

85TH GENERAL ASSEMBLY

REGULAR SESSION

JUNE 27, 1988

PRESIDENT:

The hour of noon 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 afternoon by the Reverend Dale Kooi, First United Methodist Church, Pana, Illinois. Pastor.

REVEREND KOOI:

(Prayer given by Reverend Kooi)

PRESIDENT:

Reading of the Journal, Madam Secretary.

SECRETARY:

Senate Journal of Tuesday, June 14 and Wednesday, June 15, 1988.

PRESIDENT:

Senator Hall.

SENATOR HALL:

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

PRESIDENT:

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

SENATOR HALL:

Mr. President, I move that reading and approval of the Journals of Thursday, June 16th; Friday, June the 17th; Tuesday, June 21st; Wednesday, June 22nd; Thursday, June 23rd and Friday, June 24th, in the year 1981, be postponed pending arrival of the printed Journals.

PRESIDENT:

You've heard the motion as placed by Senator Hall. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and it's

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 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 210. It is congratulatory.

PRESIDENT:

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 concurred with the Senate in the passage of a bill with the following title, to-wit:

Senate Bill 959 with House Amendment No. 9.

I have like Messages on Senate Bill 959 with House Amendment 9.

Senate Bill 1470 with House Amendment 6.

Senate Bills 1558 with House Amendments 1, 2, 5, 8, 10 and 11.

Senate Bill 1562 with House Amendments 1 and 2.

Senate Bill 1581 with House Amendments 1, 2, 3 and 4.

Senate Bill 1697 with House Amendment 1.

Senate Bill 1706 with House Amendment 1.

Senate Bill 1762 with House Amendments 1 and 3.

Senate Bill 1795 with House Amendments 1, 2 and

5.

Senate Bill 1806 with House Amendments 1 and 2.

Senate Bill 1839 with House Amendment 4.

Senate Bill 1840 with House Amendment 1.

Senate Bill 1842 with House Amendments 3, 4, 6
and 7.

Senate Bill 1856 with House Amendments 2 and 3.

Senate Bill 1860 with House Amendment 6.

Senate Bill 1956 with...with House Amendment 3.

Senate Bill 1958 with House Amendments 1, 5 and
7.

Senate Bill 2014 with House Amendments 1 and 5.

Senate Bill 2027 with House Amendment 1.

Senate Bill 2042 with House Amendment 1.

Senate Bill 2127 with House Amendment...House
Amendments 1 and 2.

Senate Bill 2185 with House Amendments 2 and 3.

PRESIDENT:

Secretary's Desk. Resolutions.

SECRETARY:

Senate Resolution 1253 offered by Senator Kustra.

And Senate Resolution 1254 offered by Senator del Valle.

They're both congratulatory.

PRESIDENT:

Consent Calendar. If I can have your attention, we will
begin on page 6 on the Order of Secretary's Desk Concurrence.
We will go right through the Calendar until we conclude it,
to the bottom of page 15. We will attempt...later...I've
asked the Secretary to prepare a Supplemental Calendar to
accommodate those members who have bills yet coming back from
the House. On the Order of Secretary's Desk Concurrence,
Senate Bill 209, Senator Jones. Senate Bill 448, Senator
Barkhausen. On the Order of Secretary's Desk Concurrence,
Madam Secretary, is Senate Bill 448.

SECRETARY:

House Amendments 2 and 3 to Senate Bill 448.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, I recommend that the Senate do concur in House Amendments 2 and 3 to Senate Bill 448. The subject matter is the Business Corporation Act. The bill and the amendments are...are merely technical, they embody recommendations of the Secretary of State's Corporations Division. I'd be happy to answer any questions, but I'm quite sure they're completely noncontroversial and I recommend concurrence.

PRESIDENT:

Is there any discussion? Any discussion? If not, the question is, shall the Senate concur in House Amendments 2 and 3 to Senate Bill 448. Those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 51 Ayes, no Nays, none voting Present. The Senate does concur in House Amendments 2 and 3 to Senate Bill 448 and the bill having received the required constitutional majority is declared passed. (Machine cutoff)...Senator Holmberg. Middle of page 6. 566, Senator Brookins. On the Order of Secretary's Desk Concurrence is Senate Bill 566, Madam Secretary.

SECRETARY:

House Amendments 1 and 2 to Senate Bill 566.

PRESIDENT:

Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. I move that the Senate do concur with the House in Senate Bill 566. The...Amendment No. 1 merely raises the fee from twenty-five to fifty dollars so that the program will pay for itself. It also changes the effective date to 1989. Amendment No. 2 changes the name of the department to the Department of Professional...Regulations. And this bill protects the health and

safety of the elderly in home care. It does not hurt hospitals nor add any cost to the care. So I recommend a...Aye vote.

PRESIDENT:

All right. Senator Brookins has moved concurrence in the House amendments. Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Well, in spite of what the sponsor says, there are people who think this bill will raise the cost of medical care in Illinois. The bill is opposed by the Illinois Hospital Association. They feel that this particular new class is not needed, that they're operating very efficiently the way the system is set up now. So they still stand in opposition to this bill. I think we should listen to them. On the hearings that were held on this bill it occurred to me that...and appeared to me that it was not necessary to set up this set of licensure. And I think it would be a mistake to vote in favor of this concurrence.

PRESIDENT:

Further discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President. I...rise to concur with the remarks of Senator Schuneman. I think, perhaps, maybe we ought to reject this concurrence, send it back to conference and see if there's some way in which we can get a...get a...a compromise. I think small rural hospitals are going to have a real struggle with this thing and I think that Senator Schuneman is absolutely correct in remarks that he made and I would rise in opposition.

PRESIDENT:

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. I also rise in opposition to this amendment. We have a...a small community hospital that

is having to close its trauma center because of lack of nurses. This designation very well could take away another nurse and I think that that causes a severe problem, and I would concur with Senator Demuzio that this amendment strictly just causes a situation to where the small hospitals are going to be hurt.

PRESIDENT:

Senator Brookins.

SENATOR BROOKINS:

Yes, Mr. President, can I take this off the record first.

PRESIDENT:

You certainly may. Take it out of the record, Madam Secretary. Senate Bill 502, Senator Holmberg indicates she's ready. On the Order of Secretary's Desk Concurrence is Senate Bill 502, Madam Secretary.

SECRETARY:

House Amendment No. 3 to Senate Bill 502.

PRESIDENT:

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. I move to...concur with House Amendment No. 3. This is community college legislation, basically just a technical correction. It clarifies the Act by rendering the language consistent, current and more accurately reflects the use of the operation's Building and Maintenance Fund. I know of no opposition and I would ask the Senate to agree.

PRESIDENT:

All right. Senator Holmberg has moved to concur with House Amendment No. 3 to Senate Bill 502. Discussion? If not, all in...question is, shall the Senate concur in House Amendment No. 3 to Senate Bill 502. 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. The Senate does concur in House Amendment No. 3 to Senate Bill 502 and the bill having received the required constitutional majority is declared passed. 720, Senator Joyce. On the Order of Secretary's Desk Concurrence is Senate Bill 720, Madam Secretary.

SECRETARY:

House Amendment No. 1 to Senate Bill 720.

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. I would move that we do concur with House Amendment No. 1 to Senate Bill 720. The House amendment provides that a successor to an importer or a brewery must honor and recognize existing distributorship agreements. This language is consistent with provisions contained in the laws in other states such as Michigan, Minnesota and so forth. In a situation where a brewery or a master distributor, usually the importer, is taken over or acquired in some fashion, the contractual agreement between the manufacturer and that specific brand or line of beers and the wholesale distributor is valid and must be honored for the term of the agreement. An analogy of this situation is similar in respect to an individual purchasing a multiunit apartment building in which the tenants have lease agreements. The new owner in this multiunit apartment building must honor each individual's tenant's lease agreements. Most of these contractual agreements require distributor wholesaler to incur expenditures in the form of capital improvements from their facilities, to increase refrigerated warehouse space, to purchase trucks and to promote the brand. Also,...an agreement can be cancelled, existing...labor agreements would be voided. I'd ask for approval.

PRESIDENT:

*SB 952
concurrency*

All right. Senator Joyce has moved concurrence with House Amendment No. 1. Is there any discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 720. 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 52 Ayes, no Nays, 1 voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 720 and the bill having received the required constitutional majority is declared passed. If I can have your attention, a Mr. Douglas from WTSP-TV in Tampa-St. Petersburg has requested permission to shoot some videotape. Is leave granted? Leave is granted. 952. On the Order of Secretary's Desk Concurrence, the bottom of page 6, is Senate Bill 952, Madam Secretary.

SECRETARY:

House Amendment No. 2 to Senate Bill 952.

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President, I would move to concur with House Amendment No. 2. It permits a savings and loan association to branch into the same states as permitted bank holding companies and requires such savings and loans to abide by the...reciprocity provisions of the Savings and Loan Association Holding Company Act, clarifies the ability of savings and loans to issue demand commercial or checking accounts. Presently the S and L's can accept or carry any demand commercial or checking account to the extent federal savings and loans can and is authorized by the commissioner's regulation. This amendment merely clarifies such authorization and I would move its adoption.

PRESIDENT:

All right. Senator Savickas has moved concurrence with

AB 1285
Concurrence

House Amendment No. 2. Is there any discussion? If not, the question is, shall the Senate concur in House Amendment No. 2 to Senate Bill 952. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. The Senate does concur in House Amendment No. 2 to Senate Bill 952 and the bill having received the required constitutional majority is declared passed. (Machine cutoff)...of page 7. 1167, Senator Netsch. 1285, Senator Severns. Middle of page 7, on the Order of Secretary's Desk Concurrence is Senate Bill 1285, Madam Secretary.

SECRETARY:

House Amendments 1 and 6 to Senate Bill 1285.

PRESIDENT:

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, members of the Senate. I move to concur in House Amendments 6 and 1. House Amendment 1 is deleted by House Amendment 6. House Amendment 6 was requested by Lieutenant Governor George Ryan. The intent of the...the amendment is to...permit banks to invest the funds of any person not just the public agencies in such an investment. This supplements his World Trade Center efforts. I move for concurrence. Will be happy to answer any questions.

PRESIDENT:

All right. Senator Severns has moved concurrence with House Amendments 1 and 6 to Senate Bill 1285. Discussion? If not, the question is, shall the Senate concur in House Amendments 1 and 6 to Senate Bill 1285. 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,

AB 1562
Concurrence

no Nays, none voting Present. The Senate does concur in House Amendments 1 and 6 to Senate Bill 1285 and the bill having received the required constitutional majority is declared passed. 1456, Senator Welch. 1532, Senator Schaffer. On the Order of Secretary's Desk Concurrence is Senate Bill 1532, Madam Secretary.

SECRETARY:

House Amendments 1, 2, 3, 4 and 6 to Senate Bill 1532.

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, it is now apparent that we need to nonconcur in this. And I'd just move to nonconcur in the amendments.

PRESIDENT:

All right. Senator Schaffer has moved to nonconcur in House Amendments 1, 2, 3, 4 and 6 to Senate Bill...I'm sorry, 1532. All in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. 1563, Senator Holmberg. On the Order of Secretary's Desk Concurrence is Senate Bill 1563, Madam Secretary.

SECRETARY:

House Amendment No. 1 to Senate Bill 1563.

PRESIDENT:

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. Senate Bill 1563 as it left the Senate allowed colleges and universities to establish regional summer math and science academies. That bill came back out of the House very nicely but it came with an amendment on it. Although the amendment does what I think is a very necessary thing and...and let me explain that to you. It basically asks that we set aside every year 26.63 percent

of the state's budget for elementary and secondary education. It's using Fiscal Year '87's figures. If that kind of set-aside had been set in place for this year, we would not be having some of the difficulty that we are having now with trying to find enough money in the budget. We would have given to elementary and secondary education a hundred and thirty-nine million dollars more. This is something that I think each of us has been promising our constituents back home. I am going to ask that we nonconcur, however, because we have had some interest from higher education and the community college system to take a look at the whole way we fund education and I would like to keep this bill moving.

PRESIDENT:

All right. Senator Holmberg has moved to nonconcur in House Amendment No. 1 to Senate Bill 1653. All in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. 1592, Senator Lechowicz...asked leave of the Body to be heard tomorrow at approximately noon. Without objection, leave is granted. 1599, Senator Joyce. On the Order of Secretary's Desk Concurrence is Senate Bill 1599, Madam Secretary.

SECRETARY:

House Amendments 2 and 4 to Senate Bill 1599.

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. I would move that the Senate do concur in House Bill...or Amendments 2 and 4 to House Bill...or Senate Bill 1599. The first one is...this is the biodegradable corn plastic bag bill. The first one was amendment...changes worked out with representatives of the Solid Waste Management Act and they simply clarify certain portions of the original bill, and ADM requested that the language stating that biodegradable bags must be at least six

percent corn starch. The second amendment...since this amended the same Act...adds water slides to the Carnival and Amusement Ride Safety Act. A...water slides and super slides are becoming more popular and this adds them to the Carnival and Amusement Ride Safety Act to...to ensure that they are properly constructed and maintained. I'd ask for the adoption of the...these two...I'd ask for the concurrence in these two amendments to Senate Bill 1599.

PRESIDENT:

All right. Senator Joyce has moved to concur with the House amendments to Senate Bill 1599. Discussion? Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. In our analysis...I guess the question is with the definition of amusement ride, whether or not that amendment is germane. Have...have we checked that very carefully for germaneness of that amendment?

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

Well, I was told by the House sponsor it was.

PRESIDENT:

Senator Macdonald.

