

Well, thank you, Mr. President. I think with the enactment of this legislation we may be tending to restrict access to credit for farmers in the future. There was an attempt to try to phase in some of these mediation procedures, but I...I'm afraid that with this enactment, we're going to really stifle any ability of the farmer to receive credit from various sources statewide and so I stand in opposition.

PRESIDENT

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Last...early in the spring Representative Mautino and I cosponsored a meeting to try to get some input from our district on this issue. The meeting was held in Princeton at the...at the Farm Bureau Building there and a majority of the farmers who spoke that day indicated that they opposed this idea, and it was their concern that those farmers who are in sort of the gray area now as to

whether or not they're getting credit may find themselves shut out the next time the bank decides upon credit lines because the bank will not want to jump through this extra hoop that's being placed out there for them. And based on that experience and...and my discussions with farmers throughout my district, I don't think the farmers themselves generally support this bill and I'm going to oppose it.

PRESIDENT

Further discussion? Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President. I...I'm...I'm not so sure but what Senator Schuneman is maybe talking about the other mediation bill that Senator Joyce originally had, but the thing has been watered down so that...that I don't see where it's...it's really going to create any problem. You know, sometimes it gets where people cannot relate to one another and...about all this does is...is let a mediator come in and...and see if they can get them back to talking. It...it really isn't compulsory at all and I don't see that it...that this version of the mediation bill will...will create any problem and I support it.

PRESIDENT

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. I wasn't going to speak on this bill, I was going to vote for it, still I'm going to vote for it but I would like to just make a couple of comments. Number one, in reference to tightening of credit, this is working well in Iowa; in fact, it has freed up credit for the farmer in Iowa. Secondly, to answer to Mr...Senator Maitland's comments. I think it's important to note that currently any mediation is done in the banker's office. There can be nothing probably more intimidating than a man who is already on the rocks having to go down to a banker's

office and try to mediate his problems. This allows for a neutral point and I think it's a good bill and I urge everyone to vote for it.

PRESIDENT

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

SENATOR JEROME JOYCE:

Thank you, Mr. President. The...this bill has been debated and talked about with farm groups and with farm credit bankers. I think that both sides are not all that happy with it. I think...a lot of farm people would like to see it stronger and...and I guess we'd probably never be able to pass any kind of legislation that banks would be happy with and I think they would oppose it no matter what we did. And to the...to the point that things are getting better, eighty farmers are going out of business every week in the State of Illinois. So I don't...things are not getting better, the prices are not getting better. We are not exporting more grain. Farmers are...are a rare breed and it is a crucial...crucial and tough, difficult time for them and it is...when their fathers went through and their grandfathers went through a depression and they managed to hang on to a farm and perhaps now this farmer is not going to be able to do it. And I think all that this would do is...is give him an opportunity to go...to his banker and have someone in there and see if they couldn't work out some sort of a problem. The farm...the farm economy can turn around overnight as we all know and I...I certainly hope it does, but it...it...with the change in...in a farm program, we can change it, a drought in certain areas can change it, things in other countries that we can't control can change it, and if we would keep some of these farmers from going under with this bill, maybe the next year they would be out of...out of financial trouble. So I think it's worthwhile, it's worth

HB 736
3rd Reading

the...the chance that we take...you know, I have from some of the farm credit services a letter saying that they was...you know, they couldn't do it unless it was...ninety...it would take ninety days to implement it and the director said he can do it in ninety days, so we made it at a hundred days, but still they oppose it and I find it a little incongruous when they're opposing this, they're in Washington trying to get a bailout for themselves. So I would certainly ask your indulgence to give some of these farmers who are in trouble a break and maybe keep them in business for another year. Thank you.

PRESIDENT

The question is, shall House Bill 705 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 37 Ayes, 22 Nays, none voting Present. House Bill 705 having received the required constitutional majority is declared passed. Senator Marovitz, 736. On the Order of House Bills 3rd Reading, top of page 6, is House Bill 736. Read the bill.

SECRETARY:

House...House Bill 736.

(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. House Bill...736 creates an AIDS registry within the Department of Public Health. It mandates the Department of Public Aid to provide community based medical care to the maximum allowed under the Medicaid program. The Department of Public Aid would be mandated to provide quality incentive

QUIP payments to nursing homes that provide AIDS care to...to victims. It describes under what condition a patient can receive blood from donors...it...expedites the certificate of need process for the establishment of AIDS treatment facilities. It mandates DASA to implement AIDS prevention and education programs for intravenous drug users. It authorizes AIDS education, training for school personnel and the Department of Public Aid would administer...excuse me, Public Health would administer a training program for state employees who need an understanding of AIDS to deal with...or advise the public...

PRESIDENT

Discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President, if I may ask the sponsor some questions.

PRESIDENT

He indicates he'll yield.

SENATOR TOPINKA:

...well, first of all, for this...this...the...the fiscal impact is around seventy-eight thousand, you agree, but did we not have two other bills also that came out which were almost virtually identical to this and are already in the process of moving forward? And if that be the case, as I brought up to you in committee, why do we need this particular bill?

PRESIDENT

Senator Marovitz.

SENATOR MAROVITZ:

Well, there...there are certain portions of this bill that are already in bills that have passed, certain portions, not every part of the bill has been passed but certain portions. The...the QUIP, quality incentive program, for nursing homes that provide care to AIDS victims has been passed

out of this Body; the AIDS registry, I understand, has been passed out of this Body in the bill I think that's sponsored by Senator Watson. The authorization of the Department of Public Health and Public Aid to make long-term plans has been passed out of this Body, but there are many other portions of this bill that have not been passed so...and that are extremely important to...to AIDS' victims and...and the care needed by AIDS' victims.

PRESIDENT

Senator Topinka.

SENATOR TOPINKA:

Well, to...to the bill, if I might. I agree that there are some parts that may not have passed out but those parts are either already being done or being covered federally. I don't know that they necessarily add anything, and although, again, the fiscal impact is seventy-eight thousand, maybe I think simply, but I like to think that every ten dollar, fifty dollar, thousand dollars counts. I don't see why we have to duplicate all of this, and on that reason, I...I really would oppose the bill. I just think we've done enough on AIDS already. We've covered every single aspect of it, let the issue be already. We've...we've just done everything. Thank you.

PRESIDENT

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you, very much. You know, as one...who has sponsored several of these various bills that...that...and have passed them out, I would strongly suggest we vote for this for the simple reason I think we ought to get all the bills on the Governor's desk, let's sort through them; find out after we get certain bills all put together what we've got and let's come up with a decent program that everybody can live with, won't be excessively expensive and, yet, at the

same time, will accomplish the goals that we need and that is protecting the public. I would suggest an Aye vote on this.

PRESIDENT

Further discussion? Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. I'd like to ask the sponsor a question.

PRESIDENT

Indicates he'll yield, Senator Watson.

SENATOR WATSON:

Senator, there's a provision here that I'd...that I see in my analysis talking about the Department of Public Aid shall provide community based medical care to the maximum extent allowed by the Medicaid program. Can you explain that and give me an idea of what that's going to cost if...if the fiscal impact of this is only seventy-eight thousand dollars, that looks like a...a pretty big ticket item there and I'd just like to know if...if you've got any more information than what we have when we say seventy-eight thousand dollar fiscal impact.

PRESIDENT

(Machine cutoff)...Marovitz.

SENATOR MAROVITZ:

Well, it's cheaper to do community based care than hospital care for a community based AIDS patient and this opts us into a Federal program which provides for a fifty percent match for such expenditures.

PRESIDENT

Senator Watson.

SENATOR WATSON:

We've...we've been hearing also, Senator, about...you mentioned the Federal program about expediting benefits under Social Security Act, Medicaid, Medicare Act for AIDS benefits...or AIDS' victims. Has that got anything to do with

this in...in this particular legislation?

PRESIDENT

Senator Marovitz.

SENATOR MAROVITZ:

Only in terms of the provision that I just mentioned regarding assistance being provided to such persons to the maximum benefit permitted under Title 9 of the Federal Social Security Act which is a fifty percent match, fifty percent by the state, fifty percent reimbursed by the Feds.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

Well, I can see that that could be a great expense and I think that our analysis in stating seventy-eight thousand dollars...fiscal impact could...is...is erroneous. Also, we're talking about a...the Department of Public Aid to develop a...the QUIP Program and I guess that nursing homes would qualify for extra funding if...and this is another provision of the QUIP Program and therefore it will have to have more money to fund this. Is that also the case, Senator?

PRESIDENT

Senator Marovitz.

SENATOR MAROVITZ:

...let me say this. They could qualify for QUIP reimbursement. We want to make sure that these people in need are taking care of by nursing homes and this is the best way that...to make long-term planning care for these individuals that would be able to qualify for QUIP. This Body has spoken on that issue and passed this issue, I believe unanimously, in...in Senate Bill 995, that very issue.

PRESIDENT

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I wanted to direct one observation to Senator Topinka particularly, if I might. I think it was just two days ago, Senator Topinka, that one of the major provisions of this bill which I don't think had been in some of the earlier bills, that is, the AIDS registry was added by amendment to House Bill 2682 which was Senator Watson's bill. I was a little confused about that at the time since I knew that it was already part of 736, but we certainly didn't object to it, because I think there's a feeling that there are a number of provisions and that given the precarious nature of the legislative process at this point that we want to make sure that all are covered in a number of bills. So I think if there is duplication of some of the provisions here, it was because it was added to Senator Watson's bill the other day provisions that were already covered in Senate Bill...in House Bill 736. So that's not a fair argument, if you will, to...to use against this bill.

PRESIDENT

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

SENATOR MAROVITZ:

Thank you, very much, Mr. President. Well, it's quite obvious that...that community based care is a lot less expensive than hospital care, and in terms of...of that, the QUIP provisions and the provisions regarding reimbursement and the match by the Federal Government will save the state money rather than expend money because of the match and because of the...the...the savings...over hospital care in favor of community based care, and I think this is a very sensitive way to deal with a...with an important issue and I solicit your Aye vote.

PRESIDENT:

The question is, shall House Bill 736 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open.

*HB 810
3rd reading*

Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 47 Ayes, 9 Nays, 1 voting Present. House Bill 736 having received the required constitutional majority is declared passed. 810, Senator Poshard. On the Order of House Bills 3rd Reading, the middle of page 6, is House Bill 810. Read the bill, Madam Secretary, please.

SECRETARY:

House Bill 810.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Poshard.

SENATOR POSHARD:

Yes, thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 810 is the Labor Management Notification and Consultation Act. The Act basically implements the following requirements. Any industrial or commercial operation employing one hundred or more persons must give ninety days notice to its employees of an intent to close its facility or relocate its facility one hundred miles or more from the...present plant site. Such notice must be given to the facility's employees as well as to the Department of Labor and the Department of Commerce and Community Affairs. The employer is required to consult in good faith with employees...regarding proposals to close or relocate a plant for the purpose of examining other alternatives which may be available to prevent the closing of the plant. The employer is not required to disclose any information which could compromise the position of the employer with respect to its competitors and the director of Labor may issue a protective order to prevent such disclosure. There are civil actions against employers allowed in this Act if they violate the provisions of the Act, and there are civil actions against

employees or their representatives if they violate the provisions of this Act. This Act creates within the Department of Commerce and Community Affairs a dislocated worker's unit which will have the responsibility of working with the plant and the management to, first of all, see if there is any way to save the plant from closing and, secondly, if there is no way to keep the plant open, to make the transition of the workers to hopefully other employment as smooth as possible. There are certain exemptions of plant closings applicable to this Act, and the exemptions are companies who agree to hire substantially all of their employees back. The second exemption is the plant closing is...is a result of a relocation and the employer offers to transfer the affected employees to the new location. The third exemption is the plant closing is a result of a physical calamity, a natural disaster or a bankruptcy and the fourth exemption are retail trade establishments. This is an honest attempt to help workers try to save their jobs and to attempt to keep our plants open, if it all possible, and I would ask for a favorable response to the bill.

PRESIDENT:

Discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. It's now 3:20 p.m. or thereabouts but I suggest that it is high noon for the manufacturing business in Illinois. Aside from workers' comp. and unemployment insurance, I know of no other area concern that will have such profound effect on business in our state as this one that we're now debating, a business that is already struggling, the manufacturing business, that is, to survive against foreign competition and a host of other factors. The results of this shoot-out here this afternoon will send a message, good or bad, to our manufacturers in Illinois. Senator Poshard, my friend, has made

I believe sincere efforts to place amendments on this bill in an attempt to improve it but, in my opinion and that of many others, it is still a cancerous concept. We've amended out, for example, the retailers. Well, some may cheer at that but what we're doing in so doing is leaving the manufacturer as the principal victim of the alleged...or the benefits of this bill and that seems unfair to me. I might remind you, my colleagues, that no one closes a plant capriciously, you're aware of this. Generally, a plant closing is a last resort and it's a painful decision on behalf of a plant owner. It seems to me that this bill and this whole concept overlooks the reasons for closing in the first place. There are a host of reasons why a manufacturer must sometimes close his plant, product obsolescence, competition, operating costs, mergers, loss of customers, loss of suppliers, natural disasters and other factors over which he does not always have a great deal of control. It seems to me too that this bill ignores the dynamics of the truly competitive marketplace and replaces the employer's decision with state agency authority to step in at the eleventh hour and perhaps give false hopes to employees and to the surrounding community that this plant can, indeed, survive when, in fact, it cannot. It allows employees who suffer employment loss to sue for reinstatement, as the Senator has said, or damages or both. Now this is where the teeth in this bill comes in and this is what I think is one thing that has the...the manufacturer shaking in his boots just a little bit. Civil lawsuits possible if he doesn't follow out to the detail a host of rules and regulations. It set ups...sets up panels within DCCA to carry out provisions of overly burdensome rules and regulations, and, as I say, if these are defaulted in in any way, he faces a civil lawsuit perhaps. Finally, it seems to me, that employers need flexibility under our way of doing things in this country, free marketplace decisions. Each case is unique.

It is true, I believe, that the employer should notify his employees as soon as he possibly can if he intends to shut down his plant so that those employees do have a fair chance to assimilate this situation, but otherwise it would seem that the management under our free competitive way of doing things in this country should make its decisions rather than government stepping in and making those decisions for him. Now to pass this bill...and I'm closing, to pass this bill will be to say to the manufacturer in the State of Illinois, we know better than you do how to run your business, we're going to tell you how to do it and if you don't do it, we're going to penalize you for it, you can be sued. I say it...it seems that this will place him at risk of civil suit and will place Illinois manufacturing at a supreme disadvantage in its struggle not only to compete but, indeed, to survive in today's competitive climate; and unless we want to send out a message that will chill our Illinois manufacturers to the very bone, I would suggest, my colleagues, that you vote No on this measure. Thank you.