SENATOR MACDONALD:

Well, I'm...as I say, I am...I'm questioning it because it does appear in...in my analysis that there is some question about it. I...we have no problem with Amendment No. 4, but...but I do wonder if the germaneness is appropriate.

PRESIDENT:

We will...we will...I have asked the Parliamentarian to take a look at it. In the meantime, there are a couple of others who have indicated a desire to speak. Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDENT:

Sponsor indicates he will yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, by adding water slides to this Act, what kind of fee are we talking about for municipal water slides and others?

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

Yes, thank you. I...I...in the amendment, I see no...no mention of fees at all, it just adds water slide to the definition.

PRESIDENT:

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

SENATOR JEROME JOYCE:

Excuse me. Under another section of the Act it says that the..."The board shall determine a schedule of permit fees for each amusement ride or amusement attraction." It's the Carnival Amusement Safety Board.

PRESIDENT:

Senator Hawkinson.

SENATOR HAWKINSON:

Senator, do you happen to know what fees have been established for other carnivals? Do we have any idea what this is going to cost our water slide people?

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

All right. Senator Welch, who sponsored this originally, says it's twenty-five to fifty dollar fees.

PRESIDENT:

Further discussion? Senator Watson.

SENATOR WATSON:

A couple of questions of the sponsor concerning Amendment No. 4.

PRESIDENT:

Sponsor indicates he'll yield, Senator Watson.

SENATOR WATSON:

Thank you. The biodegradable bag situation, it seems as though this issue has been before us several different times. Can you tell me where we are in regard to bills that we have sent over to the House? Didn't...didn't we beat this issue once and then it came back as an amendment and possibly went over?

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

Yes. We...this is the original bill we sent over. When we sent it over not only were water slides put on it but all kinds of other propositions were put on it and that's when I...when House Bill 3800 was here, I put this same provision on House Bill 3800 because I was afraid that the biodegradable bag bill would biodegrade over there with all of those other amendments on it. And so this is the original bill and the only thing that's been added to it is the water slides and hopefully they're biodegradable too.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

Okay, well, thank you. Now, let me ask you a question about this issue. What...do we have to have two types of trucks now going by? As you know, in...in my area, anyway, we have one major hauler who comes by with one truck and everything is thrown in the back end of the truck and...and it's taken away. Now, are we going to have a situation in which we're going to have to have two trucks now running

*SB 1615
concurrency*

around to...to pick up those biodegradable bags?

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

Well, we have until July of 1990 to work that out, whether there will be two compartments in this truck or whether there will be two trucks. This is only yard waste and, you know, that will only be three or four months out of the year that that would be a problem. In fact, if it's like this year, it wouldn't be a problem at all. But, you know, that...that's...that's why the...the extra time is allowed there so we can work out problems like that.

PRESIDENT:

Further discussion? Senator Macdonald, the Chair is prepared, at the sponsor's request, to rule that it is germane. Further discussion? If not, the question is, shall the Senate concur in House Amendments 2 and 4 to Senate Bill 1599. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 45 Ayes, 6 Nays, 1 voting Present. The Senate does concur in House Amendments 2 and 4 to Senate Bill 1599 and the bill having received the required constitutional majority is declared passed. 1615, Senator Welch. On the Order of Secretary's Desk Concurrence, bottom of page 7, is Senate Bill 1615, Madam Secretary.

SECRETARY:

House Amendments 1, 2, 5 and 6 to Senate Bill 1615.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

Mr. President, I would move to concur in those amendments.

*AB 163A
concurrance*

PRESIDENT:

Senator Welch has moved to nonconcur in House Amendments 1, 2, 5 and 6 to Senate Bill 1615. All in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. 1616. 1626, Senator D'Arco. 1634, Senator Vadalabene. On the Order of Secretary's Desk Concurrence, top of page 8, is Senate Bill 1634, Madam Secretary.

SECRETARY:

House Amendments 1, 2, 3 and 4 to Senate Bill 1634.

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Thank you, Mr. President and members of the Senate. Senate Bill 1634 as amended in the House does three things. Amendment No. 1 requires the Illinois Commerce Commission to conduct a public hearing to determine if the public is reasonably and sufficiently protected prior to...issuing an order excusing the rail carrier from civil...in giving...warnings at railroad crossings. The dealer plates provision of...Senate No. 1 of this amendment are deleted by House Amendment 3. Amendment No. 2 adds Senate Bill...1848 requiring motor vehicles operating on the high-ways...state...to have windshields and...Senate...tinted windshields and Senate Bill 1622, Topinka, that no person shall drive a motor vehicle with tinted...film upon the front windshields or side windows immediately...adjacent to the driver. And Amendment No. 4 allows the use of any color for...for fog lamps on vehicles. And I concur with these amendments.

PRESIDENT:

All right. Senator Vadalabene has moved to concur in House Amendments 1, 2, 3 and 4 to Senate Bill 1634. Discussion? If not, the question is, shall the Senate concur in

House Amendments 1, 2, 3 and 4 to Senate Bill 1634. Those in favor will vote Aye. Opposed vote Nay. The voting is open. All voted who wish? All voted who wish? Have all voted who wish? Take the record. On that question, there are 48 Ayes, 5 Nays, none voting Present. The Senate does concur in House Amendments 1, 2, 3 and 4 to Senate Bill 1634 and the bill having received the required constitutional majority is declared passed. 1642, Senator Smith. On the Order of Secretary's Desk Concurrence is Senate Bill 1642, Madam Secretary.

SECRETARY:

House Amendment No. 1 to Senate Bill 1642.

PRESIDENT:

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I vote to concur with the amendment for House Bill...Senate Bill 1642 which merely protects the physician, that no physician shall be liable and no cause of action may be brought for personal injuries resulting from the exercise of good faith judgment in making certification under this provision. And this bill passed the Senate 41 to 8. And it merely exempts from the physical handicapped children for...restraint requirements. I am sure that Senator Davidson will be pleased to know this and I ask for your adoption.

PRESIDENT:

All right. Senator Smith has moved concurrence with House Amendment No. 1. Any discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1642. 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, the Ayes are 43, the Nays are 7, 2 voting

*SB 1647
concurrance*

Present. The Senate does concur with House Amendment No. 1 to Senate Bill 1642 and the bill having received the required constitutional majority is declared passed. 1647, Senator Poshard. On the Order of Secretary's Desk Concurrence is Senate Bill 1647, Madam Secretary.

SECRETARY:

House amendments...House Amendment No. 1 to Senate Bill 1647.

PRESIDENT:

Senator Poshard.

SENATOR POSHARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Amendment 1 to Senate Bill 1647 is a recommendation of the Illinois Ambulance Association which was adopted over in the House, and the purpose of the amendment is to allow ambulance providers to participate in the decision-making process concerning services for trauma victims. It would allow an ambulance provider representative from each EMS system in a trauma region to serve on the committee that establishes protocol to identify when patients shall be transported to certain facilities. I'd simply move for its passage.

PRESIDENT:

Discussion? Senator Poshard has moved concurrence. Discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President, Ladies and Gentlemen of the Senate, this is a...a really good bill which obviously we felt it was because we sent it out of here overwhelmingly. The House was a little more skittish about it. In the long-run it probably will have a good effect; however, I think we should be aware that if we pass this out, this is final action, that there is some question as to what the fiscal impact of this...bill will be overall especially in light of the fact that, you

know,...any type of a tax increase doesn't seem to be moving along here. We're estimating that the cost of this might be about three hundred thousand dollars. So, this is just calling that to your attention and not necessarily in opposition to the bill.

PRESIDENT:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor, Mr. President.

PRESIDENT:

Sponsor indicates he'll yield, Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, is there anything in this bill that requires local units of government to participate in this system?

PRESIDENT:

Senator Poshard.

SENATOR POSHARD:

(Machine cutoff)...sir, there is nothing that requires local units of government to participate whatsoever, it's strictly voluntary, if they want to form a regional ambulance system among two or more counties to...to make a more efficient operation of their ambulance services.

PRESIDENT:

Senator Schuneman.

SENATOR SCHUNEMAN:

Two questions. Is there a cost impact now? Is there a projected cost impact for the future? One of the things I'm concerned about our doing here this year is...is making sure we watch these systems where we're establishing programs that are going to have costs in out years that we can't afford to pay for, we've been doing that a lot around here.

PRESIDENT:

Senator Poshard.

SENATOR POSHARD:

(Machine cutoff)...Schuneman, the estimated cost to take care of this need in the state is two hundred thousand dollars, that's what we've been given by Economic and Fiscal.

PRESIDENT:

Further discussion? Senator Raica.

SENATOR RAICA:

Will the sponsor yield, please?

PRESIDENT:

Indicate he'll yield, Senator Raica.

SENATOR RAICA:

Senator Poshard, my question is relating to the trauma aspect of this piece of legislation. Is this primarily for the rural areas that are originally mentioned in this bill or is this opened up for the entire state? My question...is...is asked because currently there are standards for trauma centers designation. Will this affect that at all or is this primarily for those rural counties?

PRESIDENT:

Senator Poshard.

SENATOR POSHARD:

Senator Raica, as I read it, and not having talked to the House sponsor of the amendment, I'm assuming it is for the state...statewide emphasis and not just rural counties that need the regional ambulance services. Our analyses of the amendment says that it was offered as a recommendation from the Illinois Ambulance Association to allow them to participate in this decision-making process. Eighty-seven hospitals have now applied to the Department of Public Health for trauma center status in ten newly designated trauma center regions. Department of Public Health is conducting site surveys that they commenced in May in the hospitals that have applied to the level one and level two trauma centers, and this is simply to give the ambulance providers that serve those trauma center regions some input into the

decision-making process as to where patients would be taken under what circumstances to which trauma centers.

PRESIDENT:

Further discussion? Senator...I beg your pardon, Senator Raica.

SENATOR RAICA:

Senator Poshard, it...it appears as that we're trying to...to get more trauma centers on board. Currently, I think there are nine trauma centers in the City of Chicago and...and there are some that are pediatric trauma centers. And what I'm afraid is going to happen is that would...if we open up this to all the hospitals in the City of Chicago once again, we're going to have a...a situation arise where the trauma centers that are designated as trauma centers now will not see those patients which they normally do and therefore the expertise of...of trauma care is going to deteriorate. So, I...I...I reluctantly stand up and if this is the case, that they're going to open up trauma centers throughout the city once again, I...

PRESIDENT:

Senator Poshard.

SENATOR POSHARD:

Yes, Senator Raica, this bill has nothing to do with whether or not new trauma centers are opened up somewhere in the state. There are already...the hospitals that are trying for trauma...center status have already applied to DPH for that status. All this amendment does is add an ambulance provider representative to the council that...that determines those trauma center designations.

PRESIDENT:

Further discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I stand to support Senator Poshard in this amend-

ment. These trauma centers are sorely needed and it's merely given them an opportunity to have a...a part in the decision making of these trauma centers. I vote that...that we will support this piece of legislation and the amendment, that we do confer with it. Thank you.

PRESIDENT:

Further discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1647. 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 51 Ayes, 1 Nay, 2 voting Present. The Senate does concur with House Amendment No. 1 to Senate Bill 1647 and the bill having received the required constitutional majority is declared passed. 1672. On the Order of Secretary's Desk Concurrence is Senate Bill 1672, Madam Secretary.

SECRETARY:

House Amendments 2 and 3 to Senate Bill 1672.

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President, I would move to concur with House Amendment No. 2. House Amendment No. 2 to Senate Bill 1672 makes the bill identical to Senator Netsch's House Bill 2569 except that it updates the reference to the Public Utilities Act that House Bill 2569 did not have. And it's my understanding that this was a technical correction that...they thought was necessary. And so I would move its...your concurrence with Amendment No. 2.

PRESIDENT:

And...and Amendment No. 3, what is your pleasure?

SENATOR SAVICKAS:

Yes. I guess I read the explanation for both amendments.

PRESIDENT:

All right. Senator Savickas has moved to concur in Amendments 2 and 3 to Senate Bill 1672. Is there any discussion? If not, the question is, shall the Senate concur in House Amendments 2 and 3 to Senate Bill 1672. Those in favor will vote Aye. Opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, 1 Nay, none voting Present. The Senate does concur in House Amendments 2 and 3 to Senate Bill 1672 and the bill having received the required constitutional majority is declared passed. 1676, Senator Poshard. On the Order of House Bills...on the Order of Secretary's Desk Concurrence is Senate Bill 1676. I beg your pardon, Senator Schuneman, for what purpose do you arise?

SENATOR SCHUNEMAN:

Thank you, Mr. President. Just to call your attention to the...to the board that time which appeared to be malfunctioning, and...and...

PRESIDENT:

All right. The board, as you well know, is informational only. The official record, the Secretary informs me, is correct. 1676, Senator Poshard. On the Order of Secretary's Desk Concurrence is Senate Bill 1676, Madam Secretary.

SECRETARY:

House Amendments 5 and 6 to Senate Bill 1676.

PRESIDENT:

Senator Poshard.

SENATOR POSHARD:

Yes, thank you, Mr. President, Ladies and Gentlemen of the Senate. House Amendment 5 allows the Department...of Commerce and Community Affairs to establish a matching grant program for universities, community colleges, small business development centers, community action agencies and other not-for-profit economic development agencies to encourage new

enterprise development. Funds granted to the qualified entities can be used to provide loans to small businesses. It requires small business applicants to receive business development training prior to participation in the program. No more than ten percent of the grant can be used for administrative costs by the grantee agency and priority would be given to those business located in high poverty areas, enterprise zones or both. DCCA has provided the language for this amendment in this Amendment 5. Amendment 6...would require the Self-Insurers Advisory Board to review and recommend to the Industrial Commission as initial self-insurers workers compensation applications. It establishes a self-insurers application fee of five hundred dollars to fund the administrative expenses of the board's activities. The employers in the private self-insurance pools have recommended this legislation to ensure that new entries into the pool are checked out thoroughly and the Industrial Commission which has that responsibility simply does not have the staff nor the money to do that. So the five hundred dollar application fee for the new prospective entrance into the pool would...would pay for this...the Industrial Commission to check these people out thoroughly to make sure that they are fiscally sound enough to be in the...self-insurance pool. I know of no opposition to either of these amendments. Amendment 6 is agreed to between the Illinois Self-insurers Association, the AFL-CIO, the Governor's Office and the Industrial Commission. So, I would move for passage.

PRESIDENT:

Discussion? If not, the question is, shall the Senate concur in House Amendments 5 and 6 to Senate Bill 1676. 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, there are 57 Ayes, no Nays, none voting Present.

The Senate does concur in House Amendments 5 and 6 to Senate Bill 1676 and the bill having received the required constitutional majority is declared passed. 1685. On the Order of Secretary's Desk Concurrence is Senate Bill 1685, Madam Secretary.

SECRETARY:

House Amendments 3 and 4 to Senate Bill 1685.

PRESIDENT:

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President and members of the Senate. I move to concur in House Amendments 3 and 4 to Senate Bill 1685. Amendment...House Amendment 3 was an amendment initiated by DCCA which is really just a...a technical amendment cleaning up some language. Amendment No. 4 is something that was...repeals the Illinois Neighborhood Corporation Act of 1983. In essence, the Illinois Community Action Agency is the private agency that administers this program. They agree, as all parties involved agree, it does not work. And the hope is that these federal dollars can be moved to a more effective community action program. I know of no opposition to this amendment and I move for concurrence in both amendments.

PRESIDENT:

All right. Senator Severns has moved concurrence in House action. Discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDENT:

Indicates she will yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, my brief information in just seeing this House amendment is that this would cost Peoria and many other

cities dollars that they've been receiving. I believe Peoria received about ten thousand dollars from this program last year, I don't know what Decatur or other communities might be receiving. Have the cities involved signed off on this change?

PRESIDENT:

Senator Severns.

SENATOR SEVERNS:

Representative Black in the House was the person who initiated this amendment. I'm not certain what conversations he had with the cities involved. I can just tell you it's a matching...match grant program, and since 1983, when it first started only three cities in the state have participated. It's a program that at least the Illinois community action agencies that run the program are saying fails to work.

PRESIDENT:

Senator Hawkinson.

SENATOR HAWKINSON:

But you don't know, for example, if the community action agency in Peoria would favor the abolition of this program?

PRESIDENT:

Senator Severns.

SENATOR SEVERNS:

I'm not aware specifically of Peoria, I know that the association statewide does.

PRESIDENT:

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President, members of the Senate. I guess my questions are along the same line as Senator Hawkinson, this is...it may well be the right thing to do, but I know my community is affected negatively as well and I...I don't know how successful the program is. I just hate to be voting for something here that I might want to support but not knowing

the...the facts. And I'm just a little bit concerned about bringing this up at the final hour. Any...any additional information, Senator?

PRESIDENT:

Senator Severns.

SENATOR SEVERNS:

Simply, again, it's not an amendment that was initiated by me, but out of the twelve hundred potential applicants only three cities have applied. Monies...federal dollars that could be used elsewhere have continued to sit and the association statewide believes that this is a program that's not working.

PRESIDENT:

Further discussion? Senator Maitland.

SENATOR MAITLAND:

But only again to say, we don't know what our own communities and how they're affected. I...I'm really concerned about doing this, you know, it puts us in a difficult position.

PRESIDENT:

Further discussion? If not, the question is, shall the Senate concur in House Amendments 3 and 4 to Senate Bill 1685. 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 38 Ayes, 9 Nays, 11 voting Present. The Senate does concur in House Amendments 3 and 4 to Senate Bill 1685 and the bill having received the required constitutional majority is declared passed. 1690, Senator Etheredge. Bottom of page 8, on the Order of Secretary's Desk Concurrence, Madam Secretary, is Senate Bill 1690.

SECRETARY:

House Amendments 1 and 2 to Senate Bill 1690.

PRESIDENT:

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I move to nonconcur in House Amendments 1 and 2.

PRESIDENT:

Senator Etheredge has moved to nonconcur in House Amendments 1 and 2 to Senate Bill 1690. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. Top of page 9, 1692, Senator Weaver. On the Order of Secretary's Desk Concurrence is Senate Bill 1692, Madam Secretary.

SECRETARY:

House...House Amendments 1, 2, 3, 4 and 5 to Senate Bill 1692.

PRESIDENT:

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. I'd move that the Senate nonconcur in House Amendments No. 1, 2, 3, 4 and 5 to Senate Bill 1692.

PRESIDENT:

Senator Weaver has moved to nonconcur in House Amendments 1, 2, 3, 4 and 5 to Senate Bill 1692. All in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. 1693. On the Order of Secretary's Desk Concurrence is Senate Bill 1693, Madam Secretary.

SECRETARY:

House Amendments 1 and 2 to Senate Bill 1693.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I would move that the Senate nonconcur with House Amendments Numbers 1 and 2.

PRESIDENT:

All right. Senator Carroll has moved to nonconcur with House Amendments 1 and 2 to Senate Bill 1693. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. Senate Bill 1694. On the Order of Secretary's Desk Concurrence is Senate Bill 1694, Madam Secretary.

SECRETARY:

House Amendments 1 and 2 to Senate Bill 1694.

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. I move not...to nonconcur with...with House Amendments No. 1 and 2 to 1634.

PRESIDENT:

Senator Vadalabene has moved to nonconcur in House Amendments 1 and 2 to Senate Bill 1694. All in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. On the Order of Secretary's Desk Concurrence is Senate Bill 1695, Madam Secretary.

SECRETARY:

House Amendments 1 and 2 to Senate Bill 1695.

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Mr. President, I move we nonconcur in House Amendment 1 and 2 to Senate Bill 1695.

PRESIDENT:

Senator Davidson has moved to nonconcur with House Amendments 1 and 2 to Senate Bill 1695. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. 1696. On the Order of Secretary's Desk Concurrence is 1696, Madam Secretary.

PRESIDENT:

House Amendments 1 and 3 to Senate Bill 1696.

PRESIDENT:

Senator Hall.

SENATOR HALL:

Thank you, Mr. President. I move to nonconcur with Senate Amendments 1 and...with House Amendments 1 and 3 to Senate Bill 1696.

PRESIDENT:

All right. Senator Hall has moved to nonconcur in House Amendments 1 and 3 to Senate Bill 1696. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. 1701, Senator O'Daniel. On the Order of Secretary's Desk, middle of page 9, is Senate Bill 1701, Madam Secretary.

SECRETARY:

House Amendment No. 3 to Senate Bill 1701.

PRESIDENT:

Senator O'Daniel.

SENATOR O'DANIEL:

Mr. President and members of the Senate, House Amendment No. 3 to Senate Bill 1701 allows nonresident hunters to hunt without a firearms owner identification FOID card under certain conditions. This amendment was developed by the Joint Committee on Administrative Rules and is supported by the Department of Conservation and Illinois State Police. What it really does, it permits nonresident hunters whose state of

residence does not require to be licensed or registered to possess a firearm to hunt in Illinois without a FOID card. And I'd move to concur.

PRESIDENT:

Discussion? Is there any discussion? If not, the question is, shall the Senate concur in House Amendment No. 3 to Senate Bill 1701. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. The Senate does concur in House Amendment No. 3 to Senate Bill 1701 and the bill having received the required constitutional majority is declared passed. Senator Jones on 1707. On the Order of Secretary's Desk Concurrence is Senate Bill 1707, Madam Secretary.

SECRETARY:

House Amendment No. 1 to Senate Bill 1707.

PRESIDENT:

Senator Jones.

SENATOR JONES:

Thank you, Mr. President and members of the Senate. I move that the Senate concur in House Amendment No. 1 to Senate Bill 1707. Amendment No. 1 requires the Department of Public Aid to promulgate...to promulgate particular rules governing the selection, distribution network agencies under the Federal Surplus Commodity Program. Also it delete bad moral character as a ground for denial in revoking or refusing to renew a nursing home license. This is a JCAR bill, the amendment is the...was House bill...what House bill number was that...by Senator Donahue...House Bill 3145 which got hung up in Rules. Both of them were JCAR bills. I move that we concur.

PRESIDENT:

All right. Senator Jones has moved concurrence. Is

there any discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1707. 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. The Senate does concur in House Amendment No. 1 to Senate Bill 1707 and the bill having received the required constitutional majority is declared passed. 1714. On the Order of Secretary's Desk Concurrence is Senate Bill 1714, Madam Secretary.

SECRETARY:

House Amendment No. 1 to Senate Bill 1714.

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, I'd move we concur in House Amendment No. 1 to Senate Bill 1714. House Amendment No. 1 very clearly states language that extended immunity to any person, institution or agency which submits or discloses photographs or X-rays to a agency designated or received reports of a suspected abuse or neglect.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1714. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 1714 and the bill having received the required constitutional majority is declared passed. Senator Karpziel. Senator Watson, 1728. On the Order of Secretary's Desk Concurrence is Senate Bill 1728, Madam Secretary.

SECRETARY:

House Amendment No. 1 to Senate Bill 1728.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. This is the Abandoned Mines Reclamation Council budget. House amendment...I concur...move to concur with House Amendment No. 1 which added eleven thousand seven hundred dollars in federal funds to the Contractual Service line. This brings the budget up to twenty-one million six hundred and thirty-eight thousand four hundred dollars. I move for concurrence with House Amendment No. 1 to Senate Bill 1728.

PRESIDENT:

Discussion? Discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1728. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, 2 voting Present. The Senate does concur with House Amendment No. 1 to Senate Bill 1728 and the bill having received the required constitutional majority is declared passed. Senator Donahue on 1729. Jim...Jim. Senator Donahue on 1729. Madam Secretary, on the Order of Secretary's Desk Concurrence is Senate Bill 1729.

SECRETARY:

House Amendments 1, 6, 7, 9 and 11 to Senate Bill 1729.

PRESIDENT:

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. I would move that we concur with House Amendments 1, 6, 7, 9 and 11. This is the ordinary contingent expenses for the Department of Agriculture.

PRESIDENT:

All right. Is there any discussion? Senator Donahue has

moved concurrence. Any discussion? If not, the question is, shall the Senate concur with House Amendments 1, 6, 7, 9 and 11 to Senate Bill 1729. 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. The Senate does concur with House Amendments 1, 6, 7, 9 and 11 to Senate Bill 1729 and the bill having received the required constitutional majority is declared passed. 1730. Bottom of page 9, on the Order of Secretary's Desk Concurrence is Senate Bill 1730, Madam Secretary.

SECRETARY:

House Amendment No. 1 to Senate Bill 1730.

PRESIDENT:

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. I would move that the Senate concur in House Amendment No. 1 to Senate Bill 1730. This adds three hundred and nineteen thousand four hundred dollars to implement Senate Bill 400.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1730. 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. The Senate does concur with House Amendment No. 1 to Senate Bill 1730 and the bill having received the required constitutional majority is declared passed. Top of page 10, Senator Etheredge. 1732, Madam Secretary.

SECRETARY:

House Amendment No. 1 to Senate Bill 1732.

PRESIDENT:

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I move to concur with House Amendment No. 1.

PRESIDENT:

All right. Senator Etheredge has moved concurrence with House Amendment No. 1 to Senate Bill 1732. Discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in opposition to the concurrence motion, I had hoped that Senator Etheredge would move to nonconcur. And the reason is, though we have created a special fund for operation of this department, which is fine, that's a decision that has been made, there was no concomitant in general revenue in so doing and, in fact, the appropriation as it now sits by House action for that special fund is greater than that asked for by the Governor in his introduction of the bill. We cannot understand why, in fact, you would be, you know, several dollars over...thousands of dollars over, possibly hundreds of thousand dollars over at this stage when in fact, one, a special fund was created, and two, even that special fund has now grown before it came to life, has even grown greater than that which was proposed in the Governor's budget. I think, therefore, we ought to sit down and see what the spending needs really are, why there were no savings by creating this fund and why the fund is even bigger now than when it became a thought. We don't want reality to be greater than the thought. I'm surprised that they would want to spend more. I would suggest, therefore, we nonconcur in that amendment and have a conference resolve what is the accurate spending level for this agency.

PRESIDENT:

All right. Further discussion? Any further discussion? If not, the question is, shall the...Senator...I'm sorry, Senator Etheredge, you may close.

SENATOR ETHEREDGE:

Thank you, Mr. President. I...I would suggest that the overage that...Senator Carroll has referred to is...first off, we're talking about something on the order of thirty thousand dollars, and the reason that that figure has been added into that special fund is because of an oversight. There...there was a failure to include the necessary expenditures for group insurance at the time when the budget line was arrived at. I would suggest that because of that oversight is no reason to send this bill to conference committee. I would ask everyone to vote Aye on the motion to concur.

PRESIDENT:

All right. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1732. 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 41 Ayes, 11 Nays, none voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 1732 and the bill having received the required constitutional majority is declared passed. 1733. Senator Keats, for what purpose do you arise?

SENATOR KEATS:

Mr. President, I'd just like to make a request as we get into the approp. bills and some others. Some of the substantive bills the people got up and explained what the amendments are. I think we're getting sloppy, maybe we should get back up and get in the habit of start saying what is in these amendments while we're trying to trace what they are so that we're all aware in case there's something different in these amendments.