PRESIDENT:

Further discussion? Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President and Ladies and Gentlemen of this Chamber. I think there can be no more disheartening thing than to go to your job at eight o'clock or seven o'clock in the morning with your lunch bucket in your hand and you can't get in because they have closed and moved without any notification, without even telling you that there was...they were going to move. Yes, we speak of a shoot-out or high noon, maybe this is high noon. Is it high noon when we take the investments and invest them in slave labor in other countries...in other foreign countries? Is that high noon? Is that one of the four points that you want to make while plants are closing in Illinois and in my district? I say,

yes, that's one of them points. One of the points when we don't have enough sense as a bumblebee, at least a bee...a honeybee when he takes nectar from the plant, he leaves pollen to keep it going; it seems that our industries don't even have that much sense. This is a good bill. This at least give a worker the opportunity to plan his own destiny, to lay some plans for his family, to prepare himself for what is going to happen, that's what we're talking about. That's what this bill is about, to give the worker at least an opportunity to know that on Monday he will not be at work. So that he won't show there with this lunch bucket in his hand and a plant closed in his face. I ask for a favorable vote...on this bill.

PRESIDENT:

...further discussion? Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President. I...I think Senator Brookins just basically covered most of the...the areas that I would have...covered, but I'd like to say to Senator Hudson when this bill was in committee...in the Labor Committee and the witnesses testified on both sides pointed out some...what I considered to have been some legitimate critical deficiencies with this bill, I, too, recognized that this...that the bill in its present form could have had some adverse effect on the business climate, but I think since the bill passed out and...and was amended on 2nd reading, and I...I commend Senator Poshard and...and the labor people and those others who involved in this whole process of trying to make this bill better for the work that they did on it, because I think, Senator Hudson, those areas that you...expressed in reference to circumstances beyond the control of the...of the business...of the...employer has been addressed in this amendment, that what most certainly the exemptions here would cover most of the things that you said, and...and for that

reason, I think this bill is a good bill, for the reasons that Senator Brookins articulated. In my district over the past ten years we've had about five...five major businesses to go out of business and people who have worked there all of their lives never had another job in their life, never...never, had gone out and purchased their homes and had made debts, automobiles and...and other things and only to find out that they had no other skills to do another job and had no other means for employment because that business was going out of business and there was no time for preparation for them to go on and...and have some means for providing for their livelihood and...and protecting their families. That is wrong. Surely...we don't always satisfy everyone but it is our responsibility to do what is best for everyone and I think this is the best way to do and that is is to at least...you can't stop the plants from closing but at least you can give the employers the opportunity to plan for their lives, and I urge a very strong Aye vote for House Bill 810.

PRESIDENT:

Further discussion? Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and members of the Senate. I...I have to be honest, I've got some very serious and have continued to have some serious reservations about House Bill 810. I think labor and our labor friends, and I've got a lot of them, really put us on the spot not by what the final product is as much as what it was when it first went in because it's engendered so much opposition from so many areas that we...we shouldn't be placed into a box like this, and I just think it's a...a shame, and I certainly commend Senator Poshard for doing...what I think an excellent job in making this into a much better bill. But I...I have concerns that it will be a anti-economic development proposal, and at the same time, I'm real strongly in favor of notifying employees

if they're going to lose their job, they should get some notification. But when you talk about consultation and having the employees and the employee organizations sit in and...and...and dictate to the companies, I...I think it presents a lot of serious problems. I...that's all I have to say.

PRESIDENT:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, one of the things that I have pledged is to try and keep existing businesses in Illinois and bring business to Illinois. When you have a ninety-day position...and I might say I'm not anti-labor, I was one of those who voted for House Bill 332, the successor bill, because I feel when a company buys another company and knows there is a union contract existing, it's just like buying a house that has a lease existing, you have to honor it. But in this particular case, when you give ninety-day notice, what are you doing to the suppliers to that company? They are going to start laying off people themselves. What are you going to do to other companies who are thinking of coming into Illinois? Do you think they want to be fettered with ninety days? They might have a situation...existing companies that are here that they might want to avoid bankruptcy...and have to close the plant. I've had closing of plants in my area, Outboard Marine closed...a couple of their plants, US Steel closed their plant, I've had a couple more close their plants. There is a U.S...Supreme court decision, the First National Maintenance Corporation versus the National Labor...Relations Board and that's the citation 452-US 666 which says "The Supreme Court recognizes that an employer must be permitted to make the entrepreneurial position of whether to maintain or close a plant operation free of the obligation under Federal labor

law to provide advance notice." I'm not saying that these companies shouldn't give some notice. Senator Keats had an amendment which would have given thirty-day notice, but thirty-days notice is a far more adequate notice than ninety days. I submit that you are going to discourage industry and business from coming into Illinois if you have a ninety-day notice clause. I...I submit that all this extra stuff that you do in this bill is going to discourage business in Illinois from wanting to remain in Illinois and the bottom line, ladies and gentlemen, is jobs, jobs and more jobs. We're not going to get them if we're going to start telling management, this is the way you're going to run your business 'cause that's the way Russia does, it runs everything. We cannot do that, because, remember, labor and business are partners whether they like it or not. Without business, there's no labor need; without labor, there's no business need. So I say to you, ladies and gentlemen, let's not get carried away. God knows I'm not anti-labor, I worked for thirty cents an hour, I know what it's all about, but I can tell you right now that this is not the best bill and I commend my colleague on the other side for changing it somewhat, but it still does not afford someone who owns a plant to make the final decision...expeditiously and timely...the matter of saving enough to pay all the bills and those bills include the...the bills to the suppliers that supply that company. And if you've got it ninety-days notice, you're going to have a run on the...on the funds and the next thing you know, you're going to have more people unemployed. At least in this country we do have unemployment compensation to carry us over for awhile, not that it's the best thing but it's still better than nothing, and I do think that this is not the right way about it and I...I urge a No vote.

PRESIDENT:

Further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I would rise in support of this bill and I think that we have to point out the advantage of advanced notice to employees that hasn't been pointed out before and I can think of at least four. Number one, it's going to reduce the cost to the State of Illinois for unemployment insurance. Workers having been given a notice ninety days in advance will be able to start looking for a new job. Obviously, that would result in us saving some of those unemployment costs the last speaker spoke about. A recent study at the University of Nebraska showed that over a five-year period, between 1979 and 1983, 1.7 billion dollars was saved in those instances where advance notice was given to employees as opposed to those cases where plants closed where no notice was given. So I think the savings are real. Secondly, giving notice may actually avert plant closings by opening negotiations with labor or with the Department of Commerce and Community Affairs or the city or county that the business is located in. Certainly, they're going to try to keep that plant open and keep it operating. Third, it may result in a new plant being contacted early enough to move into that building that the plant is vacating. I think that a community having been given advance notice is going to be able to go out and start working much earlier. And, fourth, it...allow the families who are going to be put out of work the ability to rearrange their budgets to save what money they may have to avoid purchases of luxuries so that they can budget ahead so they can pay for their necessities. I think that the advantages of this bill outweigh the disadvantages. The tag line that's been attached to this bill is that it's the industrial hostage legislation. If this bill were only applying to...if this bill applied to management instead of labor, I think business would be in praise of giving notice to management ninety days before they would be put out of

work. But the hostage in this situation is really the employee, the man and woman who has to work and their family and their children, and I think that they are the ones who have no control. They are subject to being taken hostage and being let go at any particular time and, you know, the only problem I have with this bill is that it's probably thirty years too late. You know, I remember when my father was put out of work, when the plant closed and six of us were at home and had to try to get by on whatever unemployment insurance; fortunately, he found a job that was a hundred miles away but he did find one. But I think that this bill is long, long overdue. I think that the specter of...of manufacturers staying out of the state is overused and overemphasized and I would urge an Aye vote.

PRESIDENT:

Further discussion? Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. I would presume that those industries that employ thousands and thousands of employees could probably comply with the ninety-day notification, but in my district, and I have a...a small forging company that has been operating for sixty-eight years and they operate a custom job shop and as such they have no product of their own. They're totally dependent on orders coming in on a regular basis to keep their production going, and in most cases, they've done pretty well through these sixty-eight years. But, temporarily, there are slowdowns in industry that they supply and they...they have layoffs and they just don't have ninety days notice of whether or not those orders are coming in. So I just don't see how the smaller manufacturers are going to...be able to comply with this and still stay in business in the State of Illinois. I think we all recognize that small business whether it be those from a hundred to two or three hundred employees, they make up the bulk

of the employment of the State of Illinois. So I think that no matter what number of employees you put into a bill, you're going to cause...cause some real hardship on some of the smaller employers throughout the state and so on. I can't support your bill.

PRESIDENT:

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. First of all, let me state that I have got good friends on both sides of this issue, and as a mayor, having been involved in economic development, trying to attract new industries for the last fourteen years, it really does pose a tremendous problem. But I have some problems with some of the discussions I've heard today. It is referred to as a shoot-out, I don't think it's a shoot-out, because I just think it's a reaction to something being shot at first and if that first shot hadn't been fired, we wouldn't need a return volley. Many will argue that the language is...is not to their liking and that...notification is not to their liking, but what is wrong with notifying your employees? We have been fortunate in our area, and that's one of the reasons why it's so difficult for me, we have a number of people that are out of work. We have about another fifteen hundred that will be going out of work whenever the Case plants close down in Bettendorf and in Rock Island. With that, however, they gave better than a year's notice...better than a year's notice. Now, I just don't understand that. I understand the concerns a business has and I understand that the current language may not be to their liking, but in closing, I'd just like to state that I'm getting a little bit tired I guess of always talking about new businesses coming into the state, it's like always looking for new friends. When are we going to start taking care of our old friends and when are we going to start taking care

of the businesses that are currently here?

PRESIDENT:

We have only a couple of additional members who have sought recognition. Further discussion? Senator DeAngelis.

END OF REEL

REEL #5

SENATOR DeANGELIS:

Thank you, Mr. President. I'll try not to repeat some of the fine comments that Senator Hudson made, he obviously pointed out to the things that keep this bill from being implemented properly. I'm probably the only person in this General Assembly had this bill been in effect four years ago would have been in serious trouble with it, and I'll address myself to those problems I would have had with it at that particular time. But before I say that, I was thinking about this bill last night and I remember something that my son said to me when he was eight years old, about fifteen years ago and he walked in the house one day and he said, you know, Dad, he said, I don't think Todd's father likes him. I said, why? He said because he gives him everything he wants. This bill is going to be perceived as those who love labor and those who don't love labor, and sometimes like the father of that child you have to say no, because you can demonstrate your love better by telling somebody they shouldn't do something than going along with everything they want to do, but I don't think it is the issue of who loves labor. Contrary to what Senator O'Daniel might believe, I was a card-carrying steelworker. I worked in those mills, Senator O'Daniel, and my father worked in them for thirty-seven years at Evan Steel, thirty-seven of the thirty-nine years he spent in this country before he retired, and I try to think about him just as I thought about what my father...what my son said to me and I appreciate everything labor did for my father, because if they had not done for him, I would not be down here today but there is also a time in which to say no. Senator Brookins made a comment about how disheartening it was for a

person to go in one morning and find out he doesn't have a job. It certainly is, Senator Brookins, but I want to tell you one thing that's a lot more disheartening is to find out that you lost your home and your business and everything you earned. That's disheartening too and I was faced with that. Some of you may not know, I came down here in '79, left the presidency of a steel company and was called back on almost this very day in '82, and I could tell you, for a year and a half I did not know every morning whether that plant would be open. But based on this bill, I would have had told them that it was going to have to be shut down, and I want to tell you, out of the two hundred and seventy people that worked there, there might have been twenty that could have found a job someplace else and don't tell me how many jobs these things are going to save. Senator Kelly, I know that you have mixed emotions on this bill. This bill does not...does not, I tell you, instigate the system of notices, notices are filed all the time. Senator Kelly has a large employer in his district, Allis-Chalmers, they gave a two-year notice; Wyman-Gordon gave a one-year notice. You know what they might do now? They'll follow your bill and they'll give you ninety. Now what good is it going to do them? And I'll tell you another company,...Aluminum in his district that wouldn't be there today if this bill were in effect and it employs a hundred and fifty people, and I'll tell you a company in my district, Chicago Heights Bar Products, that wouldn't be there if this bill was there. Now you tell me how many jobs it's going to save and I'm going to tell you, it's not going to save any. In fact, it's going to lose jobs. Now, who do you love? Do you love the roll call or do you love reality? This is a symbolic vote, but I want to tell you what happens with symbols. They're read and what's said on this Floor believe it or not is read. I worked for two and a half years to get a steel company to come to Illinois, a company that

will be going to Indiana and I want to tell you the most disturbing thing, yes, we were not competitive with UC or worker's comp., but you know what, the dollars that were involved in that were insignificant and, yes, we were more competitive in utilities. We were more competitive in taxes, but you know what we weren't...competitive in is attitude, attitude, attitude. I had to sit there and look at a book this thick of clippings of statements made from people on this Floor that what the site selection company had accumulated, comments made on the elected Commerce Commission, comments made on the...initial industrial hostage bill, Senator Brookins, introduced by Representative Balanoff. I had to read through that and I said, you know what, guys? Maybe you're right, I can't do anything about that. We've worked for a long time on economic development here. Senator Donnewald and I sponsored a lot of bills, and since that time, other fine Democrats have done the same thing. Senator Luft has more bills on economic development than Barkhausen has on criminal law...almost. Senator O'Daniel, I mean, my Lord, you outbusiness me in the Revenue Committee. Senator Severns has got bills on her concern about the economic climate. I'll tell you, I came down here in '75...I came down here after '75 as a businessman after we passed some of the worst antibusiness bills I've ever seen; and I want to tell you, if you pass this bill, you may not only lose a lot of jobs but you'll be sorry for one other thing, you're liable to get a couple more Aldo DeAngelis down here. I urge your opposition to this bill.

PRESIDENT:

Further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. I rise to comment on this bill following...the...the previous presentations for one reason and that is that an awful lot of people have asked me how I'm

going to vote on this bill based upon another kind of controversy and that is with the building construction crafts in the State of Illinois, and I want to answer that question because it does bear upon this. In the process of answering and I have to...I have to...I have to recount some of my experiences. One of my most recent experiences was a shutdown at Wisconsin Steel and those of you, Senator Kelly and Senator Brookins and others who are from that area, know that workers went out to Wisconsin Steel one morning and the plant simply was locked down. So we had a large group of...previously independent and wage earning people who were suddenly out of work. At that time, I was chairman of the Legislative Advisory Committee on Public Aid. We took a staff out there for thirty days to attempt to alleviate some of the problems that had taken place at Wisconsin Steel. So I have some empathy of what happens with the sudden shutdown of a plant. I have some other concerns though and that is with an organization to which I belong and that's State AFL-CIO, and my concern with that organization is that it is hiding behind its skirts some people who are keeping my youngsters out of the work force rather than taking them into the work force and expanding a membership, and at some point, that message has got to get across. There are those who felt that I might put that message across today by not voting on this bill. Let me tell you this, those of you who are rank and file and within earshot of my speech, you might go back and say, I am very, very close and it won't be long before we will be delivering some punitive votes to organized labor to which I belong to get their attention to clear up the terrible proposition that they're engaged in right now where my youngsters cannot work, where my youngsters instead go to jail, where my youngsters cannot work, where my youngsters instead go on the dole, where my youngsters cannot work and therefore cannot create and service families and support

them. That's the position that we're in now. This is a vote that is going to be in favor of the worker who is displaced when a plant shuts down. We're getting down to crisis time, however, and I make no promise...no promise that that's going to be a consistent vote in the future. I would expect then that rank and file would begin to think through the problems that we're having all over this state, and particularly in the City of Chicago, tearing the economy apart with the youngsters that are prevented from work...I'm going to support this bill this time.