PRESIDENT:

On the Order of Secretary's Desk Concurrence, Madam Secretary, Senate Bill 1733.

SECRETARY:

House Amendment No. 1 to Senate Bill 1733.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. I move that we concur with House Amendment No. 1 to Senate Bill 1733. This is the Illinois Commerce Commission budget and the amendment adds back a total of seven hundred and forty thousand eight hundred dollars, four hundred and sixty-five thousand eight hundred will go into the Transportation Regulatory Fund and two hundred and seventy-five thousand will go into the Public Utility Fund. I just would appreciate your support and move that we concur with House Amendment No. 1 to Senate Bill 1733.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate concur with House Amendment 1 to Senate Bill 1733. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. The Senate does concur with House...in House Amendment 1 to Senate Bill 1733 and the bill having received the required constitutional majority is declared passed. Senate Bill 1734, Senator Schaffer. I'm sorry, Madam Secretary.

SECRETARY:

House Amendments 1, 2, 3, 10, 11, 14, 16, 19, 20, 22, 26, 28, 29, 30, 32, 33, 34 and 36 to Senate Bill 1734.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

I'm tempted to move to concur but I'd hate to see...Senator Carroll bite through his pipe. The Session is winding to an orderly conclusion but it's not orderly enough that we wouldn't put DCCA into a conference committee. Although I'm confident the taxpayers would probably be better off if we did, I move to nonconcur.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...discussion? Senator Schaffer has moved to nonconcur in House Amendments 1, 2, 3, 10, 11, 14, 16, 19, 20, 22, 26, 28, 29, 30, 32, 33, 34 and 36. All those in favor will...to Senate Bill 1734. All those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. The motion carries and the Secretary shall so inform the House. Senate Bill 1735, Madam Secretary.

SECRETARY:

House Amendments 2, 6 and 9 to Senate Bill 1735.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1735 is the budget for the Department of Conservation, it's a hundred and seventeen million nine. Amendment No. 2 is an increase of five hundred thousand; Amendment No. 6 is an increase of a hundred thousand. Amendment No. 9 does nothing, it's a total increase of six hundred thousand. I move to concur in Amendment 2, 6 and 9 for Senate Bill 1735.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator...the question is, shall the Senate concur in House Amendments 2, 6 and 9 to Senate Bill 1735. Those in favor will indicate by...voting Aye. Opposed Nay. The Aye...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 1, none voting Present. The Senate does concur in House Amendments 2, 6 and 9 to Senate Bill 1735 and the bill having received the required constitutional majority is declared passed. Senator Netsch, for what purpose do you arise?

SENATOR NETSCH:

Thank you, I was trying to speak on the last bill, that's all right.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch, we had this problem last week and it must...it must have been after the...I called for the vote, because I certainly didn't see your light. Well,...Senate Bill 1735, Madam Secretary. All right, 1737, Madam Secretary.

SECRETARY:

House Amendment No. 1 to Senate Bill 1737.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, this is the Education Labor Relations Board, one million two forty-seven eight-fifty, still down below the...introduction level. I move we concur.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? Senator Schaffer has moved...the question is, shall the Senate concur with House Amendment 1 to Senate Bill 1737. Those in favor 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. The Senate does concur with House Amendment 1 to Senate Bill 1737 and the bill having received the required constitutional majority is declared passed. 1738. Madam Secretary, Senate Bill 1-7-3-8.

SECRETARY:

House Amendments 1, 2 and 3 to Senate Bill 1738.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

This is the appropriations for the Employment Security Department. Again, a total two hundred and ten million, still some three million below introduced level.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate concur in House Amendments 1, 2 and 3 to Senate Bill 1738. Those in favor 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 1, 2 voting Present. The Senate does concur with House Amendments 1, 2 and 3 to Senate Bill 1738 and the bill having received the required constitutional majority is declared passed. Senate Bill 1739, Senator Etheredge. House...I'm sorry, Senate Bill 1739, Madam Secretary.

SECRETARY:

House Amendments 1, 3, 6, 7, 9 and 11 to Senate Bill 1739.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I move to concur with House Amendments 1, 3, 6, 7, 9 and 11. I would just point out by way of explanation that there are a couple of amendments on this bill and they total about a hundred and seventy-five millions of dollars that are contingent upon...that would be used to establish a Waste Water Treatment Revolving Fund and, of course, this is contingent upon some discussions that are now underway. I'd be happy to respond to any questions. If there are none,

then I move to concur.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate concur with House Amendments 1, 3, 6, 7, 9 and 11 to Senate Bill 1739. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 1739...I beg your pardon,...the Senate does concur with House Amendments 1, 3, 6, 7, 9 and 11 to Senate Bill 1739 and the bill having received the required constitutional majority is declared passed. Senate Bill 1740. Madam Secretary, 1-7-4-0.

END OF REEL

REEL #2

SECRETARY:

House Amendments 1 and 3 to Senate Bill 1740.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Mr. President, Ladies and Gentlemen of the Senate, I move to concur with Committee Amendments 1 and 3. These two amendments add a hundred and eighty thousand non-GRF money into the budget of this agency.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate concur in House Amendments 1 and 3 to Senate Bill 1740. 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. The Senate does concur in House Amendments 1 and 3 to Senate Bill 1740 and the bill having received the required constitutional majority is declared passed. Senate Bill 1742, Madam Secretary.

SECRETARY:

House Amendments 1 and 2 to Senate Bill 1740.

PRESIDING OFFICER: (SENATOR DEMUZIO)

1742.

SECRETARY:

House Bill 1742...Senate Bill 1742.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. This is the annual appropria-

tion for the Department of Financial Institutions and I would move to concur with Amendment No. 1 which is a...which is no dollar change and makes a technical correction in the name of...of the...of a fund and nonconcur in Amendment No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Mr...so, Senator Mahar, you're requesting that we concur with Amendment 1 and nonconcur with Amendment No. 2. All right. We'll take them one at a time then. The question is...discussion on Amendment No. 1? The question is, shall the Senate concur with House Amendment 1 to Senate Bill 1742. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On...on that question, the Ayes are 57, the Nays are none, none voting Present. The Senate does concur with Amendment No. 1 to...House...to Senate Bill 1742. Senator Mahar now moves to nonconcur with...I'm sorry, with Amendment No. 2 to Senate Bill 1742. Is there discussion? If not, all those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. The motion carries and the Secretary shall so inform the House. Senate Bill 1743. On the...on the Order of Secretary's Desk Concurrence is Senate Bill 1743, Madam Secretary.

SECRETARY:

House Amendment No. 1 to Senate Bill 1743.⁶

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. This is the OCE for the Department of Labor and I move to concur in House Amendment No. 1 which adds a hundred and seven thousand four hundred GRF dollars to the budget; ninety-seven thousand seven hundred is to Contractual Services to allow the department to pay for rental on real property and nine thousand seven hundred goes to Personal Services.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Discussion? If not, the question is, shall the Senate concur with House Amendment 1 to Senate Bill 1743. 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. The Senate does concur with House Amendment 1 to Senate Bill 1743 and the bill having received the required constitutional majority is declared passed. Senate Bill 1744. Is there leave of Senator Etheredge to handle that? Leave is granted. Senate Bill 1744, Madam Secretary.

SECRETARY:

House Amendment No. 2 to Senate Bill 1744.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

...thank you, Mr. President, Ladies and Gentlemen of the Senate. I move that we concur with House Amendment No. 1. This amendment adds seven hundred and eighty thousand dollars for the development of new games.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge, the Calendar indicates House Amendment 2.

SENATOR ETHEREDGE:

I...my sheet here indicates No. 1. I let...can we appeal to someone?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge, the amendment is No. 2. Maybe we ought to check it...

SENATOR ETHEREDGE:

...then...then I move to concur with Amendment No. 2,...Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

(Machine cutoff)...told that it is Amendment No...House Amendment No. 2. So Senator Etheredge has moved to concur with House Amendment No. 2 to Senate Bill 1744. Is there discussion? The question is, shall the Senate concur with House Amendment 2 to Senate Bill...1744. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are 3, 1 voting Present. The Senate does concur with House Amendment 2 to Senate Bill 1744 and the Secretary...I'm sorry, and the bill having received the required constitutional majority is declared passed. Senate...Secretary's Desk Concurrence, bottom of page 10, is Senate Bill 1746, Madam Secretary.

SECRETARY:

House Amendment No. 1 to Senate Bill 1746.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDY CZ:

Thank you, Mr. President. House Amendment No. 1 adds one hundred and five thousand seven hundred dollars to fund four one hundred percent...federally reimbursable positions. I move the Senate concur with House Amendment No. 1 to Senate Bill 1746.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator...is there discussion? If not, Senator...all right. The question is, shall the Senate concur with House Amendment 1 to Senate Bill 1746. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. The Senate does concur with House Amendment 1 to Senate Bill 1746 and the bill having received the required constitutional majority is declared passed. Top

of page 11, Senate Bill 1747, Madam Secretary.

SECRETARY:

House Amendments 1 and 2 to Senate Bill 1747.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President. I move to concur with House Amendments 1 and 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? The question is, shall the Senate concur with House Amendments 1 and 2 to Senate Bill 1747. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. The Senate does concur with House Amendments 1 and 2 to Senate Bill 1747 and the bill having received the required constitutional majority is declared passed. Secretary's Desk Concurrence, Senate Bill 1748, Madam Secretary.

SECRETARY:

House Amendments 1 and 2 to Senate Bill 1748.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President, Ladies and Gentlemen of the Senate, I would move that we concur with Amendment No. 1 and nonconcur with Amendment No. 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right...we'll take them one at a time. Senator Topinka has moved the concurrence of Amendment No. 1. Is there any...House Amendment 1. Is there discussion? The question is, shall the Senate concur with House Amendment 1 to Senate Bill 1748. 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. The Senate does concur with House Amendment 1 to Senate Bill 1748. Senator Topinka now moves to nonconcur with House Amendment 2 to Senate Bill 1748. Is there discussion? If not, all those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. The motion carries and the Secretary shall so inform the House. Senate Bill 1749. Madam Secretary, 1-7-4-9.

SECRETARY:

House Amendments 2...pardon me, House Amendment 2 to Senate Bill 1749.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. I...I move that the Senate do concur with House Amendment No. 2 to Senate Bill 1749.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? The question is, shall the Senate concur with House Amendment 2 to Senate Bill 1749. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. The Senate does concur with House Amendment 2 to Senate Bill 1749 and the bill having received the required constitutional majority is declared passed. Senate Bill 1750, Madam Secretary.

SECRETARY:

House Amendment No. 1 to Senate Bill 1750.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. I would move that the Senate

concur in House Amendment 1 to Senate Bill 1750. It...we needed to answer a few questions on computers and it...and they were answered and I would move we concur.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate concur with House Amendment 1 to Senate Bill 1750. 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. The Senate does concur with House Amendment 1 to Senate Bill 1750 and the bill having received the required constitutional majority is declared passed. Senate...Secretary's Desk Concurrence is Senate Bill 1751, Madam Secretary.

SECRETARY:

House Amendments 1, 2, 3, 8 and 9 to Senate Bill 1751.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President. I have two motions on this bill. I first move to...concur with House Amendments 1, 2, 3 and 8. The net effect of these four amendments is to add back approximately a hundred and sixty thousand dollars back into the budget of the Department of Alcoholism and Substance Abuse.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is there discussion? All right. The question is, shall the Senate concur with House Amendments 1, 2, 3 and 8 to Senate Bill 1751. 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. The Senate does concur with House Amendments 1, 2, 3 and 8 to Senate Bill 1751. Senator

Etheredge now moves to nonconcur with House Amendment 9 to Senate Bill 1751. All those in favor will indicate by saying Aye. Opposed Nay. The Ayes have it. The motion carries and the Secretary shall so inform the House. Secretary's Desk Concurrence, Senate Bill...Senator Fawell, 1752? All right. 1752, Madam Secretary.

SECRETARY:

House Amendment No. 1 to Senate Bill 1752.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

Thank you, very much. This is a...an addition of eighty-four thousand four hundred dollars to provide nine months of funding for three new offices. This is the Guardian and Advocacy Commission. The problem has been that they have not been able to...in the present offices get any wheelchairs or any...anybody who is infirmed into their offices. Since that's the purpose of this commission, they are going to be required to move and I concur and I ask for your concurrence.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? Senator...Senator Carroll.

SENATOR CARROLL:

Yes, a question of the sponsor, maybe we can clarify something 'cause we can't understand why it would move out of free office space and go into a space we're going to have to pay rent for when right now the agency is enjoying state provided space...taxpayer provided space and they were going to move out of those. Are you claiming that the state space that they've been in that's, in effect, rent-free 'cause taxpayers have already paid for it is inaccessible to the handicapped, and if so, where?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

(Machine cutoff)...what...that's what I've been informed is that it is inaccessible to...to the handicapped and since this is the purpose of the commission.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Unless we're wrong...I mean, at least our analysis indicates that these state buildings that they've been in are accessible to the handicapped; if they are not, that's a very different issue, and I would not object to paying rent somewhere personally and I think our side. But if, in fact, they're in the State of Illinois Center or somewhere like that, why are we paying rent to some private source when we have state provided space?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

I don't...why don't we take this out of the record and let me check with the advocacy because this is what I was informed and this is what they said during the committee hearings.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Take it out of the record. Senate Bill...Secretary's Desk...Concurrence is Senate Bill 1754, Senator Schaffer. Senate Bill 1754, Madam Secretary.

SECRETARY:

House Amendments 1 and 2 to Senate Bill 1754.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and members of the Senate, this is the budget for the Department of Mental Health and Developmental Disabilities. House Amendment No. 1 reallocates some of the

money, the reductions were made by the Senate and changes some language. House Amendment No. 2 adds five million dollars primarily in three new line items; one, for Mentally Ill Structure Day Programs; second, for Mentally Ill Children and Adolescent Services for Intensive In-Home Support and a third line for Developmentally Disabled Family Support and Respite Care. This still...or this puts this budget at seven hundred and thirty-three million, some nineteen million dollars over how it was introduced by the Governor's Office. For those of us involved in mental health, I suspect we would dearly love to put some more money in, particularly in some of the community programs. I think in light of what's going on down here in terms of new revenue sources, that's probably pretty unrealistic. I think without a tax increase we will be quite lucky to see this bottom line defended when the Governor gets his veto pen out, and it's my thought if, in fact, a minor miracle occurs and some additional...revenue becomes available, I am sure there are other mechanisms. So, at this point, I'm prepared to move to concur in these two amendments and to send this bill to the Governor's desk although many of us would wish it was more.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Watson.

SENATOR WATSON:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Watson.

SENATOR WATSON:

When the appropriation passed the Senate and we had several Senate amendments on it, there was a real negative effect that this had on Murray Center which is located in Centralia, took some...several hundred thousand dollars out of their budget which, of course, they're being inspected by Hickville lately and they may be decertified and there's real

problems in regard to their overall future as far as participating in the Hickville Program. I'm curious as to know whether or not Senate...or House Amendment No. 1 adds back money for Murray Center in Centralia.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

I'm...I'm afraid I'm going to have to give you an I'm not sure answer. Staff tells me there were some reallocations made at the department's request. I'm not sure whether the problem that you allude to was resolved. I noticed some nodding heads over on the other side, perhaps, Senator Carroll can enlighten us.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

It adds 92.8 thousand, I assume it was to resolve that problem, but that is specifically what was added to the Murray Center.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Further discussion? Well, if not, the question is, shall the Senate concur with House Amendments 1 and 2 to Senate Bill 1754. 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. The Senate does concur with House Amendments 1 and 2 to Senate Bill 1754 and the bill having received the required constitutional majority is declared passed. Senate Bill 1755. Secretary's Desk Concurrency is Senate Bill 1755, Madam Secretary.

SECRETARY:

House Amendments 1 and 7 to Senate Bill 1755.

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President and members of the Senate. I move the Senate do concur with House Amendment No. 1 to Senate Bill 1755. A major interest in this bill, there was a reduction of twenty-three million seven hundred and eighty-two thousand dollars as the budget left this House and a particular import here that you...something you might want to know is that we did increase from the fifty-day funding cycle for Medicaid reimbursement as it left this Chamber to fifty-three days, a slight negative as I see it and, yet, this is a very difficult issue. The budget...we can't be satisfied with fifty-three day, we can't be satisfied with fifty days but I believe unless additional revenue is available, this bill ought to go to the Governor's desk.

PRESIDENT:

What about No. 7, may I...Amendment No. 7.

SENATOR MAITLAND:

Yeah, 1 and 7, I'm sorry, yes, sir.

PRESIDENT:

I beg your pardon, all right. The gentleman has moved to concur in House Amendments 1 and 7. Any discussion? If not, the question is, shall the Senate concur in House Amendments 1 and 7 to Senate Bill 1755. 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 51 Ayes, 4 Nays, none voting Present. The Senate does concur in House Amendments 1 and 7 to Senate Bill 1755 and the bill having received the required constitutional majority is declared passed. (Machine cutoff)...Donahue, 1759. On the Order of Secretary's Desk Concurrence is Senate Bill 1759. Madam Secretary.

SECRETARY:

(Machine cutoff)...Amendments 1 and 2 to Senate Bill 1759.

PRESIDENT:

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. I would move that the Senate concur in House Amendments 1 and 2 to Senate Bill 1759 in the Department of Veterans' Affairs.

PRESIDENT:

All right. Senator Donahue has moved concurrence in House Amendments 1 and 2. Discussion? Senator Demuzio.

SENATOR DEMUZIO:

Thank you, very much, Ladies and Gentlemen of the Senate. This, in fact, is the budget for the Veterans' Affairs. If you recall correctly, that when this bill was before the Senate, we took approximately five hundred and seventy-two to six hundred million...six hundred thousand out of the central office budget of the Department of Veterans' Affairs and moved that to a category which would afford for some of the field offices for veterans to be reopened. By virtue of what the House has done is that they have, in fact, restored all of the money that would be...restored all the money back to the central office category and, therefore, it is unlikely that any veteran's office will be reopened if we concur with...with these amendments. I would suggest today that we continue our negotiations process and I would ask the members of the Senate to nonconcur with these amendments which, in fact, would mean no, if it doesn't get thirty votes, then we can go back to conference and see whether or not there is any additional negotiating factors that we might be involved with to afford at least some of these offices to be reopened. I think simply to willy-nilly accept what the House has done with the respect to the restoration of the central office money when they committed themselves last year, the central

office, that they would take some reductions also in lieu of the fact to providing for field services for veterans. It just seems to me that we ought to reject this...this motion this morning, that we ought to nonconcur and go to conference and see if we can't work out something, and I would ask the members of the Senate to...to...to vote No on this concurrence motion.

PRESIDENT:

All right. Further discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President, members of the Senate. It seems to me, with all...all due respect to the former speaker, that when this amendment was attached to the original amendment...I've forgotten, Senator, whether it was Amendment No. 6, I believe it was, as it went over to the House on the original bill, but there was very little discussion, as a matter of fact, I...and that was the amendment that took the money away from the central office and distributed it around. It went over to the House that way, but I think it went over there with very little discussion and perhaps a lack of knowledge as to exactly what we were doing, although the Senator did, as I recall, explain...explain the amendment, so I'm not complaining about him. But since then, there has been some objection to it, feeling that it virtually did strip the central office of the money it needed to operate correctly, and as I understand it now, these amendments would restore that amount of money to the...to the central office where I happen, for one, to believe that it properly belongs. So I would urge concurrence. If I understand the...the thrust of these amendments, I would urge concurrence with the...with the amendments.

PRESIDENT:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDENT:

Sponsor...Senator Donahue. Sponsor indicates she will yield.

SENATOR GEO-KARIS:

Do I understand then by these amendments that the money is going back to the central office and there won't be any money is available to offices like the veteran's office in Lake County, Illinois?

PRESIDENT:

Senator Donahue.

SENATOR DONAHUE:

No, Senator Geo-Karis. What the confusion is is that when Senator Demuzio put on his amendment, he took money out of the central office to put it into reopening some of the offices that have been closed. The House amendment put money back in and it put it back into...to central office into operations. Now, that doesn't mean that any...any offices are going to be closed around the state and, in fact, some could be opened.

PRESIDENT:

Further discussion? Senator Joyce...Jeremiah.

SENATOR JEREMIAH JOYCE:

I would like to explain to the Body the problem that I have with this and...and if the resolution...my problem is that we vote to concur with Senate Bill 1759 with the amendments to SB 1759, then that is what I would like you to do. There's...there are fifty thousand dollars here that go to the Vietnam Veterans' Outreach Program, it's contained in 2. It was my understanding that we were going to nonconcur with 1 and concur with 2. Now, that's no longer the case. So given that, I would ask the Body to concur in the motion and send 1759 to the Governor.

PRESIDENT:

Further discussion? Senator Joyce.

SENATOR JEROME JOYCE:

Well, I...I think I have a problem with Amendment No. 2 because that takes it out of the Manteno Veterans' Home where veterans are in beds there now. Now, I'd like to see the money go to the Vietnam Veterans' Outreach Program, but why can't that come out of the central office rather than taking it out of a facility that's now operating and where there are veterans being housed? So I...I certainly would think that we ought to go to a conference committee and get some of these problems worked out rather than...than voting for this right now and not knowing just exactly what we are doing.

PRESIDENT:

Further discussion? Senator Poshard.

SENATOR POSHARD:

Yes, thank you, Mr. President. I rise to agree with Senator Demuzio and Senator Jerome Joyce. I believe the money that we restored to the veterans' field offices are...is more valuable to put out into those field offices than to return it to the central administrative staff; especially in the downstate rural areas of Illinois, those field offices are very important. They've been reduced to service areas that cover several hundred miles now for people having to drive to reach those services and I don't think that's correct that we should put widows of veterans and other veterans who may be disabled into the position of having to go to such lengths to get those provided services. I'd much rather see the money spent out in the field offices where it was directed by line item rather than in the central management staff and I would rise in...in strong opposition to concurrence on this. I think we should vote No.

PRESIDENT:

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, I rise in support to concur because when you took the central staff out, you're not got anybody to respond from the central level in relation whatever you do, whether you do or you don't open up the field offices. I also know that from last year a number of you people on both sides of the aisle...Mr. President, could you get their attention? Both sides of the aisle that a number of you in your district offices throughout the state made use of the veteran service officer to have one day a week or et cetera in your district office which gave you an opportunity to see what the...this puts those eleven people that you were going to unemploy with the amendment that went on here, eleven people who were veterans, many of them disabled veterans who work in the central office, you're going to put out on the street if you nonconcur. I urge you to vote Aye on the concurrence motion.

PRESIDENT:

All right. Any further discussion? Further discussion? Senator Donahue, you wish to close?

SENATOR DONAHUE:

Well, thank you, Mr. President. I know that the veterans...the closing of the field offices have been very controversial in this Chamber and my offices in my district were shut down last year too, and what we have done, if...we have tried very hard in our district...legislative district office to be able to take care of those people and we have gone to their cities rather than having them travel, so we've tried to pick up the slack. The two hundred thousand dollars that's in contention that Senator Demuzio has dealt with is back into operations and some field offices could be opened, they're just not identified. I would move that we concur in House Amendments 1 and 2.

PRESIDENT:

All right. Senator Donahue has moved that the...that

concurrence in House Amendments 1 and 2. The question is, shall the Senate concur in House Amendments 1 and 2 to Senate Bill 1759. Those in favor will vote Aye. Opposed vote Nay and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 33 Ayes, 20 Nays, 2 voting Present. The Senate does concur in House Amendments 1 and 2 to Senate Bill 1759 and the bill having received the required constitutional majority is declared passed. 1771, Senator Berman. 1779, Senator Demuzio. On the Order of Secretary's Desk Concurrence is Senate Bill 1779, Madam Secretary.

SECRETARY:

House Amendments 2 and 4 to Senate Bill 1779.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. This is the budget for the Auditor General. House Amendment No. 2, I believe, was the restoration of the...of the Comptroller's budget minus CUSAS, so don't get excited, and Amendment No. 4...(machine cut-off)...also noncontroversial. The...Amendment No. 4 is a technical amendment that added two lines of Equipment and Telecommunications that were omitted in House Amendment No. 3. I would move to concur with both House Amendments 2 and 4 to House Bill...to Senate Bill 1779.

PRESIDENT:

All right. Senator Demuzio has moved concurrence with House Amendments 2 and 4. Is there any discussion? If not, the question is, shall the Senate concur in House Amendments 2 and 4 to Senate Bill 1779. 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. The Senate does concur with House Amendments

2 and 4 to Senate Bill 1779 and the bill having received the required constitutional majority is declared passed. 1780, Senator Luft. On the Order of Secretary's Desk Concurrence is Senate Bill 1780, Madam Secretary.

SECRETARY:

House Amendments 1 and 2 to Senate Bill 1780.

PRESIDENT:

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. I would move to nonconcur in House Amendments 1 and 2.

PRESIDENT:

Senator Luft moves to nonconcur in House Amendments 1 and 2 to Senate Bill 1780. Those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. The motion carries and the Secretary shall so inform the House. 1781, Senator Luft. On the Order of Secretary's Desk Concurrence is Senate Bill 1781, Madam Secretary.

SECRETARY:

House Amendment No. 1 to Senate Bill 1781.

PRESIDENT:

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. I would move to nonconcur in House Amendment No. 1.

PRESIDENT:

Senator Luft moves to nonconcur in House Amendment No. 1 to Senate Bill 1781. Discussion? If not, all...all in favor of the motion indicate by saying Aye. All opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. 1812, Senator Netsch. On the Order of Secretary's Desk Concurrence, the top of page 12, is Senate Bill 1812. Madam Secretary.

SECRETARY:

*AB 1834
concurrance*

House Amendment No. 1 to Senate Bill 1812.

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. House Bill 1812 was the bill that authorized the Department of...what's its new name...Professional Regulation to promulgate rules and regulations governing mail order pharmacies, a relatively serious problem which the Legislature and particularly the Department of Alcoholism and Substance Abuse Advisory Council felt needed to be addressed. The bill...excuse me, was deliberately written somewhat broadly and when it got over to the House after considerable discussion we all felt that we needed at least a year's delayed effective date for the department to be able to work out the proposed rules and see that they had an...that everyone interested had an opportunity to look at them. So the amendment is literally that, a delayed effective date. I would move that the Senate concur in House Amendment No. 1 to Senate Bill 1812.

PRESIDENT:

All right. Senator Netsch has moved concurrence. Is there any discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1812. 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. The Senate does concur with House Amendment No. 1 to Senate Bill 1812 and the bill having received the required constitutional majority, declared passed. Senator Jones, 1834. On the Order of Secretary's Desk Concurrence is Senate Bill 1834, Madam Secretary.

SECRETARY:

House Amendments 1 and 3 to Senate Bill 1834.