PRESIDENT:

Further discussion? Further discussion? If not, Senator Poshard may close.

SENATOR POSHARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Mr. President, I have here in my hand an empirical study using data from a survey sponsored by the U.S. Department of Labor's Employment and Training Administration conducted in January of 1984, and I'll be happy to share this study with any of you. The study attempts to answer only one question, are workers who receive advance notice of job termination any better off than those who do not receive advance notice, does it save jobs? This study concludes through unbiased statistical data that for the period January '79 through January '84, for those workers receiving advance notice of plant closing or moving, total unemployment was 3.3 million weeks less than it would have been had they not received advance notice. Unemployment of workers that did not receive advance notice could have been reduced according to this study by 2.8 million weeks. Unemployment costs avoided because advance notice was given to displaced workers was 1.17 billion dollars, while the cost incurred by displaced workers in terms of additional unemployment because they did not receive advance notice was 1.01 billion dollars.

Get this, further results, according to the U.S. Government sponsored survey here, further results indicate that advance notice has a sizable impact on the number of workers that experience no unemployment following displacement; thirteen percent of the workers with advance notice experience no unemployment after displacement, only seven percent of the workers without notice...no unemployment. This is just one study conducted...by two professors of business management at the University of Nebraska with the cooperation of the Federal Government, but there are many others that come to the same conclusion. If we are seriously interested in talking economic common sense, if we are seriously interested in saving the government and business billions of dollars in unemployment insurance payments and welfare payments, then we'll pay attention to these facts from the professionals who study the impact of these sorts of things. But even with the facts clearly showing that it makes economic sense to give people a chance to save their jobs or at least to prepare in advance for other jobs, this goes far beyond economics. Let me address what seems to be a major concern of many of us here, especially Senator DeAngelis' concern. We got to say no sometimes he says to labor. Let me tell you this, this is the upside. Business in the State of Illinois constantly come to this state for assistance to get the job done. What do you think loans and grants and job training through the Department of Commerce and Community Affairs that go consistently to business in this state is? Do we ever say no? The private industry councils, the Job Training Act, the Illinois Development Finance Authority, the Illinois Farm Development Authority, buildings operations, business and industry go after every penny of government money they can get, every penny and they get it, but...but the point is this. At this point, it's called government and industry cooperation for economic development, but let the plant get in trouble or let

the plant see a little greener pasture down the road for greater profit potential, people are uprooted, they need job retraining, they have to think about career changes, they seek employment wherever they can get it, but at this point, at this point when government comes in...when government comes in and says, let's take some time to look at this situation, let's see if we can close the plant, you can't automatically shut down over night, at this point, business says, government get lost, we don't want you around. We were willing to take it all on the upside, but now on the downside, we don't want you around any longer. Wait a minute, folks, free enterprise is free enterprise. You can't be for it just when it's for your guys and against it when it's for the other guy and that's what you're saying, Senator DeAngelis, and that's wrong, that's wrong. What happened to the time in this state and this nation when industry felt the responsibility for the community where it exists, what happened to that time? Well, I say there is a responsibility and the responsibility is to give fair notice. It's to help try to save the jobs if we can possibly save them. Less than ten percent of plant closings are due to bankruptcy or financial insolvency. Less than two weeks advance notice for a majority of blue collar workers facing plant closings, one-third receive no notice at all. The Secretary of Labor's own task force report in January of this year concluded that adequate advance notice is an essential component of a...a successful adjustment program. Let's listen to the Secretary of Labor's report and let's vote Aye on this bill. Thank you, Mr. President.

PRESIDENT:

The question is, shall House Bill 810 pass. Those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the

record. On that question, there are 30 Ayes, 27 Nays, 2 voting Present. House Bill 810 having received the required constitutional majority is declared passed. Senator Philip, for what purpose do you arise, sir?

SENATOR PHILIP:

Verification of the affirmative.

PRESIDENT:

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

SECRETARY:

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

PRESIDENT:

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

SENATOR PHILIP:

Senator Savickas.

PRESIDENT:

Senator Savickas on the Floor? Senator Savickas on the Floor? Senator Savickas on the Floor? Strike his name, Madam Secretary. The roll has been verified. On that question, there are 29 Ayes, 27 Nays, 2 voting Present. House Bill 810 having failed to receive the required constitutional majority is declared lost. 859, Senator Carroll. On the Order of House Bills 3rd Reading is House Bill 859. Read the bill.

SECRETARY:

House Bill 859.

(Secretary reads title of bill)

3rd reading of the bill.

AB 935
3rd Reading

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 859 is a bill that allows the University of Illinois' Hospital to in effect work off their debt to the state, the debt that was created in building the institution as a public general hospital for the university and for the general community and for its medical school's training requirements. As a result of that original construction, they owe some three million dollars a year in repayment; however, as a totally funded institution as part of the university, they are treating what's called uncompensated or...indigent care. The request of this legislation is to allow them...after appropriately auditing that indigent care, that uncompensated care, to use that as a setoff against their required repayment which repayment was supposed to have begun in 1982. I would ask for a favorable roll call and answer any questions.

PRESIDENT:

Any discussion? If not, the question is, shall House Bill 859 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 49 Ayes, 1 Nay, 2 voting Present. House Bill 859 having received the required constitutional majority is declared passed. 935, Senator Berman. On the Order of House Bills 3rd Reading is House Bill 935. Read the bill, Madam Secretary, please.

SECRETARY:

House Bill 935.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 935 is the Chicago Board of Education's plan to do a number of things. First it's to combine a...the asbestos removal and rehabilitation programs in a coordinated financially efficient manner. The bill allows the board to reenter the bond market. As you may be aware, because of their financially responsible approach, their bonds have now become marketable as evidenced by Standard and Poors and Moody's increased bond ratings. In an effort to not raise a new tax, this bill allows the board to pick up the debt service difference. This difference is...this is the difference between the allowable rate and that which is necessary to pay off the existing bonds issued prior to 1979. Whatever is not used for that purpose will be transferred to the building fund. So, there would not be a tax decrease, there would also not be a tax increase for rehabilitation and asbestos abatement. The combination of these two initiatives would allow the board to simultaneously rehabilitate and provide for asbestos removal which is cost effective and avoids at the minimum cost duplicative efforts. I'm also presenting today a reform program to more fully involve the local school community in the Chicago Board of Education process. This bill establishes the power of the Local School Improvement Councils to not only review the budgets as to discretionary funds but to bind the board with regard to the local school budget. The Local School Improvement Council will exercise as great a power as the board with regard to that discretionary funds. The Local School Improvement Council's only limitation will be to work within the parameters of the money allocated to the local school and statutory law and not abrogate collective bargaining agreements and turn into by the Chicago Board of Education. This effort will give the com-

munity as a whole real control over some portion of their school expenditures. I would be glad to respond to any questions and I solicit your Aye vote.

PRESIDENT:

Discussion? Senator Dudyecz.

SENATOR DUDYCZ:

Will the sponsor yield?

PRESIDENT:

Indicates he'll yield, Senator Dudyecz.

SENATOR DUDYCZ:

Senator Berman, Committee Amendment No. 1 deleted the local school autonomy program creating a districtwide advisory committee to hear school budget objections from local school improvement councils and then Senate Amendment No. 5, I understand, deleted the district...the districtwide advisory committee and replaced it with a local control committee. Why are we doing this? What's the difference in...in...in...does the local control committee replace the local school improvement councils and is their authority any different?

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you. Let me try to take you through this. You...you understand, I'm not sure the Senators outside of Chicago will, but...and there's some confusion in terms. Let me try to take you through it. We have three levels for purposes of my answer. Local means the school building. Sub-district means the twenty-three districts that are throughout the city. And then we have a citywide board which Amendment...No. 1 referred to as districtwide. That district was the city. Are you with me so far? Okay, let me back up a little. Within the framework of Amendment 5, we have three levels, local which is the school building; district which is

the subdistricts...the twenty-three subdistricts in Chicago and then I will refer to citywide as being the third level. We have a Chicago Board of Education which presumably is a citywide board, they're picked from all over the city. Amendment No. 1 provided for a citywide board. Although it was called a district, it wasn't the subdistrict, it was the School District...299, it was a citywide board, one board. In my evaluation and the evaluation of a number of others that have talked on this, that was really not a very responsive body because you're talking about three and a half million people, six hundred school buildings. How are you going to handle that? So, what Amendment 5 does is to eliminate that citywide new board. It recreates and utilizes the subdistrict boards and that subdistrict board will be made up of two parent representatives from every school building within that subdistrict and an equal number of staff people from the Chicago school system. That's the total membership. That subdistrict board has, under Amendment No. 5, statutory authority to...to make changes in the local school's budget as recommended by the Local School Improvement Council. So, what we are doing by Amendment 5 is giving statutory authority over the discretionary funds at a board that is close to the community.

PRESIDENT:

Senator Dudycz.

SENATOR DUDYCYZ:

Well, thank you, Senator Berman. I...I think I understand your explanation regarding the councils and the boards, but I must rise in opposition to House Bill 935 for the following reasons. First of all, the bill provides sixty million dollars in bond authorization for the Chicago Board of Education without a referendum. Now...second and most importantly, this bill contains the provisions of Senate Bill 399 which we so wisely defeated earlier in the Session.

Senate Amendment No. 6 would repeal a 7.5 million property tax decrease scheduled for the Chicago taxpayers next year and another six million dollar property tax decrease scheduled for 1989. All, again, without referendum. Now, you may call it debt service difference, Senator Berman, or prevention of tax reduction, but a tax increase is a tax increase is a tax increase; and instead of providing the property owners of Chicago with a little bit of...a tax relief, with the declining tax rate due to the structure of the schedule for the retirement of the bonds, with House Bill 935, we are allowing the Board of Education to sock it to them again, one more time with a 7.5 million dollar tax increase next year and another six million dollar sock in 1989. I strongly oppose this bill and I ask my colleagues, especially on this side of the aisle, to please join me in voting No and give those taxpayers in Chicago a little relief.

PRESIDENT:

Further discussion? Further discussion? Senator Berman may close.

SENATOR BERMAN:

Thank you, Mr. President. I think it's very important to recognize what this money that is being shifted from a bond authorization to the building fund what it is for. Senator Dudycz, I know that you have schools in your district that are sorely in need of rehabilitation and probably some schools that have to be addressed as far as their asbestos problem is concerned. This money will be able to be utilized for those purposes. This is money that was otherwise utilized or authorized for the payment of bonds that were issued by the Board of Education before 1979. As that requirement is decreased, we are maintaining the same level of levy authority. We are preventing a tax abatement but we are not increasing the previously authorized levy authority, and what this purpose is is to allow the Chicago Board to address the

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3rd Reading

sorely needed maintenance problem, to address the sorely needed asbestos problem and in this Bill, as I explained in my answer to Senator Dudycz, is to give some very important local power, power over the budget to the local communities, to the parents of the children in those schools. I ask for your Aye vote on House Bill 935.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 935 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, Nays are 18, 17 voting Present. House Bill 935 having failed to receive the required constitutional majority is declared lost. Senator Berman requests postponed consideration...postponed consideration. 942, Senator Luft. House bills 3rd reading is House Bill 942, Madam Secretary.

SECRETARY:

House Bill 942.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. House Bill 942 is designed to promote the incineration of solid waste and the cogeneration of power. It's designed to address a problem that is facing this state most specifically in the northern part of the state in how to eliminate solid waste. In order to establish a procedure for eliminating solid waste, House Bill 942 establishes standards for qualified...waste...solid waste energy facilities. It makes technical changes in local siting procedures for the regional pollution control facilities, defines solid waste, sets forth the requirement costs

for electricity...electric utilities purchasing the electricity from the generator, grants tax credits to the public utility, requires the facility to reimburse the public utility fund after the capital cost of the facilities have been paid and it must be municipally owned or run.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? There are at least four or five lights at least. Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

How much will this cost the state?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

The estimates that have been forwarded to me that in 1993 to '95 if you burned every piece of garbage in the State of Illinois, it may be eighty million dollars. Realistically speaking, by that same date between 1993 and 1995, it may be a cost to the State of Illinois in the neighborhood of thirty million to forty million dollars.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, I have...mixed emotions about this, although I'm in favor of the concept, because we don't have enough money to meet good education costs, our...our senior citizens, our disabled people and...and our...abused children and I'm....I'm just...I don't know that we can afford this at this time. As it is, we may have to have...tax increase and I can tell you the people in my area don't want to see that,

so I don't know how we can go ahead with something like this 'cause I don't think this is a top priority right now and, therefore, I regretfully have to speak against the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. I rise in strong opposition to this bill at this time. The estimates that I have gotten have been much higher with the amendment that was put on yesterday than the amounts that were described. This is a complicated bill at this particular time and the cost, I think, is just astronomical. It's a...just untimely and...and while we may have need certainly to address this problem, at this particular time with the economy such as it is, I just don't think that this bill should be voted out of this Chamber.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President and members of the Senate. A question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Maitland.

SENATOR MAITLAND:

Senator Luft, what's...what's the effective date...of the bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

It has a...an immediate effective date.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Okay, that's the effective date of the bill. Could you

give the Body some indication as to...to where we are on possible implementation in the out years? Give us some kind of a schedule as to when we might be plugging this in, would you please?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

If Senator Geo-Karis and everyone would have listened when I made my initial remarks, the cost of this bill may be...in 1993 to 1995 may be between twenty and forty million dollars. This is 1987. Doesn't require any tax increases now or whatever. There is absolutely no way that you can go through the siting procedure, the construction of the plants and everything that has to go into this that you can now, immediately or within the next...probably four years start any drain whatsoever on the utility tax in the State of Illinois. With this...well, that...that's the answer to your question, I hope.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator Maitland.