PRESIDENT:

Senator Jones.

SENATOR JONES:

Thank you, Mr. President, members of the Senate. Amendment No. 1 to Senate Bill 1834 is the agreed amendment between the Pollution Control Board, the Environmental Protection Agency, the Department of Energy and Natural Resources, State Chamber of Commerce, Sierra Club, the Illinois Environmental Council, the Governor's Office and Joint Committee on Administrative Rules. This amendment is in response to the Schneiderman Report which evaluated the Illinois environmental rule making after criticism by the U.S. EPA, and one of the major provisions of...of this amendment, it streamlines the rule making procedure while integrating those procedures with the Illinois Administrative Procedures Act. It gives the Department of Energy more flexibility concerning the contents of the economic impact study and clarifies the exemption and the definition of the identical...identical and the substance which authorize the Pollution...Control Board to adopt rules based on U.S. EPA directives. This is an agreed upon amendment. It had long discussions with the...all those persons involved and...this is the bill and I ask for a favorable vote.

PRESIDENT:

Discussion? Senator Welch.

SENATOR WELCH:

Question of the sponsor.

PRESIDENT:

Sponsor indicates he will yield, Senator Welch.

SENATOR WELCH:

Senator Jones, in the Schneiderman Report, the author also stated that the agency was having a great deal of difficulty in enacting federal regulations into state law or state regulations. The delay was between eighteen and twenty-four

months or more, one of the longest in the nation. Does this bill do anything to speed up the passthrough of federal regulations by putting some time limit on the Pollution Control Board, and if so, what is the time limit?

PRESIDENT:

Senator Jones.

SENATOR JONES:

Well, what it does, it clarifies the exemptions to the definition of the identical and the...substance which authorize the Pollution Control Board to adopt these rules based on U.S. EPA directives without prescribing the contents of such rules by requiring the Pollution Control Board to identify such portions, other rules that are proposed and adopted by the board. So it does streamline...does speed it up.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

Well, there is no deadline upon the Pollution Control Board in this bill to state that if you don't act, let's say, within six months, the federal regulation becomes state regulation, is there?

PRESIDENT:

Senator Jones.

SENATOR JONES:

No, there is no deadline as such but what it does is allow them to consolidate the rule making procedure.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

The study...the E tax study, is it your statement that the study will no longer be a hinderance to rule making by the Pollution Control Board, that it's going to be just advisory and that the...the Pollution Control Board will go along making rules while the study is being done? Is that your

statement?

PRESIDENT:

Senator Welch...I mean, Senator Jones.

SENATOR JONES:

Well, in response to that, the...this amendment revokes the ETA's authority to review and comment on the selection of contractors and...and the...E and R staff. So, therefore, it...this obstacle is taken...away.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

Does the bill also eliminate the ability of any party in the room to stand up and object...before the Pollution Control Board at any time within a hearing to anything within the procedure? That was another objection of the Schneiderman Report.

PRESIDENT:

(Machine cutoff)...Jones. (Machine cutoff)...Jones.

SENATOR JONES:

Well, according to staff just informed me that the economic impact statements are no longer mandatory in this bill.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

...that wasn't the question. The question was the Schneiderman Report points out that at every stage of the Pollution Control Board hearing anyone in the room can stand up and make an objection, question witnesses and basically state their opinion at any time during the hearing. Now, has there been any restriction upon that loose administrative procedure, and if so, what is it?

PRESIDENT:

Senator Jones.

SENATOR JONES:

No, this legislation does not address that particular issue.

PRESIDENT:

Further discussion? Senator Woodyard.

SENATOR WOODYARD:

Thank...thank you, Mr. President, members of the Body. I've been asked to read the statement of clarification into the record. So if you'll bear with me just a moment, we will get this little sucker clarified..."Regardless of whether a source files a petition pursuant to Section 28.1 B or Section 28.1 C, the stay provisions of Sections 28.1 E and F will apply if the petition identifies the specific pollution source and meets the listed procedural requirements" and now it's clarified.

PRESIDENT:

Further discussion? Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. Just a comment, I think this little sucker is more confused than ever at this point.

PRESIDENT:

Further discussion? If not, the question is, shall the Senate concur in House Amendments 1 and 3 to Senate Bill 1834. 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. The Senate does concur with House Amendments 1 and 3 to Senate Bill 1834 and the bill having received the required constitutional majority is declared passed. 1835. On the Order of Secretary's Desk Concurrence is Senate Bill 1835, Madam Secretary.

SECRETARY:

House Amendment No. 1 to Senate Bill 1835.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I move that we do concur with House Amendment No. 1. House Amendment No. 1 basically took what had been Senate Bill 1836 which was the grant part of the program and...and merged it into 1835 merely to leave a vehicle over in the House for use this fall if necessary. I would, therefore, move that we do concur with House Amendment No. 1 to Senate Bill 1835.

PRESIDENT:

All right. The gentleman has moves...moved concurrence. Is there any discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1835. Those in favor will vote Aye. Opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. The Senate does concur with House Amendment No. 1 to Senate Bill 1835 and the bill having received the required constitutional majority is declared passed. 1869, Senator Barkhausen. On the Order of Secretary's Desk Concurrence is Senate Bill 1869. Madam Secretary.

SECRETARY:

House Amendment No. 1 to Senate Bill 1869.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, Senate Bill 1869 was the bill that permits a...an alien or a foreign based insurance company to use Illinois as a port of entry from which to operate in the United States. There are two or three other states which...allow for this, I believe, New York...Florida and Michigan...or New York, California and Michigan, and this

would put Illinois in that category of states making this provision available. The House amendment is merely technical. It slightly tightens up the language of these new provisions in the Insurance Code and I move for concurrence in the House amendment.

PRESIDENT:

All right. The gentleman has moved concurrence. Is there any discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1869. 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. The Senate does concur with House Amendment No. 1 to Senate Bill 1869 and the bill having received the required constitutional majority is declared passed. 1870, Senator Barkhausen. On the Order of Secretary's Desk Concurrence is Senate Bill 1870, Madam Secretary.

SECRETARY:

House Amendments 4 and 5 to Senate Bill 1870.

PRESIDENT:

Senator Barkhausen. You don't wish to call that. Take it out of the record. 1871. On the Order of Secretary's Desk Concurrence is House Bill...Senate Bill 1871, Madam Secretary.

SECRETARY:

House Amendment No. 1 to...to Senate Bill 1871.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, Senate Bill 1871 was the bill that amends the Small Liens Act to provide for foreclosure of the liens for goods held by a...a vendor up to the amount of two thousand dollars. The House amendment is technical in

nature. It provides that any sale of goods shall be...rather than being sold pursuant to a public or a private sale shall be sold in a commercially reasonable manner which is language...similar to language which is commonly found in the Uniform Commercial Code. The proponents of the bill feel that the amendment makes sense and I ask for concurrence with it and passage of the bill.

PRESIDENT:

All right. The gentleman has moved concurrence. Any discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1871. 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. The Senate does concur with House Amendment No. 1 to Senate Bill 1871 and the bill having received the required constitutional majority is declared passed. 1876, Senator Mahar. On the Order of Secretary's Desk Concurrence is Senate Bill 1876, Madam Secretary.

SECRETARY:

House Amendments 1 and 2 to Senate Bill 1876.

PRESIDENT:

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. The intent of Senate Bill 1876 is to prevent public aid recipients from being solicited by matchbook or fly-by-night trade schools in and around public aid offices. The House Amendment No. 1 further defines the type of schools that we are...we're trying to reach here, and House Amendment No. 2 further defines public aid offices for the intent of this bill, and I would move concurrence with House Amendments No. 1 and 2 to Senate Bill 1876.

PRESIDENT:

All right. Senator...the gentleman has moved concurrence with House Amendments 1 and 2. Is there discussion? If not, the question is, shall the Senate concur in House Amendments 1 and 2 to Senate Bill 1876. 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, 1 Nay, none voting Present. The Senate does concur in House Amendments 1 and 2 to Senate Bill 1876 and the bill having received the required constitutional majority is declared passed. 1889. On the Order of...Secretary's Desk Concurrence is Senate Bill 1889, Madam Secretary.

SECRETARY:

House Amendment No. 1 to Senate Bill 1889.

PRESIDENT:

Senator Woodyard.

SENATOR WOODYARD:

...thank you, Mr. President, members of the Senate. I would move to nonconcur with House Amendment No. 1 to Senate Bill 1889.

PRESIDENT:

All right. Senator Woodyard moves to nonconcur in House Amendment No. 1 to Senate Bill 1889. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. 1893, Senator Zito. 1897, Senator Weaver. On the Order of Secretary's Desk Concurrence is Senate Bill 1897, Madam Secretary.

SECRETARY:

House Amendment No. 1 to Senate Bill 1897.

PRESIDENT:

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. I would move that we nonconcur

in House Amendment No. 1 to Senate Bill 1897.

PRESIDENT:

All right. Senator Weaver has moved to nonconcur in House Amendment No. 1 to Senate Bill 1897. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. Senator Welch. On the Order of Secretary's Desk Concurrence is Senate Bill 1913. Madam Secretary.

SECRETARY:

House Amendments 1 and 2 to Senate Bill 1913.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. I would move to concur in both House Amendment No. 1 and No. 2. House Amendment No. 1 created a great deal of confusion and House Amendment No. 2 basically was utilized to insert the language of the bill and the changes made by House Amendment No. 1. The amendment was agreed to by the IMA, the Chamber of Commerce, the Attorney General and a few other parties. What the amendment did was insert a specific Statute of Limitations requiring that felony prosecutions be commenced within five years for violation of the Environmental Protection Act, five years after the date of discovery of the offense and the protection...the protection of innocent purchasers of a criminal...criminally liable corporation through merger other processors also defined. I'll be glad to try to answer any questions. This is the bill the Attorney General introduced...or had me introduce rather.

PRESIDENT:

Discussion? The gentleman has moved concurrence. Any discussion? If not, the question is, shall the Senate concur in House Amendments 1 and 2 to Senate Bill 1913. Those in

favor will vote Aye. Opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. The Senate does concur with House Amendments 1 and 2 to Senate Bill...1913 and the bill having received the required constitutional majority is declared passed. Top of page 13, 1923, Senator Geo-Karis. On the Order of Secretary's Desk Concurrence is Senate Bill 1923, Madam Secretary.

SECRETARY:

House Amendment No. 1 to Senate Bill 1923.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr...Mr. President and Ladies and Gentlemen of the Senate, I move to concur with House Amendment No. 1 to Senate Bill 1923 which authorizes the use of home detention with or without the use of an approved monitoring device as a condition of bail bond, as a condition of sentence...probation and as a condition of the sentence of periodic imprisonment. I vote...I urge your favorable consideration.

PRESIDENT:

All right. The lady has moved concurrence. Is there any discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1923. 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. The Senate does concur with House...in House Amendment No. 1 to Senate Bill 1923 and the bill having received the required constitutional majority is declared passed. 1926, Senator Holmberg. On the Order of Secretary's Desk Concurrence is Senate Bill 1926, Madam Secretary.

SECRETARY:

House Amendments 1, 3, 4 and 5 to Senate Bill 1926.

PRESIDENT:

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. I move to concur with House Amendments 1, 3, 4 and 5 to Senate Bill 1926. This is the State Board of Education bill, the first three amendments are their's. No. 1 authorizes the State Board of Education to consolidate financial awards scholarship programs into one program. No. 3 deletes the limitation on the number of career compensation grants which may be awarded to districts allowing a wider range and variety of school districts to take part. No. 4 amends the School Code to provide that in cases where both the board of education and the regional superintendent fail to fill a vacancy on the school board, the vacancy shall be filled at the next regularly scheduled election. No. 5 is an amendment which takes care of a problem in Senator Schuneman's district, it has two parts. The first part of the amendment permits a petition proposing to create a community unit school district include as part of the petition the question of electing school board members by school board districts. The second part permits a petition which has...been approved by the regional superintendent and the state superintendent prior to the effective date of the Act to be amended to include as an election question, the proposition to elect school board members by school board districts.

PRESIDENT:

All right. The lady has moved concurrence in House Amendments 1, 3, 4 and 5. Discussion? If not, the question is, shall the Senate concur in House Amendments 1, 3, 4 and 5 to Senate Bill 1926. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish?

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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. The Senate does concur in House Amendments 1, 3, 4 and 5 to Senate Bill 1926 and the bill having received the required constitutional majority is declared passed. Senator Davidson, 1954. 1955. On the Order of Secretary's Desk Concurrence, Madam Secretary, is Senate Bill 1955.

SECRETARY:

House Amendment No. 1 to Senate Bill 1955.

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Mr. President, I move we nonconcur in House Amendment No. 1 to Senate Bill 1955.

PRESIDENT:

Senator Davidson moves to nonconcur in House Amendment No. 1 to Senate Bill 1955. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. 1959, Senator Rigney. 1960, Senator Rigney. 1987, Senator Degnan. On the Order of Secretary's Desk Concurrence, middle of page 13, is Senate Bill 1987. Madam Secretary.

SECRETARY:

House Amendment No. 1 to Senate Bill 1987.

PRESIDENT:

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. I move to concur with House Amendment No. 1 to Senate Bill 1987 which now makes Senate Bill 1987 the nonconsensual eavesdropping bill and permits nonconsensual eavesdropping for certain drug offenses. They are not street-level pushers, they are high-level narcotics distributors. In addition, the bill allows eavesdropping in

cases of kidnapping and hostage situations and permits the police to proceed with electronic surveillance without approval in those cases. With regard to drug cases, the bill allows a law enforcement agency to request a state's attorney to apply for authorization from the chief judge in a particular circuit. There are six instances of...privilege communication included in the bill, there's enough checks and balances in the bill to avoid any abuse. Be happy to answer questions.

PRESIDENT:

Discussion? The gentleman has moved concurrence.
Discussion? Senator Fawell.

SENATOR FAWELL:

...thank you, very much. You say there are a number of safeguards. I can remember police coming to my door at one or two o'clock in the morning and asking for rights to...to do similar type things. What...what have we added that they...they no longer require a judge to...to pass on this?

PRESIDENT:

Senator Degnan.

SENATOR DEGNAN:

No, a...a judge must approve eavesdropping. This is nonconsensual, that is, neither party agrees to be eavesdropped. A judge must approve based on the application of a state's attorney eavesdropping in a nonconsensual manner.

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

Okay. In...in the present law right now requires that...that one has to agree, is that right?

PRESIDENT:

Senator Degnan.

SENATOR DEGNAN:

Correct.

PRESIDENT:

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. This is a very important bill and I think people ought to pay strict attention to this bill. In the federal law, if somebody is...if there's a wiretap order and no indictment or prosecution results from that, the individual who is wiretapped according to the law must be informed that a wiretapped order was issued. There is no such protection in this law. The House sponsor of this bill, who happens to be the chairman of the Judiciary Committee in the House, was asked about that fact, and his quote on the House Floor is, "This is a deficiency that should be rectified." That is Representative O'Connell's quote on the House Floor, "This is a deficiency that should be rectified." If people's houses are broken into and there are wiretaps issued and there is no indictment or prosecution, why shouldn't somebody be informed that, in fact, an order issued and during such and such period of time your phone was tapped? They should be. The federal law has that...has that protection. The state law should have it too and the sponsor in the House agrees, and we ask if this could be put in conference committee so that this kind of protection could be put into this bill. This bill is not going to be defeated but so that the protections could be put into this bill, and it should be put into this bill, and the House sponsor says it's a problem that should be rectified. Now, ladies and gentlemen, in my hand I have a report concerning authorized wiretap interceptions...federal wiretap interceptions and I just want to give you a couple of examples. On one particular racketeering case there were thirty-four thousand interruptions; thirty-four thousand interruptions on a particular racketeering case. Out of

those thirty-four thousand interruptions, there were twenty-seven hundred indictments; out of thirty-four thousand interruptions, twenty-seven hundred indictments. On another one we had seventeen hundred people interrupted...excuse me, I...I misspoke, when I said twenty-seven hundred, I said twenty-seven hundred incriminations, not indictments. There were no...zero arrests or convictions on any one of those, I want to repeat that, thirty-four thousand interruptions, twenty-seven hundred incriminations, zero arrests, zero prosecutions. Example number two, seventeen hundred people interrupted, fifty-three incriminations, zero arrests, zero prosecutions. But each and every one of those phone calls, whatever the nature of those phone calls, between two, three, ten, a hundred parties were interrupted and listened to, the entire nature of those calls; very few incriminations, no indictments or prosecutions. I think that's very, very serious. We talk about, well, you know, we've had wiretap here before and we've had wiretap...nonconsensual wiretap for...for everything and it's been defeated, so the sponsor of the bill said, well, let's see, let's...let's see the best way to pass this bill, at least let's see the best way to get our foot in the door, let's make it just for drugs. And so I said to the sponsors of the bill where it emanated, I said, if we pass this bill, will you stand up on the Floor and at least say to the members of the Body, okay, we're passing this bill for drugs but you have our word that this is not for the purpose of getting into the Pandora's Box, this is...we're not going to come back here and attempt to further open it up, we want to get at the drug dealers. And they said, no, we won't give you that word, we probably will be back. This has to do with Section 401 of the Controlled Substances Act. Now, if the...if the intent of the sponsors of this bill were to get at the...at the big drug dealers, they would have limited to Sections 401 A and 401 B, those are

Class X and Class 1 crimes. Those are your serious drug dealers, your big drug dealers, and we asked that that be done. Again, it can be done in conference committee but, no, it's limited to all of 401 of the Controlled Substances Act which has to do with any prescription drug that is sold...any prescription drug sold involving a controlled substance; it can be codeine, it can be Valium, any...any controlled substance. We're not dealing with the big drug dealers now. If this bill did that, just went after the big drug dealers, and provided you the protection so that if you were wiretapped...and ninety percent of the wiretaps...ninety-nine percent of the wiretaps do not result in any prosecutions or arrests but those people should get protections. We asked that these protections be put into the bill, they're not. Ladies and gentlemen, this bill allows police to listen to thousands of innocent conversations. It allows every law enforcement agency to conduct eavesdropping, and when I say law enforcement agency, this includes more than twelve hundred municipalities, all a hundred and two county sheriffs, the Secretary of State's police, the Attorney General, the Department of Conservation police and others, nonconsensual eavesdropping. We have eavesdropping in Illinois now with one party's consent, and perhaps with the proper protections, it might not be the worst idea to pass this bill but the protections are not in this bill at all. By sending it...by nonconcurring and sending it to conference, we can put protections in this bill that will protect everyone, each of us and all of our constituents. Thank you.

PRESIDENT:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I like my privacy, I know everyone else does but I don't think we should worry about the privacy of drug dealers and...and

kidnappers; and the fact that the prior speaker said he doesn't think it really goes after the big drug dealers, remember, we catch some of those big drug dealers from the little drug dealers and I think it's important enough to be passed. Let's try it. Let's give it a try, if it doesn't work out too well, we can always come back and amend it the next year. I speak in favor of the bill.

PRESIDENT:

Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President, I'd first ask leave of the sponsor and of the Body to be added as a hyphenated cosponsor to the bill.

PRESIDENT:

The gentleman seeks leave to be added as a hyphenated cosponsor. Without objection, leave is granted. Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, I just wanted that...to add briefly having worked on this issue for the last few years and having had similar legislation before this Body that has met a less friendly fate than I'm happy to say I believe this bill will meet, I just wanted to urge the members on my side of the aisle to support it. I think it is, according to the law enforcement community, potentially the most useful tool that we could give them in...in combating the trade in illicit drugs and I...I urge support for the measure and congratulate the sponsor for bringing it this far.

PRESIDENT:

Further discussion? Senator D'Arco.

SENATOR D'ARCO:

Ladies and gentlemen, this is a very important bill because Illinois is a very important state and we kind of go against the trend in Illinois a little bit. We are one of the few states that has an eavesdropping law that says before

you can eavesdrop on a conversation, you need one person's consent. It's a very unique law in the country; in fact, the Illinois Constitution specifically says that a person has a right to privacy against eavesdropping. Those words are in our Constitution, they aren't in any other Constitution in the United States of America except ours because we feel strongly about the right to privacy. This bill says that we got to get these drug pushers, and God knows we do, there's no question about that. Drug pushers are a menace to our society and they are destroying our kids and we've got to do something to correct that problem, but what this bill does isn't going to solve that problem one bit. The federal government can already intercept conversations of big drug pushers. This bill doesn't matter one iota in putting big drug pushers behind bars. The problem with the bill is that eventually they're going to add other criminal law penalties that can be included in eavesdropping. Next year they're going to come back again and say it's not enough to go after them, we've got to go after the lesser...less offenders under the criminal law. We've got to go after burglars and we've got to go after politicians...not that we're burglars, I mean, we know we're not burglars. We...we've got to go after white collar criminals and we've got to go after all these other professional people and nonprofessional people and we've got to put them behind bars too and that's great. Put everybody behind bars, that's terrific, but what about our right to privacy? They're telling you that those conversations that are intercepted that aren't relevant...you might be talking to your girlfriend, you might be talking about a business transaction, you might be talking about something very dear in your family that has happened to you and your family, you may be talking about somebody that the interceptor knows or heard about, those conversations they can't use in a court of law under this bill but they heard them.

They can tell their friends about them and their friends can use them in a indirect way in some other venue, in some other way against you and your family. They're human beings just like we are. You think if they hear something juicy over the phone they're not going to relay it to somebody else and say, ooh, what do you think I just heard about so-and-so? Right, and the next day you'll read it in the newspaper, as Senator Weaver just said. This is a terrible bill because of the ramifications not because of the intent; the intent is good but the ramifications will destroy us. Don't vote for this bill.

PRESIDENT:

Further discussion? Senator Collins.

SENATOR COLLINS:

Question of the sponsor, please.

PRESIDENT:

Sponsor indicates he'll yield, Senator Collins.

SENATOR COLLINS:

Senator, in this bill before a judge would grant permission will there have to be some clear proof that would suspect...convincing proof that...that this person...this drug dealer...drug pusher, whatever, may be in engaged in the activity of drugs before this warrant to have...can be granted?

PRESIDENT:

Senator Degnan.

SENATOR DEGNAN:

Yes, Senator. Among that litany is probable cause must be established, a description, location of the place at or from which the communications are be intercepted, a particularized description of the type of communication to be intercepted and a requirement that other investigative procedures have been tried and failed.

PRESIDENT:

Senator Collins.

SENATOR COLLINS:

But it is clear that this bill is only dealing with those persons involved in illegal drug activities?

PRESIDENT:

Senator Degnan.

SENATOR DEGNAN:

Correct.

SENATOR COLLINS:

Okay. Well, I rise in favor of this bill and I guess this is really a departure from my traditional record. I, too, believe in the rights of privacy and I think I've demonstrated that in the way I voted over the years; and maybe this bill won't do too much, but if it do anything at all, it's better than what we are doing now. The drug problem is a very serious and a very dangerous and probably one of the most critical problems that we have facing this country, more so than...communism and...and any other thing that...that can threaten the survival of us as a people and most certainly as a nation, and we've got to do something and there just no easy, clear-cut answers or solutions. And I think to do nothing at all is...we just cannot...a luxury we just cannot afford, and so if we can trust the judges and the judicial system of this state to make other decisions, then I think we can trust them to determine whether or not there is probable cause or reasons to administer these wiretaps on certain individuals. I trust them and I think you ought to do so too; therefore, I vote Yes.

PRESIDENT:

Further discussion? Senator Poshard.

SENATOR POSHARD:

Mr. President, thank you. Ladies and Gentlemen of the Senate, I rise in support of Senator Degnan's bill here. Senator D'Arco makes a...an important point about whether or

not this bill would help. The Sheriffs' Association in my end of the state at least have consulted me on several occasions and say that it will help them in terms of their investigations into various drug trafficking activities in which my area is involved. The right to privacy in regard to drug trafficking I don't think is more important than the destruction of our children, of our cities, of large segments of our society that's being brought about by the drug traffickers. If the question here is...the concern is that...they'll come back next year with additional requests to investigate other people, then next year is the time to reject that, but right now, we're talking about this year and we're talking about drug traffickers. There may come a time when other requests are made and will have to be rejected on that basis, but now it's limited to people that are trying to destroy our society and I think we need to consider this bill in light of that regard. So I rise in strong support of the bill.

PRESIDENT:

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. All of the things that everyone has said is...true, drugs are...are a major scourge on our society, but by the same token, taking away individual liberties also is. I have a particular concern and I'm now going to ask this question and ask it in very specific terms, Senator Degnan. You've said that there is a probable cause requirement. I find the probable cause having to do with the communication. I do not find a probable cause requirement that has to do with the...the probable cause that a crime is being committed or is about to be committed, and I just ask you, please, would you point to that particular provision?

PRESIDENT:

Senator Degnan.

SENATOR DEGNAN:

Senator Netsch, I would refer you to page 9 and 10, Section...108B-5, item 2. "There is probable cause for belief that a particular communication concerning...such offense may be obtained through the interception."

SENATOR NETSCH:

That's not the same thing as the probable cause that is normally found in...in either court decisions or other circumstances that lead to the authorization for what would otherwise be unreasonable searches and seizures, at least not as I recall the criminal law. This is only probable cause that a...a communication concerning an offense might be picked up. That, I think, is not the same thing, and if it is, would...would you or someone please explain?

PRESIDENT:

Senator Degnan.

SENATOR DEGNAN:

Let me read...let me read item 1 then. "There is probable cause for belief that, A, the person whose communication is to be intercepted is committing, has committed or is about to commit an offense enumerated," in Section 108B-3.

PRESIDENT:

(Machine cutoff)...discussion? Is there any further discussion? Senator Degnan, you wish to close?

SENATOR DEGNAN:

Thank you, Mr. President. (Machine cutoff)...respect to questions raised by previous speakers, innocent conversation is protected. The only covered conversation is related to the conversations furthering the crime of drug pushing. Disclosure of that conversation that is innocent is a crime and is prosecutable. The stats enumerated earlier by a speaker apply to the federal law...laws including racketeering. This is purely against drug dealers. Regarding the constitutionality, if I may, I'll read a dialogue

between Mrs. Kinney and Mr. DeVorick in a Con-Con Convention. Mrs. Kinney says, "Where no person to the conversation consents if the Legislature were to pass a law allowing law enforcement officials to intercept telephone conversations after obtaining a court order would that legislation be constitutional under this provisions?" Mr. DeVorick responds, "Did you say where no party consents?" Mrs. Kinney, "Yes." Mr. DeVorick, "If they would pass such a Statute, yes." Mrs. Kinney, "It would be constitutional?" Mr. DeVorick, "Yes." Ladies and gentlemen, we're losing the war on drugs. This is one more piece of ammunition we can use. I urge your help on Senate Bill 1987.

PRESIDENT:

The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1987. 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, 3 voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 1987 and the bill having received the required constitutional majority is declared passed. 1989, Senator Dunn. 1994, Senator Zito. On the Order of Secretary's Desk Concurrence is Senate Bill 1994. Madam Secretary.