SENATOR MAITLAND:

...and...and I know, Senator Luft, there's been a lot of work done on this bill and I...you know, I applaud everybody who's done this, and I agree with Senator Geo-Karis that...that conceptually I like...I...I like the idea of burning the garbage and that's...that's really not the problem...are you telling the Body that...that...that there is no way...any way shape or form that there could be any drain upon the budget until 1993?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

I can't see how that could happen unless you have the fine...fastest construction going. My suspicion is...and all

I can tell you is what I've been told by everybody that's put this bill together that it would...probably be 1993 before there would be any application for a tax credit with this program.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Senator Luft, could you tell us the position of...of the...of the various utilities? Are the utilities all on board with this concept?

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Luft.

SENATOR LUFT:

I can only tell you what I've been told. It is my understanding that virtually every interest group is on board with the exception of maybe CIPS and CILCO. There was a provision in this initially that required a...for a utility who had less than four hundred thousand customers and the facility was larger than ten thousand megawatts to have to go through a negotiation process and if that negotiation process...and this had nothing to do with the price, but when the electricity would be offered either during the day or nighttime, that if that negotiations broke down, it would be determined and decided by a Federal agency. In our view, there is absolutely no way that a downstate community can build an eighty or ninety million dollar garbage burning plant because in the first part, there isn't any garbage available for them; secondly, it's too costly to do and this bill for the most part is trying to take into consideration the problems of Cook County and the collar counties that have a massive problem with solid waste and address it. It has been negotiated by the City of Chicago, waste management, anybody that I can think of that's been involved with this and this is the solution that they came up with, and my suggestion is that if we

don't look at this now and do something with it, you tell me...it isn't one of my problems...that those of you that live up in that area, tell me what you do with the garbage and I'm just trying to be a...a messenger and a conveyor of an amendment to House Bill 942 that is designed to address the problems of a part of this state.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I would rise in strong support of this piece of legislation. We've talked about what we're going to do when we run out of landfill space in the next three to five years. Well, this is the answer. This is what we're going to do. We're going to encourage incineration of that waste. The idea of encouraging incineration, somebody has to be encouraged to build these things, so we're going to...have a generation of power from the burying of the garbage. If we can reduce the amount of waste that goes to a landfill, we're going to reduce the amount of underground water pollution as well. My theory is to go beyond this bill and to mine existing landfills and burn that garbage, use the space that's already open in a permitted landfill and fill that with the ash from the incinerator. That's going to solve a hell...a heck of a lot of problems that we have, and the way it's going to solve it is this, you already...you already have a permit for the landfill so that you don't have to go through the Section 172 process that everybody has trouble with and on both sides of the aisle some Senators seem to think is imposing requirements that are impossible to fulfill. You have the existing landfill. You take the garbage out and you burn it, you generate power that's going to be sold, there's a production of power, it's a useful resource, you have a landfill that's suddenly vacant that you can fill with the ash, you don't need to build anymore

landfills. So, those of you in the suburbs who are running out of space and in the City of Chicago, we're looking to send garbage elsewhere or transfer it between the two of you, this is a solution to doing that, and I think that this is a good first step, it's not the final answer but it's the first step. In addition to cogeneration, the bill also says that it requires a solid waste management plan to be developed by local governments and approved by the Commerce Commission and that a recycling goal of twenty-five percent of the solid waste stream be established. Now, if you can start recycling at twenty-five percent of waste stream, incineration and stop producing at the source, we're going to solve most of our landfill problems. So, this is something that we should be doing, and I would certainly urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEHUZIO)

All right, further discussion? Senator Keats.

SENATOR KEATS:

Thank you, Mr. President. You know, on most solid waste issues, because I have a conflict, I stay away from them. On this issue being incineration, I've absolutely nothing to do with incineration, so I have no conflict but I know a great deal about this area and I want to just share a couple of points with you I think are some significance. My brother's firm, who I work with, they operate twenty-two cogeneration plants around the nation but they're hydropowered, they're not burns, and...so they have a great deal of experience nationwide in terms of these avoided costs, et cetera. I was going to commend Senator Luft. You talk about a saint. For the amount of abuse he's gone through on this bill, I want to say, Dick, for a bill that had nothing to do with your area, I don't know where you came up with the patience to handle this, but let me just tell you a couple of minor problems, why the administration is particularly concerned. The cogeneration, so you understand, is private...private people

generating electricity. Great idea if you ever believe in the private sector doing things, and avoided cost is what the utility buys it back from you at. Here's the issue in the bill. For a minute, forget all the philosophic points, let me tell you the minor practical point. Commonwealth Edison's avoided cost is two cents per kilowatt hour right now. This bill would require them to pay Chicago 7.9 cents or four hundred percent of avoided cost. Now, let me put 7.9 cents in perspective on a national level. Illinois at two percent is very low for avoided cost. Michigan, our neighboring state, who's a...who has a little excess power pays 6.2 cents. New York, who has a power shortage, pays six percent. New England who doesn't have a power plant anywhere and with Seabrook not having been built in New Hampshire is just absolutely hurting for power pays eight cents a kilowatt hour. We are within probably a tenth or two of being the most expensive avoided cost in the nation for this one form of cogeneration. I don't mean to be cynical but, I say, let me put this in perspective. We are four hundred percent above what's avoided cost in Illinois. That's how far out of line this is, four hundred percent above. You're talking about the states who pay at this level, who are only a couple, are ones where they have brownouts regularly and don't have enough electric utility power. Needless to say, in Illinois we are overrun with excess utility power.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right.

SENATOR KEATS:

In addition, the whole thing probably only deals with Chicago and one or two others because of lack of volume. The cost based on the administration figures with yesterday's amendment that raised the cost sixty percent in one amendment would give you potentially eighty million cost before the amendment, roughly a hundred and thirty million dollars in

cost...and then there's one last issue let me throw in with the incineration. One last significant issue...the ash generated and for every ton you burn, fifteen to forty percent, depending on what you burn, ends up being ash. You know what the Federal EPA just called that ash? Hazardous waste. That is in the rules that are out at this moment for comment. Most people concede that they're correct. That means the ash coming out of this generation right now of this hundred percent, virtually none of it is hazardous; by the time they finish incinerating it, fifteen to forty percent will be left over and it's all hazardous waste. Would...would you like to figure out where you're going to put tons and tons and tons of new hazardous waste?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Keats, can you bring your remarks to a close?

SENATOR KEATS:

So, I'll conclude by saying, four hundred percent of avoided cost, number one, and tons of new hazardous waste according to the Federal EPA standards. You think we've a problem with landfills now and what to do with garbage, wait until you have to do away with tons of hazardous ash. For that reason, the administration opposes the bill and I just think it's a nice idea but certain of those...portions of it make it unworkable.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

The filibuster being over...further discussion? Senator Luft may close.

SENATOR LUFT:

Senator Keats, you're wrong. It's 3.5 to four cents on Commonwealth Edison. You better check your figures. And one other thing that you'd better check is I'm not so sure there's any hazardous waste out of here. I may be wrong on that, but no one has ever said that there has been any hazardous waste and if you remember correctly, if you'd read

this bill, this has to be EPA sited, this has to be absolutely approved, and I think you're getting away from the whole problem when you start talking about the cost of electricity that has to be purchased anyway. The problem is garbage, solid waste, and you may be able to stand over there and tell me about cost but you can't tell me what you want to do with the solid waste. If you want to keep it in Chicago and put it in the streets, in the alleys, if you want to put it in the streets of Zion, if you want to put it in Aurora, put it up there, I don't care. I'm just trying to help you out with your problem and I'm telling you that the problem is not one that you should be looking at to address two to three years from now. Most of you or all of you should know that this is a problem that has to be addressed now, and Senator Welch was absolutely correct. This is a first step. I don't think anyone has stood up here and tried to say that this was a solution. It's an attempt at the solution, and I, hopefully, will agree that there are...or I will agree that there are minor problems with this bill. This bill is going back to the House. It may wind up in a Conference Committee, but my suggestion to you is this, that if you address anything in this Session, one of the most important things you're going to address is solid waste. It's extremely important and I would hope that you would pass this bill out of here. If costs are too high, fine, let's deal with it. If there's places that you don't want this to go, fine, let's deal with it. If there is a potential of hazardous waste, let's deal with it, but let's deal with it. Let's don't kill the issue and I would very much appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR GEO-KARIS:

A point of personal privilege. I'd...like to disclose that since I wear two hats, both as a State Senator and as a

mayor, any votes I made before and votes I'm going to make, so instead of saying it constantly, I just want you to know I'll vote my conscience because even though I may have a conflict interest.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 942 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 24, 2 voting Present. House Bill 942 having received the required constitutional majority is declared passed. 981. All right,...we've got about forty-five more bills on 3rd reading, so everybody knows where we're at...bottom of page 6, House Bill 981, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 981.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. House Bill 981 revises the definition of the public museums that are eligible to participate in the Museum Grant Program that is administered by the Department of Energy and Natural Resources, and the purpose of the...of the bill and the definition was to allow the Museum of Broadcast Communications which is a new museum that has just opened in Chicago and clearly is going to be a major cultural asset...cultural and educational asset to the city to participate. Let me just explain where I understand we are with respect to this. The House sponsor informed me yesterday that the interested parties which include the Department of Energy and Natural Resources, representative of

the museums who are currently part of the program and I assume the broadcast museum itself have been negotiating and that they have about reached an agreement that everyone would be happy and content with a one-time grant to this broadcast museum. It would not necessarily be brought into the program year after year but one time. There would be no increase. I...I emphasize no increase in the appropriation available this year, it would be absorbed by the others, and I am told that that has been agreed to. In the meantime, I think we do need this language. There is an amendment on the bill so it's going to have to go back to the House, and if anything breaks down in the negotiations, obviously, the bill will not proceed over there, but I think in the meantime, we do need it and I would appreciate your support.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall House Bill 981 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 45 Ayes, 6 Nays, 1 voting Present. House Bill 981 having received the required constitutional majority is declared passed. Senator Hall, top of page 7. On the Order of House Bills 3rd is House Bill 1034. Read the bill.

ACTING SECRETARY: (MR. HARRY)

House Bill 1034.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate...the Senate. This creates the Illinois Guaranteed Job Opportunity Act. The participants must be sixteen years

or older, residing in eligible areas for at least thirty days, US citizen, national or permanent residents, aliens or lawfully admitted refugee workers or...and parolees by authorized Attorney General to work in the US. They're employed for at least thirty-five days...get the rest of this out of here...projects that are defined by task by a group of task and will be carried out by public agencies, a private non-for-profit organization, a private contractor or a cooperative will be tracked monthly by a required progress report will result in specific products...would not...otherwise be conducted. There were...public service that requires the amendment...the first amendment was agreed to by House sponsor in Senate committee. The amendment establishes a pilot project rather than a full-blown statewide public work program. It deletes the language regarding authorization to audit. This was...referred to and suggested by the Auditor General's technical change. This amendment was requested by the Auditor General. The Auditor General currently has authority to audit the program established in House Bill 1034 through the State Auditing Act. I would ask your most favorable support of this bill.

PRESIDENT:

Discussion? Senator Hudson.

SENATOR HUDSON:

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

PRESIDENT:

Indicates he'll yield, Senator Hudson.

SENATOR HUDSON:

Senator Hall, I know that this has been scaled down considerably from where we started. I recognize that...could you give me some idea though of the cost involved in what is left?

PRESIDENT:

Senator Hall.

SENATOR HALL:

Well, right now, there's been no appropriation on it so there's no cost right now. We don't have any appropriation.

PRESIDENT:

Senator Hudson.

SENATOR HUDSON:

You mean you don't have any money, not that there isn't any cost, but you don't have the money. Is that what you mean?

PRESIDENT:

Senator Hall.

SENATOR HALL:

You're absolutely one hundred percent correct.

PRESIDENT:

Further discussion? Further discussion? If not, the question is, shall House Bill 1034 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 33 Ayes, 26 Nays, none voting Present. House Bill 1034 having received the required constitutional majority is declared passed. 1035, Senator Marovitz. Senator Marovitz.

SENATOR MAROVITZ:

Thank you, Mr. President. In deference to Senator Savickas, I think we'll pass this bill.

PRESIDENT:

You mean pass over this bill. Good. Okay. 1068, Senator Demuzio. On the Order of House Bills 3rd Reading is House Bill 1068. Read the bill.

ACTING SECRETARY: (MR. HARRY)

House Bill 1068.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. House Bill 1068 is a bill also that deals with disaster relief as...was amended yesterday to...allow the local governments that had flood damage which occurred back to September of 1986 that the reimbursement to local governments for the expenditure of the disaster relief would be...go back to that date. Senator Geo-Karis was added as a cosponsor yesterday. It is similar in nature to the bill that...passed out of here with Senator Hall's sponsorship. As I say, it simply goes back to September 1986. I would ask for your support.

PRESIDENT:

Discussion? If not, the question is, shall House Bill 1068 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 45 Ayes, 10 Nays, 1 voting Present. House Bill 1068 having received the required constitutional majority is declared passed. Senator Demuzio, for what purpose do you arise?

SENATOR DEMUZIO:

Ask...ask leave to add Senator Zito as a hyphenated cosponsor.

PRESIDENT:

Gentleman seeks leave to add Senator Zito as a hyphenated cosponsor on House Bill 1068. Without objection, leave is granted. 1118, Senator Welch. On the Order of House Bills 3rd Reading is House Bill 1118. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

House Bill 1118.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This bill does specifically what's on the Calendar. It's a short bill. The reason for it prohibiting a mobile home park owner from moving a tenant's mobile home is that some park owners may use a particular good location in a mobile home as a entrapment or bait and switch tactic to get somebody to rent in that particular mobile home, then after they sign the lease and move in to another lot, a less desirable one, and this prohibits that from happening, and I would move for a favorable roll call.

PRESIDENT:

Any discussion? Discussion? If not, the question is, shall House Bill 1118 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 50 Ayes, 2 Nays, 1 voting Present. House Bill 1118 having received the required constitutional majority is declared passed. 1148, Senator Newhouse. Senator Newhouse on the Floor? Senator Newhouse on the Floor? I was going to say, you're not Senator Newhouse. Okay. 1167, Senator Luft. On the Order of House Bills 3rd Reading is House Bill 1167. Read the bill.

ACTING SECRETARY: (MR. HARRY)

House Bill 1167.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. House Bill 1167 amends the Cigarette Tax Acts and the Hotel Tax Act. Any taxpayer who

has been a licensee for a continuous period of five years and has been neither delinquent nor deficient in the payment of a tax liability or otherwise in violation of the Act during the period shall be established as a prior continuous compliance taxpayer. Prior continuous compliance taxpayers would then be exempt from furnishing bond as a condition for holding a license. The cigarette tax exemption is modeled after the exemption from the bonding requirements...for continuous compliers under the sales and motor fuel tax. Also under current law, cigarette and cigarette use tax stamps may be purchased by licensees only from the Springfield and Chicago Offices of Department of Revenue. This bill would permit licensees to purchase tax stamps from any...person authorized by the department. And also under current law, hotel/motel operators must file monthly, quarterly or annual returns depending upon the amount of tax owed and operators whose average monthly tax...liability does not exceed a hundred dollars may file on a quarterly basis and operators whose average monthly tax liability does not exceed twenty dollars may file annually. This bill would increase that threshold to two hundred and fifty dollars respectively.

PRESIDENT:

Discussion? Senator Netsch.

SENATOR NETSCH:

Thank you. One question of the sponsor, please.

PRESIDENT:

Indicates he'll yield, Senator Netsch.

SENATOR NETSCH:

Do you know whether or not the Floor amendments were seen and approved by the Department of Revenue?

PRESIDENT:

Senator Luft.

SENATOR LUFT:

I'm not sure. The only one that I know of is we restored

the McCormick...Place transfer. That was eliminated in the House version by an amendment to prevent any money from the cigarette tax going to the McCormick Place. We just simply restored that money to go to McCormick Place.

PRESIDENT:

Senator Rigney.

SENATOR RIGNEY:

I might point out that the sponsor yesterday Tabled the House amendment that was added on at the request of the department and so we really don't have an objection to it now.

PRESIDENT:

Question is, shall House Bill 1167 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 50 Ayes, 6 Nays, none voting Present. House Bill 1167 having received the required constitutional majority is declared passed. 1219, Senator Degnan. 1259, Senator Weaver. On the Order of House Bills 3rd Reading is House Bill 1295...I'm sorry,...1-2-9-5. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1295.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. It does just as the Calendar states plus an amendment put on yesterday allowing...allows the petition initiating the referendum for disconnecting territory annexed to a library district to be filed within thirty days of the first tax bill reflecting the tax levied by the library district. This amendment is okay with the

Illinois Library Association and I'd move approval.

PRESIDENT:

Discussion? If not, the question is, shall House Bill 1295 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 52 Ayes, 2 Nays, none voting Present. House Bill 1295 having received the required constitutional majority is declared passed. 1319, Senator Freidland. 1326, Senator Lechowicz. On the Order of House Bills 3rd Reading is House Bill 1326. Read the bill.

ACTING SECRETARY: (MR. HARRY)

House Bill 1326.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 1326 designates the Illinois Housing Development Authority as a state housing credit agency for the purpose of administering low income housing tax credits allocated to the state, and I ask for your favorable consideration.

PRESIDENT:

Discussion? If not, the question is, shall House Bill 1326 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 Ayes, no Nays, 3 voting Present. House Bill 1326 having received the required constitutional majority is declared passed. 1353, Senator Brookins. 1401, Senator Luft. On the Order of House Bills 3rd Reading is House Bill 1401. Read the bill.

ACTING SECRETARY: (MR. HARRY)

House Bill 1401.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. House Bill 1401 is identical to Senate Bill 1051 that passed the Senate on the Agreed Bill List. Prior to...and it repeals the Software Licensing Enforcement Act. Prior to that Act becoming law, computer software could be protected as a trade secret or other...under US copyright laws, P8491, strengthens those protections by...ensuring that software does not become part of the public domain. Louisiana is...the only state that still has a Software Licensing Enforcement Act and according to Caterpillar and others, one of the largest consumers of software, vendors and providers have been using that...that providers have been using the Illinois law to write overly restrictive shrink wrap agreements.

PRESIDENT:

Discussion? Any discussion? If not...question is, shall House Bill 1401 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 59 Ayes, no Nays, none voting Present. House Bill 1401 having received the required constitutional majority is declared passed. 1430, Senator Jones. On the Order...1434. On the Order of House Bills 3rd Reading, top of page 8, is House Bill 1434. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1434.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Jones.

SENATOR JONES:

Thank you, Mr. President and members of...of the Senate. House Bill 1434...rewrites...changed the Psychological Registration Act which sunsets at the end of this year, provides for licensure of clinical psychologists by the Department of R and E, defines clinical psychology, establish a Psychological license and Disciplinary Committee, establishes new fees provided for continuation of licensure and rules on the action under this...on the Repeal Act. This is...this bill is...identical bill that passed out of here, SB 809. There have been some questions as it relate to certain provisions of the bill. If they...have any questions, I'll be glad to ask; if not, then I ask for a favorable vote.

PRESIDENT:

Discussion? Senator Karpel.

SENATOR KARPIEL:

Thank you, Mr. President. Thank you. For...for intent on this bill, I...I would like to ask a question to be...so that it will be in the record. What we are concerned about is these...like social worker counselors that work for township youth commissions. They're very concerned that they are included under this legislation and that because they are not degreed with Ph.D.'s that they would not be able to continue doing the counseling...it is my understanding, however, Senator, that pursuant to an agreement by the Department of Registration and Education and the Psychologists Association that was reached earlier today that after passage of this legislation, the department will establish by rule that the definition of independent in regard to the practice of clinical psychology will apply only to individuals who hold themselves out to the public to provide psychological services.

Such definition shall not include the practice of individuals in a group setting. Is that right?

PRESIDENT:

Senator Jones.

SENATOR JONES:

Yes, you are...are correct. And in addition, I understand the department will determine by rule that supervision shall be defined as having the ultimate professional responsibility over...and a psychological practice is correct.

PRESIDENT:

Further discussion? Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Question of the sponsor.

PRESIDENT:

Indicates he'll yield.

SENATOR GEO-KARIS:

Is a...did the Senate bill that was identical fail in the House? Is that it?

PRESIDENT:

Senator Jones.

SENATOR JONES:

No, it has a minor amendment that...is on this bill as well. It's back over here for concurrence.

PRESIDENT:

Question is, shall House Bill 1434 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 56 Ayes, 1 Nay, 1 voting Present. House Bill 1434 having received the required constitutional majority is declared passed. 1454, Senator Degnan. 1485, Senator Weaver. 1590, Senator Welch. On the Order of House Bills 3rd Reading is House Bill 1590.

Read the bill.

ACTING SECRETARY: (MR. HARRY)

House Bill 1590.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This is a vehicle bill for the underground storage tank legislation. What we did was we amended it yesterday to eliminate orphan tanks so that it just deals with regular underground tanks that are owned.

PRESIDENT:

Discussion? Discussion? If not, the question is, shall House Bill...1590, 1-5-9-0, 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 1590 having received the required constitutional majority is declared passed. 1701. On the Order of House Bills 3rd Reading is House Bill 1701. Read the bill.

ACTING SECRETARY: (MR. HARRY)

House Bill 1701.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. Much of what is in House Bill 1701 was contained earlier in Senate Bill 684 which passed out of this Chamber unanimously. The amendment was requested by some of the southwest Cook County municipalities that are interested in the development of sanitary district lands

along the main channel. The amendment will extend the maximum term to ninety-nine years and remove the cap on periodic rental adjustments. I'd be happy to answer any questions.

PRESIDENT:

Discussion? Senator Macdonald. I can't see you, Senator Macdonald.

SENATOR MACDONALD:

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

PRESIDENT:

...indicates he'll yield.

SENATOR MACDONALD:

Our staff has said that this bill is technically incorrect...now hold on just a minute...apparently, when we contacted the...now who...Metropolitan Sanitary District, they said that the language had...amendment was technically incorrect and it would be held over until the fall Session.

PRESIDENT:

Senator Degnan.

SENATOR DEGNAN:

That is my understanding too...in the House.

PRESIDENT:

Question is, shall House Bill 1701 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 56 Ayes, no Nays, none voting Present. House Bill 1701 having received the required constitutional majority is declared passed. Senator Berman, 1736. On the Order of House Bills 3rd Reading is House Bill 1736. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1736.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen. This is a bill that if we have some money to add to the School Aid Formula appropriation ought to be utilized. I've put an amendment on there specifically so it bounces up and back. What it is is the provision whereby the unit districts can split their count for K through eight and nine through twelve separately for computing ADA. If there...this cost is five million dollars. If there is no new money this bill isn't going anywhere; if there is, this ought to be in it, and I've made that commitment to some of the gentlemen that have...and ladies that have asked about this formula change. I would ask your Aye vote.

PRESIDENT:

Discussion? Discussion? If not, the question is, shall House Bill...I beg your pardon. Senator Watson.

SENATOR WATSON:

Can you hang on just a second? I got a printout in my desk drawer I'd like to get...and then ask a question.

PRESIDENT:

Oh, sure.

SENATOR WATSON:

Thank you. Well, thank you. I had a printout and I'm not sure where it is...from what I understand and the information that was available to us on this particular formula bill, that it was a real negative in...in my district and in the rural areas and we were adding about twenty million dollars into the Chicago district. Now, I...I'd just like an explanation of that.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Maybe you didn't hear my introductory remarks.

PRESIDENT:

Obviously he did not.

SENATOR BERMAN:

The cost of this...the cost of this change in the School Aid Formula is five million dollars. What I have said is if there is no add-on of five million dollars so that everybody...all the unit districts come off with some money, it's not going to be in there; if there is, I would recommend that it be included, that's why I put an amendment on this bill. It's going back to the House to be bounced up for the next few days. Others have raised the same question 'cause simply put, if there's no new money, Chicago wins but everybody else loses...or virtually everybody else loses. I'm not going to do that. We will...the cost is five million. If we've got five million more, that's where it will be.

PRESIDENT:

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well,...we...we talked about this and...and what you're saying is is that within the next few days if we...if we don't come up with the additional five million dollars to fund this, that it won't be any change whatsoever. So, the effective date amendment on this bill that goes over to the House, I assume it will be held or nonconcurrent with, go to conference, we'll have another shot at it. All right. That's what I want to know.

PRESIDENT:

Question is, shall House Bill 1736 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 40

Ayes, 1 Nay, 17 voting Present. House Bill 1736 having received the required constitutional majority is declared passed. 1781. On the Order of House Bills 3rd Reading is House Bill 1781.

ACTING SECRETARY: (MR. HARRY)

House Bill 1781.

(Secretary begins to read title of bill)

PRESIDENT:

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

SENATOR SEVERNS:

Thank you, Mr. President. I would like the record to reflect that I would have voted Present on that, not No. Thank you.

PRESIDENT:

The record will...the record will so reflect. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1781.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Keats.

END OF REEL

REEL #6

SENATOR KEATS:

This is a...conveyance bill with three separate parts. The first part deals in Senator Dunn's district where he's been kind enough to be very cooperative, it will not have any effect there...under Federal law it will have no effect. The second part deals with making sure that state property is conveyed with the consent of the General Assembly. The third portion deals with DuQuoin State Fair where a school district is buying a small portion at a thousand an acre which is the appraised price to build a school district there and the state is allowing it. Those are the three portions and I'd appreciate your affirmative roll call.

PRESIDENT:

Discussion? Discussion? If not, the question is, shall House Bill 1781 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 1781 having received the required constitutional majority is declared passed. 1818, Senator Dunn. 1856, Senator Lechowicz. On the Order of House Bills 3rd Reading is House Bill 1856. Read the bill.

ACTING SECRETARY: (MR. HARRY)

House Bill 1856.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank...Mr. President, I ask leave of the Body to have House Bill 1856 rereferred back to the Energy and Environment

*NB 1859
3rd Reading*

Committee.

PRESIDENT:

All right. The gentleman has moved to rerefer House Bill 1856. All in favor of the motion indicate by saying Aye. All opposed. The Ayes have it. The motion carries. 1856 is rereferred to the Committee on Energy. 1859, Senator Luft. On the Order of House Bills 3rd Reading is House Bill 859...1859. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1859.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. House Bill 1859, as I explained yesterday, is the vehicle bill we're using for the rewrite of the Illinois Development Finance Authority. I would hope that we could pass this on and get it into a Conference Committee. The bill has on it right now three bills that we passed out of here on the Agreed Bill List, which were Senate Bills 1438, 39 and 40, that essentially incorporated the Federal Income Tax changes...in public corporations and for them the ability to issue taxable bonds at a rate capped at 12.5 percent or a hundred an seventy-five percent of the bond buyers rate for the twenty GO bond index. I would ask we move this bill forward to a Conference Committee.

PRESIDENT:

Discussion? Discussion? If not, the question is, shall House Bill 1859 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 58 Ayes, no Nays, 1 voting

Present. House Bill 1859 having received the required constitutional majority is declared passed. 1920 I understand is to be held. 1955, Senator Poshard. On the Order of House Bills 3rd Reading, bottom of page 8 is 1955. Read the bill.

ACTING SECRETARY: (MR. HARRY)

House Bill 1955.

(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. This is one of the package of bills that seeks to address health care needs of medically underserved areas of the state. Does several things, it directs the Department of Public Aid to determine whether special payment rates should be applied to providers of medical services under the Medicaid and aid to the medically indigent programs in rural...rural designated shortage areas. It...has the Department of Public Health to work with the Department of Transportation to devise a statewide use plan for helicopters employed in the emergency transportation of trauma victims. It also asks the Department of...Public Health to identify particular health needs of rural areas. There are a couple of amendments that we put on which clarifies the intent of the bill. One of them establishes an International Commerce and Development Center at SIU-Carbondale, and the other amendment eliminates the provision of the Illinois Health Facilities Planning Board Act which prohibits a member from serving more than three consecutive terms. Move for passage of the bill.

PRESIDENT:

Discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, just a question of the sponsor because this is basically a really wonderful bill and I think you've done an outstanding job on it.

PRESIDENT:

Indicates he'll yield.

SENATOR TOPINKA:

Yes. Amendment No. 4 where you're deleting the...the provision that provides that no member of the Health Facilities Planning Board may serve three consecutive three-year terms, is that...who wants that?

PRESIDENT:

Senator Poshard.

SENATOR POSHARD:

Well, I was contacted by some individuals members of the planning board...of the Health Facilities Planning Board. Those are gubernatorial appointments, they are all appointed by the Governor and right now if there's a...if there's a person serving on that board who's doing a very good job, they're limited to three consecutive terms and that's it, they have to go off. All this does is limit that prohibition.

PRESIDENT:

Further discussion? Further discussion? If not, the question is, shall House Bill 1955 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, 1 Nay, none voting Present. House Bill 1955 having received the required constitutional majority is declared passed. 1969, Senator Collins. 2146, Senator Degnan. On the Order of House Bills 3rd Reading, top of page 9, is House Bill 2146. Read the bill.

ACTING SECRETARY: (MR. HARRY)

House Bill 2146.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. House Bill 2146 prohibits the reporting of adverse credit information or the taking of collection procedures against a cosigner unless the cosigner is notified that the primary signer is in default.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall House Bill 2146 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 2146 having received the required constitutional majority is declared passed. 2190, Senator D'Arco. On the Order of House Bills 3rd Reading is House Bill 2190. Read the bill.

ACTING SECRETARY: (MR. HARRY)

House Bill 2190.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. Senate...House Bill 2190 requires citizenship to be taught in all public, elementary and secondary schools. I don't know of any opposition. I would ask for a favorable vote.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall House Bill 2190 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 45 Ayes, 10 Nays, 2 voting Present. House Bill 2190 having received the required constitutional majority is declared passed. 2193, Senator Newhouse. Senator Newhouse on the Floor?...2221, Senator Donahue. Senator Donahue. 2222, Senator Schaffer. On the Order of House Bills 3rd Reading is House Bill 2222. Read the bill.

ACTING SECRETARY: (MR. HARRY)

House Bill 2222.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

This bill as amended now simply provides that the state's attorneys may file with the Prison Review Boards victim impact statements when people are coming up for parole. This is an idea that came out of the...my part of the state from the Mothers Against Drunk Driving. I don't think there's any opposition to that idea. I thought I'd cleared up the bill but I have since discovered that there is some opposition to what the bill originally did although the bill was originally a vehicle bill, and even though the Juvenile Delinquency Commission is apparently dormant, there are those who do not wish to see the statutory portion of the bill repealed. And what I would suggest we do is I'll get a hold of the House sponsor, we'll put it in a Conference Committee and we will submit that back minus the...what the vehicle part of the vehicle bill was. And...and with that caveat, I don't believe there's any opposition.

PRESIDENT:

All right. Any discussion? If not, the question is, shall House Bill 2222 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 2222 having received
the required constitutional majority is declared passed. On
the Order of House Bills 3rd Reading is House Bill 2193.
Read the bill.

ACTING SECRETARY: (MR. HARRY)

House Bill 2193.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. I believe it's correct to
state that we withdrew Amendment No...Amendment No. 2 from
this bill on the other side, and I would...I would move for
passage of this bill...in its present form.

PRESIDENT:

Any discussion? If not, the question is, shall House
Bill 2193 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 46 Ayes, 6 Nays, none voting Present.
House Bill 2193 having received the required constitutional
majority is declared passed. 2221, Mr. Secretary. On the
Order of House Bills 3rd Reading, read the bill.

ACTING SECRETARY: (MR. HARRY)

House Bill 2221.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. This bill...allows DCFS...at

AB 2327
3rd reading

the committee hearing they testified that they were physically unable to comply with the Grant Recovery Act and were seeking this legislation at the recommendation of the Legislative Audit Commission. I...I think this is important and I hope that we could vote in favor of it.

PRESIDENT:

Discussion? Discussion? If not, the question is, shall House Bill 2221 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 59 Ayes, no Nays, none voting Present. House Bill 2221 having received the required constitutional majority is declared passed. 2268, Senator Demuzio. 2327, Senator Davidson. On the Order of House Bills 3rd Reading is House Bill 2327. Read the bill.

ACTING SECRETARY: (MR. HARRY)

House Bill 2327.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate. This bill is at the request of the Illinois State Police Department 'cause there apparently is no present emergency lighting on police vehicle control alternate...it alters fines for overweight and restricts the operation of all-terrain vehicles. Appreciate a favorable vote.

PRESIDENT:

Any discussion? Discussion? Senator Rigney.

SENATOR RIGNEY:

Question of the sponsor.

PRESIDENT:

He indicates he'll yield, Senator Rigney.

AB 2332
3rd Reading

SENATOR RIGNEY:

Is this the bill I was hearing about that...was doing something about weight of trucks during harvest season, single axle trucks, or was that a different bill?

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

That was a different bill that's already passed out.

PRESIDENT:

Further discussion? Any discussion? Senator Demuzio.

SENATOR DEMUZIO:

Yeah, that...that would exempt all the fines if they're...if they go over these bridges and they're caught during their harvest season.

PRESIDENT:

Further discussion? Further discussion? If not, the question is, shall House Bill 2327 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. House Bill 2327 having received the required constitutional majority is declared passed. 2332, Senator Schuneman. On the Order of House Bills 3rd Reading is House Bill 2332. Read the bill.

ACTING SECRETARY: (MR. HARRY)

House Bill 2332.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President, members of the Senate. This is an administration bill of the Department of Registration and Education. Makes some changes in the license Acts for

occupational therapists, for professional boxing and wrestling; raises some fees for dentists, and all of these things are agreed upon between the department and the occupations. This is also the bill to which we added an amendment yesterday that would change the name of the department to the Department of Professional Regulation. If there are any questions, I'd be happy to try to respond.

PRESIDENT:

Discussion? Senator Netsch.

SENATOR NETSCH:

...thank you, Mr. President. I have one question of the sponsor.

PRESIDENT:

Indicates he'll yield, Senator Netsch.

SENATOR NETSCH:

I don't disagree with changing the name, it is a more appropriate one, but have you any idea how much it's going to cost to change all of the paper work that that department puts out every year?

PRESIDENT:

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, I am told that since they only have two offices the change...the cost is apparently not as great as it might be for other departments, but about thirty thousand dollars would be the cost for changing the dies that they use in printing and that sort of thing. So they estimate thirty thousand dollars.

PRESIDENT:

Discussion? Senator Schaffer.

SENATOR SCHAFFER:

Well, I...I think I'm going to support the bill but it looks to me like one of those ones that could end up in a Conference Committee, Senator, and the way we've been going

HB 2350
3rd reading

here perhaps if it gets in Conference Committee, we could change the department's title to the Department of Total Regulation.

PRESIDENT:

Discussion? If not, the question is, shall House Bill 2332 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 58 Ayes, no Nays, none voting Present. House Bill 2332 having received the required constitutional majority is declared passed. 2350, Senator Marovitz. On the Order of House Bills 3rd Reading is House Bill 2350. Read the bill.

ACTING SECRETARY: (MR. HARRY)

House Bill 2350.

(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. House Bill 2350 will enable a parent to seek increased child support without first having to prove a substantial change in circumstance if, and only if, the existing order predated the statutory guidelines that we set here which began in September of 1984 and also granted the children a smaller percentage of parental income than the guidelines now required. House Bill 2350 is...is an attempt to equalize support rights for children on behalf of whom support orders were entered prior to the guidelines but it does this without trampling on prior agreements and provisions in prior orders. The bill doesn't grant a custodial parent an automatic right to modification. Three hurdles must be overcome in order to modify the child support award. First of

all, the below guidelines order must have been entered prior to the effective date that we passed the guidelines and they went into effect September 1984. Secondly, the supporting parent can prevent the reopening of the case by showing that other terms of the original settlement agreement justified that award, like additional property that may have been awarded. And third, once the order is reopened, the parent is still not automatically entitled to an increase, the guideline amount is presumptive...only and can be rebutted. And this can only occur one time and one time only. I ask for your Aye vote.

PRESIDENT:

Discussion? Senator Kustra.

SENATOR KUSTRA:

Well, thank you, Mr. President. A question of the sponsor.

PRESIDENT:

Indicates he'll yield. Senator Kustra.

SENATOR KUSTRA:

Senator, I...I just wanted to know, I'm looking at our analysis and it says all these people support it and then the opponent, the only opponent is Benedict Schwartz II. Is...is he a traitor or what...where...where did you get him?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Yeah, I believe he is a commodity trader, I think you're correct.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall House Bill 2350 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 47 Ayes, 7

HB 2577
3rd Reading

Nays, none voting Present. House Bill 2350 having received the required constitutional majority is declared passed. 2359, Senator Topinka. On the Order of House Bills 3rd Reading is 2359. Mr. Secretary, read the bill, please.

ACTING SECRETARY: (MR. HARRY)

House Bill 2359.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President, Ladies and Gentlemen of the Senate, this would allow the Department of Public Health to petition the circuit court for appointment of a receiver in the event that a nursing home facility would be decertified from Federal...from the Federal Social Security Act, would permit the Department of Public Health to issue licenses or revenues for a period of six to eighteen months and would also allow life care facilities to allow people to live there when they were not...ill until such time as they would be and then all the restrictions would come into play. And it was on the Agreed Bill List, and I don't know that there is any opposition at this time.

PRESIDENT:

Discussion? If not, the question is, shall House Bill 2359 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 were...there are 59 Ayes, no Nays, none voting Present. House Bill 2359 having received the required constitutional majority is declared passed. That was removed at the request of five members, all of whom voted affirmatively...apparently, I don't know who the five were but...2577, Senator Netsch. On the Order of House Bills 3rd

Reading is House Bill 2577. Read the bill.

ACTING SECRETARY: (MR. HARRY)

House Bill 2577.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. The basic bill which was a recommendation of the State's Attorney's Office in Cook County adds to the sentences that may be imposed on a convicted sex offender under our Criminal Sexual Assault Law, a...an order of restitution involving the financial obligations that might be incurred by the victim including treatment, medical, psychiatric, rehabilitative or psychological. It is, I think, a well-deserved amendment to the restitution punishments. There is in addition a very simple amendment that was requested by the Court of Claims that allows it by general order to provide for the extension of time for filing of the various notices under the Crime Victim's Compensation Act, and I would...I'd be happy to answer any questions; otherwise, I would urge your support.

PRESIDENT:

Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, it's a very good bill and I'd like to be added as a hyphenated cosponsor.

PRESIDENT:

The lady seeks leave to be added as the hyphenated cosponsor. Without objection, leave is granted, and the question is, shall House Bill 2577 pass. Senator Philip, I'm sorry, on this bill?

SENATOR PHILIP:

I...I'm sorry, I just had a question on it.

PRESIDENT:

Sure.

SENATOR PHILIP:

It would appear on the surface it's a very good idea. Is there any limit on the amount of money somebody is going to have to pay for these doctors and psychiatrists or is it just carte blanche, anything that that doctor or psychiatrist would like to charge?

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

The bill itself does not specifically include that limitation. But I think that is done by the courts that do impose this restitution sentence. We have other provisions in the Criminal Code that authorize that kind of punishment, if you will, to be imposed on a convicted offender, medical expenses and other kinds of expenses. And I think in all cases it's subject to supervision and constraint by the court.

PRESIDENT:

Senator Philip.

SENATOR PHILIP:

Well, I'm afraid you've got a lot more faith in the court than I have. And to leave these things wide open and let any doctor or any medical person or psychiatrist charge any kind of a fee...what do you think they're going to charge? I will guarantee what they'll charge you, the maximum.

PRESIDENT:

Further discussion? If not, the question is, shall House Bill 2577 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 53 Ayes, 1 Nay, 4 voting Present. House

HB 2591
3rd Reading

Bill 2577 having received the required constitutional majority is declared passed. 2591, Senator Degnan. On the Order of House Bills 3rd Reading is House Bill 2591. Read the bill.

ACTING SECRETARY: (MR. HARRY)

House Bill 2591.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. House Bill 2591 carries three amendments. It amends the Code of Criminal Procedure. It provides that expert testimony by a behavioral psychologist, psychiatrist or physician related to the recognized form of post-traumatic stress syndrome shall be admissible as evidence in prosecutions for violations of sex offenses. This is exactly the same as Senate Bill 1363 passed earlier this Session by Senator Jacobs. In addition, Amendment No. 1 permits the courts to allow certain testimony to be admitted into evidence as an exception to the hearsay rule and allows the content of out-of-court statements made by child victims of sexual offenses to be admitted. This amendment is exactly the same as Senate Bill 1377 passed by Senator Marovitz earlier this year. Amendment No. 2 is requested by the state's attorney of DuPage County and it...and it...it includes as a requirement that any offer of proof regarding...prior sexual activity between defendant and victim include the dates, times and locations of such activity. In addition, it provides that any person who has been previously convicted of criminal sexual assault, aggravated criminal sexual assault or rape and is subsequently convicted of criminal sexual assault is guilty of a Class X felony. Amendment No. 3 says a person operating a motor vehicle that is not covered by an

Insurance policy is subject to criminal penalties if such person causes an accident wherein any individual is injured. I'd be happy to answer questions.

PRESIDENT:

Discussion? Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. Believe me, I...I have nothing against mandatory insurance and if that bill gets to this Floor, we should vote our conscience on mandatory insurance; either you're for it or you're not for it and that's fine. I mean, you know, if you think we should all be licensed, we should all have insurance, that's fine. If you think otherwise, then vote that way. The problem with this amendment is that it says that if you don't have insurance...if you don't have car insurance and you're involved in an accident with someone and they are injured,...now...you know how many fake injuries there are that people claim every year? They've got whiplash, they've got this, they've got that and they're looking for an insurance company to pay them a sum of money for a fictitious injury. The person who is involved in the accident with that claimant is going to go to jail under this bill if he doesn't have car insurance. And what about the guy whose...whose insurance policy expires and there's a...and...and he doesn't get...insurance after the lapse period in the policy and he's involved in an automobile accident and a person claims they're injured and the police officer is going to ticket him on a criminal violation, which is a Class B misdemeanor and he can go to jail for six months. This is ridiculous. I mean, you're making a...a...a civil responsibility in the state carrying automobile insurance a criminal act, now that's insane and we shouldn't do that. And if the sponsors of mandatory insurance want mandatory, let's vote on it, let's vote it up or down. You got thirty votes, vote it out, fine. But don't do this, don't make

people liable for criminal penalties if they don't buy car insurance, it's a bad idea.

PRESIDENT:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, my heart bleeds for these people who go out and...and drive their cars without insurance and kills someone and hurts someone and I'm going to worry about them if they have to pay a fine up to five hundred dollars or get jail up to six months. If we don't...you didn't want mandatory insurance, you opposed it, so this is at least something in the right direction and I think it's a good amendment. For heaven's sakes, let's start...start worrying about the people who get hurt. This doesn't apply to auto damage, it applies to injuries and people should be responsible and have insurance if they're going to drive a car 'cause a car can be just as dangerous as a gun.

PRESIDENT:

Further discussion? Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President and members of the Senate. Senator Geo-Karis, this could, in fact, be a good direction but there are some serious defaults in this bill, and let me just reiterate some of the things said by Senator D'Arco, but even take it a bit further. It is not, Senator D'Arco, just in a case where you have the...the accidents and we all know that there are a lot of fake accidents goes on out there where people are interested in collecting on some kind of claim. But this doesn't even deal with the owner. What this bill says the way it is drafted...it didn't say...it simply says that if...either of the Pages here take our cars and drive to some...some restaurant to pick up some food and back home your insurance policy has expired and that Page drive

your car, has an accident, that Page is now charged with a Class B misdemeanor. Now, that is wrong. Even if you had said willingly and knowingly...driven the car without the insurance, there would have been a way out, but the bill is very precise, the amendment says the operator of the car, it says nothing about the owner. We're not talking about the owner of the car who does not have liability insurance, we're talking about the Page who drives my car. Don't say no, Senator, read the amendment. The amendment is very, very clear, it leaves no room for discretion or interpretation by the judge, it's very clear. This is a bad, bad bill because the amendment is wrong.

PRESIDENT:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I supported this amendment yesterday but I really think Senator D'Arco raises a good point. I think that it's a good idea that we place a penalty on people who are running around without insurance and who then duck out on paying for the damage that they cause. But to impose a criminal penalty may, in fact, be tougher than what we ought to be imposing, this probably should have been a different kind of penalty. For myself, I think I'm going to vote for this bill. I suspect that it's going to come back here on...on a Conference Committee report in some...some manner, but I...I think that that's something that ought to be addressed.

PRESIDENT:

Further discussion? Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and members of the Senate. I don't know, I know you're pointing out an example of Pages or parking attendants, but this bill is going to hit the majority of those that don't have insurance who are on these

streets, and I'm not talking about people parking your car, I'm talking about people that are very careless and wreckless who are out on the street and who are causing accidents, and we hear about it every day. We heard Senator Topinka mention it a couple of days ago with her mom. But I...I think this is a...an excellent idea and a good bill, and when you talk about misdemeanor and putting people in jail, this is a misdemeanor and we know right now the jails have...have felony convictions, we're not going to put anybody in jail, it's going to be a fine, we know that, it's not going to be a jail sentence. And I'm glad to support this bill.

PRESIDENT:

Further discussion? Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Only to clarify for my esteemed Senator on the other side. If a Page is driving my car, that Page is covered by my insurance. That's all.

PRESIDENT:

Further discussion? Senator Degnan may close.

SENATOR DEGNAN:

Thank you, Mr. President. The key to that amendment is who caused the accident and if there were injuries. At that point, it may become a Class B misdemeanor and that is up to the judge to determine. I move passage of 2591.

PRESIDENT:

The question is, shall House Bill 2591 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 51 Ayes, 7 Nays, none voting Present. House Bill 2591 having received the required constitutional majority, declared passed. 2609, Senator Fawell. On the Order of House Bills 3rd Reading, top of page 10, is

House Bill 2609. Read the bill.

ACTING SECRETARY: (MR. HARRY)

House Bill 2609.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

Thank you...very much. This is a little merely bill that I'd like to Table.

PRESIDENT:

Senator Fawell moves to Table House Bill 2609. All in favor of that motion indicate by saying Aye. All opposed. The Ayes have it. 2609 is Tabled. 2630, Senator del Valle. On the Order of House Bills 3rd Reading is House Bill 2630. Read the bill.

ACTING SECRETARY: (MR. HARRY)

House Bill 2630.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator del Valle.

SENATOR del VALLE:

Mr. President and members of the Senate, House Bill 2630 amends the Human Rights Act. Provides...provides that the...that the Human Rights Commission and the Human Rights Department may receive and collect information concerning employment discrimination in relation to persons affected by the Federal Immigration Reform and Control Act of 1986 and that these departments may provide information to the Federal Government for the preparation of the triannual report required by the Act. The Human Rights Commission and the Department of Human Rights shall coordinate their activities and report to the Governor or his designee. I move...for the

HB 2636
3rd Reading

adoption.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall House Bill 2630 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 2630 having received the required constitutional majority is declared passed. Senator Luft, 2636. Senator Zito. Senator Zito. Senator Luft. On the Order of House Bills 3rd Reading is House Bill 2636. Read the bill.

ACTING SECRETARY: (MR. HARRY)

House Bill 2636.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. House Bill 2636...addresses a flaw that was inadvertently created when the comprehensive towing law was approved last year. It represents an agreement between the professional towing and recover operators of Illinois and the independent towing operators. It redefines...non-relocation towing to exclude the emergency towing of wrecked or disabled vehicles that are exempt from the jurisdiction of the ICC. All towing and shortage charges shall be paid by the owner of a vehicle removed from public or private property by authorization of a law enforcement agency or when a person is found guilty of abandoning a vehicle.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall House Bill 2636 pass. Those in favor vote Aye.

Opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, 1 voting Present. House Bill 2636 having received the required constitutional majority is declared passed. We have now completed the circle with the exception of...Senator Newhouse has a bill that about a half an hour...an hour ago he was off the Floor. 1148. Top of page 7. On the Order of House Bills 3rd Reading is House Bill 1148. Read the bill.

ACTING SECRETARY: (MR. HARRY)

House Bill 1148.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Newhouse, we'll just give them time to find out where we are here, everybody is scurrying around, I can see them all rattling their notebooks, let them find out where we are. Top of page 7. On the Order of House Bills 3rd Reading is House Bill 1148. Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President, Senators. This bill amends the Public Aid Code regarding extended medical assistance and child care for AFDC recipients. It makes the language on extended day care and medical assistance for former AFDC cases conform to the language in House Bill 2853, Senator Schaffer...the...the administration's welfare reform bill. I checked with the leadership on the other side. I know of no opposition to this bill. I'd ask for a favorable roll call.

PRESIDENT:

Discussion? Senator Topinka.

SENATOR TOPINKA:

Mr. President and Ladies and Gentlemen of the Senate, I just would call to your attention that, indeed, this...particular provision, as Senator Newhouse would indi-

cate, is also reflected in the Governor's reform package which we passed out of here. The only difference is that the welfare reform package had no fiscal impact. This bill, unless you have some other figures, Senator Newhouse, does show a 7.1 million dollar fiscal impact and I don't think that's in the budget.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Newhouse may close.

SENATOR NEWHOUSE:

Ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 1148 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 37, the Nays are 15, 2 voting Present. House Bill 1148 having received the required constitutional majority is declared passed. Senator Rock.

SENATOR ROCK:

Thank...thank you, Mr. President, Ladies and Gentlemen of the Senate. Also on that same order, at one-fifteen, I was granted leave to get back to House Bill 16 which is at the top of page 4.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. House bills 3rd reading, page 4, is House Bill 16, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 16.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

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

Senate. House Bill 16...cosponsored by Senator Karpel and myself is an amendment to the DuPage Airport Authority Act to afford the residents of Kane County some much needed representation on that board. It would specifically change the makeup of that board to afford four people the opportunity to serve from Kane County, three of whom would be appointed by the three mayors. I think the towns are Batavia, Geneva and St. Charles. I would solicit your favorable consideration in line with Baker versus Carr and many others which say that we ought to be...have equal representation.

PRESIDING OFFICER: (SENATOR DEMUZIIO)

Discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I might remind Senator Rock, the population of DuPage County is seven hundred and thirty-seven thousand. The three little towns in Kane County which are in the airport authority have a total of fifty-five thousand. If you would look...if that isn't bad enough for you, we're giving them four and giving us five, now that's what you call close. Now if you look at the other thing, who's paying the taxes? You'll love this, it's even worse. DuPage County assessed valuation is eight billion two. The Kane County part, the fifty-five thousand people, is six million. So you might say there is a...just a little bit of difference. Now I have tried to work out a compromise, Senator Rock knows this, and I have suggested, in the first place, allowing them to have two. They weren't satisfied with two. I came back and said, I'll give you three. Now think about that. They only have fifty-five thousand people, we have seven hundred and thirty-seven thousand people. Our assessed valuation is over eight billion, we're paying ninety percent of what that airport cost. And I might suggest this to you, I've got O'Hare Field in DuPage County. Now I'm going to tell you that

DuPage County, they don't fly out of DuPage County at night. The airport virtually shuts down at dark, it's virtually a private airport with small aircraft. I live in Wood Dale which is west of the airport and I have those airplanes coming over my townhouse like you wouldn't believe at any hour of the night, day, morning, you wouldn't believe it. But you think that the City of Chicago would give the people who live around O'Hare Field one person...one person to have some kind of voice in what goes on at O'Hare Field? Are you kidding me? Now we're turning around and saying, instead of giving you one, I'm willing to give you one, I'm willing to give you two, I'm willing to give you three. Senator Rock wants to give them four and give us five when we have almost a million people and they have fifty-five thousand. But you think I can get any sympathy out of the City of Chicago, with all those people from Cook and DuPage County who have been putting up with the busiest airport in the world and I don't care...you try to get an answer out of the City of Chicago, out of O'Hare Field on anything. When they dumped gasoline at the airport which runs into streams and runs through your communities, they don't even know who you are, you couldn't even get them to return your call. You know, occasionally we ought to rise above partisanship and do something that's right. This bill is wrong, you know it's wrong, I know it's wrong, it's unfair and, quite frankly, it should be defeated.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Karpziel.

SENATOR KARPIEL:

Well, thank you, Mr. President, Ladies and Gentlemen of the Senate. I certainly don't like to rise in opposition to my minority leader and chairman of my Republican Party in the county in which I live...so maybe I better just sit down, right? But the DuPage Airport Authority before it was

expanded to include the entire County of DuPage last December, the entire airport authority is in my district. And in my district I represent parts of Cook County, DuPage County and Kane County. I try to represent all of the counties in my district as well as I can. In the situation...or in this...in this situation it is very difficult to represent both Kane and DuPage when they're at odds. The story...the...the history of the DuPage Airport is long and I won't bore you with it, it goes back to before 1975 and this war has been going on back and forth since then. But at one time, I've forgotten the exact year, there was...there was a referendum and it was passed by the people in the townships that are impacted by the airport, and the reason that they have this referendum and passed it was to keep the airport a small not...noncommercial airport because they were worried at the time because there were proposals to extend the runways and bring in bigger jets and that type of thing. So for many years it was operated by what was called the Fox Valley Airport Authority and it was...there were more people on the board at that time from Kane County than DuPage, I believe it was a five-four board only it was five Kane and four DuPage. At any rate, last December a bill was passed in this General Assembly to extend the airport authority to include all of DuPage County and the three townships in Kane County that are still in the airport authority, and the board was made to be an eight-one board which is what it is now. That's where Senator Philip gets the figures that DuPage County has x number of population and x number of assessed valuation more than the Kane people. But they didn't ask to have it extended and become a DuPage Airport Authority again and they didn't like the bill that was passed and they didn't like losing their voice on the board. Well, they...Senator Philip is saying they had a voice on the board; yes, they have one, eight to one. Senator Philip is also correct that

we have tried to reach a compromise and tried to work out...get an amendment for this bill which would be fairer. And he has tried to do that and we have worked on it but we cannot get over the problem of expansion of the runways. If we have a board that is eight to three, which was his last proposal, and do not have an extraordinary majority vote for expansion of runways, et cetera, then the people out there feel that they still have basically no voice because anything could be done with that airport and they still would only have these three votes which would be fairly meaningless. At any rate, bottom line, let me just say that I stand in support of House Bill 16 not because I think it is the best solution that we can come up with because I think we could still do better but it is the fairest thing that we have come up with thus far. I would like to see it passed. I would like to see it basically go into a Conference Committee where we could perhaps work further on it, but at any rate, I do ask for your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I, too, rise in strong support for House Bill 16. I think that my colleague, Senator Karpel, has given you the history of this complicated situation and she has done it very well. I think that this bill goes a long way to redress some of the errors that...that we've made in the past, and in saying that, I...I do want to acknowledge the fact that Senator Philip has worked with Senator Karpel, Senator Friedland and myself to try to effect some compromise but that has not occurred, and I think it is...that we should support this bill in the hopes that during the Conference Committee process further progress might be made.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Friedland.

SENATOR FRIEDLAND:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Having formerly represented this area, I can assure you that the people who live adjacent to the airport and right nearby there whether they are in...in Kane or DuPage County they don't want expansion of the airport. And I rise in strong support of this bill. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR ROCK:

Thank you, Ladies and...Mr. President and Ladies and Gentlemen of the Senate, and that really is the point of House Bill 16. I know we are having a little fun, I am at least, but I can tell you...well, because the...the Senator's logic and...and reason is impeccable. He says how can you take...and...with...with so many people and so much assessed valuation, how can you strip them of control of the board? I'm not trying to do that, they still have control of the board. But apply that same logic and reason to the O'Hare Authority where the people of Chicago and the mayor of Chicago had three out of fifteen. What's good for the goose and so on. The fact of the matter is, the point is that under this proposal beginning in 1988 there can't be any expansion, there can't be any...any more condemnation, there can't be any expanded runways without a vote of six. And so the people of Kane say, give us four, DuPage, you take five and we'll work it out. And I sat in Senator Philip's office along with the county board chairman and some others and attempted a compromise, I think everybody is acting in good faith. And the fact of the matter is, my information is that even the Governor of this state when he was campaigning in Kane thought something ought to be done. I'm just trying to

help him along. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DENUZIO)

The question is, shall House Bill 16 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 41, the Nays are 14, 1 voting Present. House Bill 16 having received the required constitutional majority is declared passed. All right. We have now come to the point...you'll turn to your Calendar, we will do the Agreed Bill List, page 12. On the Order of House Bills 3rd Reading, the Agreed Bill List. All right. Senator...Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. There's been some...some discussion as to what the...the schedule for the remainder of today since it is a deadline day and tomorrow and Sunday. Senator Philip and I have discussed that we will come in tomorrow morning at nine-thirty with the full expectation that we will be in the position to conclude our business before noon, so that those who wish to travel back to their district or travel elsewhere will have that opportunity. But the Session in...in...the House will be in Session and in order to keep the paper flowing back and forth it's, obviously, necessary that we be in if we're to conclude next Tuesday as we hope to. And on Sunday we will return and come into Session at 6:00 p.m. Sunday night, and again with the full expectation we'll only have to work an hour or so. So my suggestion for it now is that we handle the Agreed Bill List which should be handled pretty readily, afford those members the opportunity, if they so desire, to...try their consideration postponed legislation once more time, and then those who have a...a bill on concurrence wish to try it, we can work on concurrence for awhile and quit whenever we want. You have done a remarkably good job.

Agreed Bill List
3rd Reading
HB 2113
HB 787
HB 1875
HB 1740
HB 2206
H.B. 2151
HB 201

PRESIDING OFFICER: (SENATOR DEMUZIIO)

All right. We will go to the...the Agreed Bill List.
Mr. Secretary...the Agreed Bill List, House bills 3rd...3rd
reading. Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 42.

(Secretary reads title of bill)

House Bill 113.

(Secretary reads title of bill)

House Bill 124.

(Secretary reads title of bill)

House Bill 261.

(Secretary reads title of bill)

House Bill 301.

(Secretary reads title of bill)

House Bill 461.

(Secretary reads title of bill)

House Bill 549.

(Secretary reads title of bill)

House Bill 787.

(Secretary reads title of bill)

House Bill 1723.

(Secretary reads title of bill)

House Bill 1740.

(Secretary reads title of bill)

House Bill 1760.

(Secretary reads title of bill)

House Bill...1806.

(Secretary reads title of bill)

House Bill 1866.

(Secretary reads title of bill)

House Bill 1869.

(Secretary reads title of bill)

House Bill 1875.

HB 2113
3
~~2nd Reading~~
HB 2151
HB 2206

(Secretary reads title of bill)

House Bill 1896.

(Secretary reads title of bill)

House Bill 1919.

(Secretary reads title of bill)

House Bill 1953.

(Secretary reads title of bill)

House Bill 1959.

(Secretary reads title of bill)

House Bill 2013.

(Secretary reads title of bill)

House Bill 2070.

(Secretary reads title of bill)

House Bill 2104.

(Secretary reads title of bill)

House Bill 2113.

(Secretary reads title of bill)

House Bill 2151.

(Secretary reads title of bill)

House Bill 2206.

(Secretary reads title of bill)

House Bill 2208.

(Secretary reads title of bill)

House Bill 2218.

(Secretary reads title of bill)

House Bill 2219.

(Secretary reads title of bill)

House Bill 2227.

(Secretary reads title of bill)

House Bill 2243.

(Secretary reads title of bill)

House Bill 2256.

(Secretary reads title of bill)

House Bill 2269.

*Note on
general bill list
of
HB 2785
3rd reading
NO 787*

(Secretary reads title of bill)

House Bill 2353.

(Secretary reads title of bill)

House Bill 2425.

(Secretary reads title of bill)

House Bill 2507.

(Secretary reads title of bill)

House Bill 2514.

(Secretary reads title of bill)

House Bill 2532.

(Secretary reads title of bill)

House Bill 2604.

(Secretary reads title of bill)

House Bill 2619.

(Secretary reads title of bill)

House Bill 2740.

(Secretary reads title of bill)

House Bill 2758.

(Secretary reads title of bill)

House Bill 2785.

(Secretary reads title of bill)

And House Bill 2810.

(Secretary reads title of bill)

3rd reading of the bills.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator...Senator Etheredge...your light is on...all right. The...the next roll call will be on final passage of the bills that were just read by the Secretary. Is there any discussion? If not, the question is, shall this series of bills pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. This series of bills having

received a constitutional majority by record vote is declared passed. The record vote of the Ayes and Nays for each bill passed shall be entered into the Journal. All right. With leave of the Body, we will now go to the Order of Consideration Postponed. Page 29...page 29 on your Calendar. On the Order of Consideration Postponed is House Bill 97. Senator Marovitz. Senator Marovitz on the Floor? 509, Senator Berman. All right. 509, Senator Berman. 1194, Senator Alexander. All right. Senator Alexander seeks...leave of the Body to return House Bill 1194 from the Order of Consideration Postponed...to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of...of Senate Bills 2nd...House Bills 2nd Reading, Madam Secretary.

SECRETARY:

Amendment No. 3 offered by Senator Alexander.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Alexander.

SENATOR ALEXANDER:

Thank you, Mr. President. I move that...from the original bill, that Amendment No. 1 be withdrawn. There was some questions raised by this house as to the...parts that was in Amendment No. 1 which originally would have given power to the council to order state contracts and not require a performance bond. That now has been removed by Amendment No. 3. Also removed by Amendment No. 3...the information with regards to empowering the council to order that a state contract to issue and they...not be required that the business issue a performance bond. As the bill presently stands it will only contain that portion of the bill that would increase the representation from six to eight that DCCA will make a special effort and continuing...effort to assist the minority...female businesses and likewise that there would be a toll...toll free telephone number and that Amendment No. 2,

which is a part of the bill, with regards to the surety bond companies that the female business could not be charged any more than any other business is doing for the same kind of work. I would ask adoptment of Amendment No. 3.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right.

SENATOR ALEXANDER

I think I have to withdraw Amendment No. 1 first.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Wait a minute...wait a minute. It's my...it's my understanding, Senator Alexander, you...that you want to Table Amendment No. 1. So Senator Alexander having voted on the prevailing side moves to reconsider the vote by which Amendment No. 1 was adopted. Those in favor will indicate by saying Aye. Opposed Nay. The Ayes have it. The vote is reconsidered. Senator Alexander now moves to Table Amendment No. 1. Those in favor will indicate by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is Tabled. Senator Alexander now moves...all right...further amendments?

SECRETARY:

Amendment No. 3 offered by Senator Alexander.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Alexander.

SENATOR ALEXANDER:

Now...it is the desire of the sponsor that Amendment No. 2 which prohibits premium bonds which was adopted by this...Body would remain a part of the bill, and that is a part of Amendment No. 3 which I am now presenting to this Body.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. So, Senator Alexander, you want to move to reconsider the vote by which Amendment No. 2 was also adopted. All right. Those in favor will indicate by...having...Senator Alexander having moved...having voted

on the prevailing side moves to reconsider the vote by which Amendment No. 2 was adopted. Discussion? Senator...Senator Schuneman on...on...Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Is this the proper time to ask...ask a question about the amendment we're adopting?

PRESIDING OFFICER: (SENATOR DEMUZIO)

No, we're...we're...we're moving to reconsider the vote by which Amendment No. 2 was adopted for the purpose of Tabling. Senator Alexander having moved the...having voted on the prevailing side moves to reconsider the vote by which Amendment No. 2 was adopted. Those in favor will indicate by saying Aye. Opposed Nay. The Ayes have it. All right. The vote is reconsidered. Senator Alexander now moves to Table Amendment No. 2 to House Bill 1194. Those in favor will indicate by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 2 is Tabled. Further amendments?

SECRETARY:

Amendment No. 3 offered by Senator Alexander.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Alexander.

SENATOR ALEXANDER:

Now Amendment No. 3 puts in place...it establishes a toll free hot line, it increases the council and that's all the bill does...and includes in it that no...nondiscrimination part about no premium bond rate of a surety company shall be required of a female owned business in bidding that...then the higher...shall be higher than the lowest rate charged by a security company for a similar bond in the same classification of work. That is what the bill presently do.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Davidson.

SENATOR DAVIDSON:

Mr...Mr. President and members of the Senate, we've been

working on this amendment for two days and this amendment does away...takes away what everybody objected to, myself included. There is no waiver of the bonds on any of the projects these people are going to bid on. All this now does when this is adopted is one will have the telephone number, have the words in there...CMS in, and then says that they can't charge...additional premium for...their surety bond more than what they charge someone else for the...the surety bond. This is at the request of CMS, it all makes good sense to me, and I would urge the adoption of Amendment No. 3 and then to adopt the bill as amended.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right. Further discussion...Senator Schuneman.

SENATOR SCHUNEMAN:

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

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Indicates he will yield. Senator Schuneman.

SENATOR SCHUNEMAN:

Is the language pertaining to the bond in Amendment No. 3 basically the same language that was in Amendment No. 2?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Alexander.

SENATOR ALEXANDER:

Yes, it is...Senator.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

All right. My question goes to the wording of that...of that amendment, and I...I think...I think all you mean to accomplish by this is to say that the surety company can't charge a female or minority business a higher premium than he would charge anybody else. Is...am I correct in that?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator...

SENATOR SCHUNEMAN:

Okay. The...the...and...and I would simply...the...the sponsor...indicates that...

PRESIDING OFFICER: (SENATOR DEMUZIO)

...well, let her answer it.

SENATOR SCHUNEMAN:

Okay.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Alexander.

SENATOR ALEXANDER:

That is...that is correct, Senator.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Schuneman.

SENATOR SCHUNEMAN:

I'm not sure that would be the...the interpretation of everybody that reads this language because the lowest rate charged by a surety company oftentimes is based upon collateral provided by the applicant for the bond. And I...I assume that in some of these instances the reason you're not getting the bonds is that you don't have the collateral to back up the...the bond. But...but if you assure me that the intent of this is simply to provide that they can't charge a female and minority business more than they would anybody else because they're female or minority, then I have no problem with it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Alexander.

SENATOR ALEXANDER:

Senator Schuneman, you may rest assured that is the intent of this portion of the amendment that they would not be charged any more than anyone else for a bond.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Alexander has moved the adoption of Amendment No. 3 to House Bill 1194. Those in favor will indicate by saying

Aye. Opposed Nay. The Ayes have it. Amendment No. 3 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, consideration postponed. House Bill...we'll have intervening business and we'll get right back to it. House Bill 1908, Senator Savickas. On the Order of Consideration Postponed is House Bill 1908, Madam Secretary. Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, House Bill 1908, again, deals with the ability for those of our constituents that are immersed in this noise pollution from the jets around Chicago airports to get a tax rebate to improve their property to eliminate the noise. I would move its passage.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Rigney.

SENATOR RIGNEY:

Well, Mr. President, I don't think this bill got any better overnight than what it was yesterday. I made the case yesterday that if we really got serious about it, it was probably going to be the budget buster for this Session. What this bill does, in case you've forgotten, is the...the principle here is to give a fifty percent tax credit to anyone living, really, within five miles of an airport. I just had some figures handed to me...suggest what the cost might be about this thing, two hundred and twenty-five million dollars if the tax credit is taken by a hundred and fifty thousand households just in the O'Hare area alone, if the credits do not exceed fifteen hundred dollars per dwelling. Now, that means three thousand dollars worth of insulation work, fifteen hundred dollars per dwelling, a hundred and fifty thousand households around O'Hare. Now, if we want to move on

from there, if it's taken by two hundred and seventy thousand households around Midway and O'Hare, now we're up to four hundred and five million dollars. If we go on and assume that there would be four hundred thousand households throughout the State of Illinois that really would be eligible and that many would take it, the cost of this program could be two billion dollars. I think that's enough said about the bill.

PRESIDING OFFICER: (SENATOR DEMUZIIO)

All right, Senator Savickas...further discussion? Senator Savickas may close.

SENATOR SAVICKAS:

Right, Mr. President, I was just handed some figures too and they seem to contradict Senator Rigney's. Mine indicate that it would be very reasonable, probably in the million dollar or so category. I would move its passage and its...this is for our communities for people that do supply the funds to pay for all those great farm programs downstate, and I would move its passage.

PRESIDING OFFICER: (SENATOR DEMUZIIO)

The question is, shall House Bill 1908 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 34, the Nays are 21, none voting Present. House Bill 1908 having received the required constitutional majority is...is declared passed. All right,...we will...we will go back and pick up House Bill 1194, with leave of the Body. House Bill 1194, Madam Secretary. All right, Senator Alexander.

SENATOR ALEXANDER:

Thank you, Mr. President and to this illustrious Body. Having just spoken on Senate...House Bill 1194 and cleared the bill up, I hope to the satisfaction of many of those who

had a concern as to what was in the bill previously, I would respectfully request an Aye vote and the passage of this piece of legislation.

PRESIDING OFFICER: (SENATOR DEMUZIIO)

Question is, shall House Bill 1194 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, 1 voting Present. House Bill 1194 having received the required constitutional majority is declared passed. 2358, Senator Barkhausen. 2560, Senator Smith. House Bill...all right. House Bill 935,...that...that bill was...was...Senator...Senator Smith. Senator Smith, we're on page 29 on the Order of Consideration Postponed. House Bill 2560. Do...do you wish that bill called? All right. House bill 935 is the next order. That bill was acted on earlier today. Madam Secretary, House Bill 935. If you'll look at your Calendar, it's on page...6. Senator...Senator...yeah, Senator Berman on the Floor? All right. House Bill 935. Senator Berman. All right. Take it out of the record. Senator Rock, concurrence. Senator...Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I've just discussed with Senator Philip the fact that we again have concluded our business on time, under our deadline. My suggestion is we clear up the paper work and come back at nine-thirty tomorrow morning to work on concurrences.

PRESIDING OFFICER: (SENATOR DEMUZIIO)

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.

To the Honorable members of the Senate, 85th General Assembly, I have nominated and appointed the following named person to the offices enumerated below and respectfully ask concurrence in and confirmation of these appointments by your Honorable Body.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Executive Appointments. Messages from the House.

SECRETARY:

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

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

House Joint Resolution 107. It is congratulatory.

And I have a like Message on House Joint Resolution 108.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Consent Calendar.

SECRETARY:

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

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

House Joint Resolution 73.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Dunn...Senator Ralph Dunn.

SENATOR RALPH DUNN:

Thank you, Mr. President and members of the Senate. I'd like to move to...place this on...Senate sponsor of House Joint Resolution 73 just came over to this house from

the...came over to this Body from the House. I'd like to move to place it on the Secretary's Desk.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Dunn has sought leave of the Body...Senator Rock. Senator Ralph Dunn has sought leave of the Body to...have House Joint Resolution 73 placed on the...on the Calendar. All right. All right. House Joint Resolution 73 will repose on the Calendar. Message from the House.

SECRETARY:

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

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

Senate Bill 43 with House Amendments 2 and 11.

Senate Bill 117 with House Amendments 1 and 3.

Senate Bill 226 with House Amendments 1, 2, 5, 8 and 9.

Senate Bill 236 with House Amendment 1.

Senate Bill 360..360 with House Amendment No. 1.

Senate Bill 370 with House Amendments 1 and 3.

Senate Bill 427 with House Amendment 1.

Senate Bill 432 with House Amendments 2 and 3.

Senate Bill 483 with House Amendments 1 and 4.

Senate Bill 487 with House Amendments 4 and 5.

Senate Bill 505 with House Amendments 1, 2 and 3.

Senate Bill 742 with House Amendments 1, 3 and

4.

Senate Bill 927 with House Amendment 1.

Senate Bill 942 with House Amendments 1 and 2.

Senate Bill 943 with House Amendments 1.

Senate Bill 1243 with House Amendments 1 and 2.

Senate Bill 1297 with House Amendments 1 and 6.

Senate Bill 1298 with House Amendment 1.

Senate Bill 1308 with House Amendment 2.

Senate Bill 1400 with House Amendments 1 and 2.

Senate Bill 1460 with House Amendment 1.

Senate Bill 1421 with House Amendment 1.

Senate Bill 1463 with House Amendment No. 9.

Senate Bill 1492...1482 with House Amendments 1

and 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Secretary's Desk. Resolutions.

SECRETARY:

Senate Resolution 456 offered by Senator Karpziel.

Senate Resolution 457 offered by Senator Degnan.

Senate Resolution 458 offered by Senator Ralph Dunn.

Senate Resolution 459 offered by Senator Jacobs.

And Senate Resolution 460 offered by Senator Jeremiah Joyce.

And they're all congratulatory.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Consent Calendar. Madam Secretary, have there been any objections filed to the Resolutions...oh, wait a minute.

SECRETARY:

Senate Joint Resolution 77 offered by Senator Savickas.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Executive. All right. Leave of the Body, the...the Resolutions Consent Calendar has been passed out. With leave, we...we will add...Senate Resolutions 451, 452, 453, 454, 455, 56, 57, 458, 459, 460 and House Joint Resolution 107 and House Joint Resolution 108. Is there leave to add those Resolutions Consent Calendar? Leave is granted. Senator Brookins now moves the adoption of the Resolutions Consent Calendar. Those...all right...have...Madam Secretary, have there been any objections filed?

SECRETARY:

There have been no objections filed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Brookins moves the adoption of the Resolutions Consent Calendar. Those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. The Resolutions Consent Calendar is adopted. Further business to come before the Senate? All right. Senator Rock moves that the Senate stand...adjourned until tomorrow morning at the hour of nine-thirty. The Senate stands adjourned.

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