END OF REEL

REEL #3

SECRETARY:

House Amendments 1 and 2 to Senate Bill 1994.

PRESIDENT:

Senator Zito.

SENATOR ZITO:

Yes, thank you, Mr. President and members. I would ask that the Senate does concur in House Amendments No. 1 and 2 to Senate Bill 1994. Amendment No. 1 increased the quantity of cannabis by fifteen hundred grams that would cause an individual to be charged with the proposed offense of cannabis trafficking. And Amendment No. 2 was necessary...this change was necessary in Amendment No. 2 to reflect recent changes in the Statute relating to offense of criminal trespass to real property. I would move for...ask for concurrence.

PRESIDENT:

Gentleman has moved concurrence. Any discussion? If not, the question is, shall the Senate concur in House Amendments 1 and 2 to Senate Bill 1994. 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 48 Ayes, 4 Nays, 4 voting Present. Senate does concur with House Amendments 1 and 2 to Senate Bill 1994 and the bill having received the required constitutional majority is declared passed. 1996, Senator Marovitz. On the Order of Secretary's Desk Concurrence is Senate Bill 1996, Madam Secretary.

SECRETARY:

House Amendment No. 1 to Senate Bill 1996.

PRESIDENT:

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Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Amendment No. 1 to Senate Bill 1996 is really a technical clarifying amendment because it...it clarifies something that we really did already in the bill, but it specifies that the prohibition against electing treatment as a condition of probation in lieu of carceration may not be exercised for people convicted of DUI. Presently, if you are convicted of a substance abuse, alcohol abuse, you can elect treatment in lieu of incarceration. This clarifies that that cannot be done for people who are convicted of a DUI offense. I would ask for concurrence in House Amendment No. 1 to Senate Bill 1996.

PRESIDENT:

All right, the gentleman has moved concurrence. Any discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1996. 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 57, the Nays are none, none voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 1996 and the bill having received the required constitutional majority, declared passed. Senate Bill 2002, Senator Netsch. On the Order of Secretary's Desk Concurrence is Senate Bill 2002, Madam Secretary.

SECRETARY:

House Amendments 1, 2, 3 and 4 to Senate Bill 2002.

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I would move that the Senate concur in House Amendments 1, 2, 3 and 4 to Senate Bill 2002.

This is the bill that deals with the subject of public contracts and spells out much more specifically than any of the existing law those practices involving public contracts which are subject to and should be subject to criminal prosecution...such as bid rotating, bid rigging and so forth. We had found that the law really did not adequately deal with those offenses and prosecutors were having to use the anti-trust laws and others to try to...to cover it. The House further refined the bill in four respects. Amendment No. 1 clarified that it is not criminal for a public official to disclose information to a contractor when that information is available to the public generally which certainly make sense. It also clarified that the disclosure of information that is necessary for the minority and female business programs is not covered and it...specified that civil remedy procedures were not to be the exclusive remedies available for the state. Amendment No. 2 simply clarified the language under which change orders were subject to the Act and made it crystal clear that it was ten thousand dollars or thirty days. The...Amendment No. 3 changed the penalty for failure to report a bribe or a bribe attempt from Class 4 felony which is one to three years and ten thousand dollars to a Class A...misdemeanor which is one year and one thousand dollars. The...it was found that the penalty was, A, too severe but more important than that it was simply not in line with the underlying provisions of the Criminal Code dealing with comparable crimes. And, finally, the fourth amendment reduced the penalty for bribing a contractor or a subcontractor to certify the acceptability of goods, again, from a Class 4 felony to a Class A misdemeanor and the reasons were substantially the same as those with respect to Amendment No. 3. I think it does refine further what is a very important and very sound bill and it does meet the...the objections that had been raised or the questions that had been raised by

the Illinois Department of Transportation. I would move that we concur in Amendments 1 through 4 to Senate Bill 2002.

PRESIDENT:

All right, the lady has moved concurrence in Amendments 1, 2, 3 and 4. A number wish to be heard. Senator Welch.

SENATOR WELCH:

Well, I had a question about Amendments 3 and 4 in particular. In view of the...the scandal going on in Washington at the Pentagon concerning...contractors...getting insider information and acting upon it to the detriment of other good faith contractors, why do we want to concur in Amendments 3 and 4? I would think that we should nonconcur. Senator Netsch, why would you be in favor of reducing the penalty on these two provisions, failure to report a bribe or bribe attempt, and reducing the penalties? Is it just because the House says they want those or is there some rationale behind this?

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

No, my understanding is that the reason that...that this question was raised and the House proposed these amendments were that as they are constructed in these two amendments, they are consistent with and track comparable crimes in the Criminal Code that...that are...that deal with bribery and failure to report but are not in this particular context, and they thought that it made a great deal of sense that the...the structure of the penalties be consistent and that was the reason.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

Mr. President, would it be in order to ask to divide the question on those two amendments?

PRESIDENT:

That request is in order. Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Question of the sponsor.

PRESIDENT:

Sponsor indicates she will yield.

SENATOR BARKHAUSEN:

Senator Netsch, I'm...I'm told by our staff, and I haven't had a chance to check this out myself, that as a result of the House amendment, the penalty for the failure to report a bribe has been reduced from a Class 4 felony to a...to a Class A misdemeanor. Is...is that something they strongly objected to and is that a change we really want to concur in?

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

I think that's the conversation that Senator Welch and I just went through. That is correct and the reason why the House did that was that in the basic Criminal Code...this is the explanation that is given to me and I...I understand it anyway, in the basic Criminal Code, the failure to report a bribe to a public official and I...perhaps some other categories of failure to report are also Class A misdemeanors, not Class 4 felonies, and the...the idea in the House was that we ought to have a consistent set of penalties dealing with comparable categories of crime.

PRESIDENT:

Further discussion? Senator Keats.

SENATOR KEATS:

Question of the sponsor.

PRESIDENT:

Indicates she will yield, Senator Keats.

SENATOR KEATS:

I'm looking through my analysis to clarify your first comment about the first amendment that was added in the House that talks about it is all right to give inside information to a bidder if that information has already been made public. Now, I'm trying to figure out how it could be made public. Is it if you have already leaked this to the press and it's sort of been in a column that...well, maybe if you weren't sure about or kind of half reported, is that considered public? How do we decide when inside information is publicly known information?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Well, I think perhaps your...your analysis may have somewhat glossed over the precise language of the section, Senator Keats, and...and I think it might be easier if I just...it's a short sentence, read it to you, "It shall not constitute a violation of Subsection B of this section for any person who is an official of or employed by any unit of state or local government," now this is the important language, "to make any disclosure to any interested person where such disclosure is also made generally available to the public." So, it...it doesn't say anything about inside information or information that is not generally made available. What it says is that you're not in trouble if the information is generally made available to the public. If you also...if a contractor calls and says, what is the day on which the bids are going to be accepted, that's probably not the best example but something like that, and that is information which is generally made available to the public, it would not be a violation to disclose that information also to a contractor even though that person was submitting a bid. I think that is what is intended to be covered by this and

that is literally what it says.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

...I was getting some information too and putting the two together that leaves me with one just small question, when is it generally available? What do we call information that's generally available? Is that published information...is...it's got to be more than just publishing the bid specs. What is...is there some legal term that generally available that all of us should read in on and understand what that means?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...

SENATOR NETSCH:

All right...trying to get a little more...

PRESIDING OFFICER: (SENATOR DEMUZIO)

...Senator Netsch.

SENATOR NETSCH:

...little more precise example here. Again, if someone who is interested in bidding or planning to submit a bid calls and asks for information about procedures or something that is involved in that process, which is not inside information, doesn't give them any particular thing but may not be known to that particular prospective bidder, then it is all right to tell that person, this is what you do or this is where you go as opposed to giving them some inside information about the...the content of the contract or...or the particular importance of...of...points that will be graded in reviewing the bids. I think, as best I can, that is the way that I would describe the difference. It is something which has nothing to do with the merits of whether or not that person is going to get the bid but may help them to know how they are supposed to...just go about the regular

procedure.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates she will yield. Senator Hawkinson.

SENATOR HAWKINSON:

Senator, are the mens rea or scienter requirements that we added by Senate amendment, are they left intact by the House action?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

They are absolutely intact, yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Watson.

SENATOR WATSON:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates she will yield. Senator Watson.

SENATOR WATSON:

I don't know if you've read the Digest and the synopsis of the amendment, but it talks about...let me just read what it says here, "Provides that it is not a violation if an official makes a disclosure generally available or follows procedures established for minority or female owned business enterprise programs." Is this another benefit for the minority and female owned businesses?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

...I'm...I'm learning a little bit about public contract procedures in the process. I think what this is intended to

do is that there are contractors who will...intend to submit a bid where there is a minority or female requirement and they may not, in fact, have...a preexisting relationship with such a subcontractor or know who they are. If the person who is receiving the bid, that is the agency, would say, you know, you shall go forth and...and find X or Y, that, obviously, is not what we are after. What they are entitled to do in order to...to assure that there would be compliance with the law regarding minority and female...subcontracting would be to say, yes, there is a requirement, it is, whatever, ten percent...and here...there is available a list of all of those who have qualified or been certified depending on what that agency does and here is the list or here's where you go find the list. That could be done without putting the agency people in violation of the law, and I think that makes perfect sense. That's very different from saying, yeah, and you go enter into a contract with John Doe or Jane Doe and you'll be okay. That would not be covered.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR WATSON:

Is this a special consideration that minority and women owned businesses will have? That's a simple yes or no.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

No. In my judgment, it is not, because we have established the law that says that there shall be a minority/female participation. All we are saying here is that when an agency or officials of an agency attempt to help someone comply, not with specific information but by saying here's where you go to find out how to comply, that they will not be in violation of the law, and...just mostly a matter of clarification that they shouldn't be, obviously, and this

makes it clear that that would not be a violation of law.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates she will yield. Senator Fawell.

SENATOR FAWELL:

On...on this bid rotating...you know, in...in my county right now, we are in the process of...of doing a lot of building of highways and this type of thing and...obviously, we've got...we are limited somewhat as to how many contractors we have, in effect, that can do this work. I am a little concerned when you say that bid rotating is defined to include a pattern of an agreed rotation of winning bids for at least three contracts in a ten-year period would be awarded to the same person. Obviously,...and particularly in your smaller counties, this is going to happen because they're the only ones available and it seems to me you're really leaving them open for charges by some irate contractor who perhaps didn't get the bid.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Again, let me call attention to the particular language. It certainly is conceivable that someone in total innocence could end up with a series of contracts over a period of time, that could not be a violation of the law because what you have is a requirement in the...the statutory language of a collusive scheme. You've got that kind of a...using...another word for Senator...Hawkinson's concern, a scienter requirement. It has got to be a collusive scheme under which the rotating is deliberately done. That is very different and...and not easy to prove unless...and certainly

not easy to prove when you've got an innocent matter of someone getting several contracts over a period of time. So, what you have described is simply not covered.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

Well, I can understand where it...it...you know...you can say that it is...it is not going to be a problem but to...I mean, obviously, it would be difficult to prove but I can also understand that it would cause a lot of problems...it could cause a lot of problems for some pretty innocent contractors who are used frequently for such things as building roads or building highways or...or...it just seems to me you really...you...Howie, could you move? Sorry about that. It just seems to me you're really opening a can of worms and you're going to subject an awful lot of people to some real problems.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator Fawell, was that a question or a statement?

SENATOR FAWELL:

Statement, I guess.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, I'd just like to, I guess, take up where Senator Watson left off there. He had asked that...if there's any benefits given to a female and minority contractors and you had stated that this is so that they can be helped and not be convicted of some crime. If the same help was given to a male contractor, is there...is he in violation or would they be in violation of any...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

No, Senator Savickas, it's not the...the help that is given to a male or female contractor. It is that every contractor has to comply with the statutory requirements involving minority and female participation and a...the contractor has to comply whether that contractor is a male or a female who is submitting the bid. This is designed to say that if information about the availability of...thank you, Mr. President. This is designed to say that where the agency person is called and asked, where do I go to find out about what people are certified, authorized, available to participate that the agency person is not suddenly guilty of a crime by giving out that information. That is quite different from saying that only female contractors can get that information. It is anyone who seeks that information. All we're trying to do is to protect what is essentially an innocent giving out of information on the part of the public official which is necessary in order for that agency to require with the laws that we have already passed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator D'Arco.

SENATOR D'ARCO:

Boy, what a difference a bill makes...we're all for eavesdropping, we're all for putting drug pushers behind bars but not these big contractors, no, no, no, they're the big contributors. We don't want to put big contributors behind bars, no, no, no, that's a no-no. Boy, you Republicans can change awful quick.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well,...no further discussion, Senator Netsch, Senator Welch has requested a...Senator Davidson.

SENATOR DAVIDSON:

Well, I...I'm totally confused. Senator D'Arco's remark got to waving...difference a bill make, but the last time I

looked in...in the registry and in the Blue Book, I always believed that Senator Netsch was a Democrat.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? I assume that was a statement. All right, does anybody else wish to...to talk? Okay. All right. Now, Senator Welch has asked for a division of the question. I would be delighted to have you close at the proper time. Senator Welch, you wish to have the division of the question with respect to Amendments 1 and 2 and 3 and 4, it's my understanding. Senator Netsch, 1 and 2, 3 and 4. Senator Netsch on 1 and 2.

SENATOR NETSCH:

I'm...I'm now...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Wait a minute. Senator Schuneman, for what purpose do you arise?

SENATOR SCHUNEMAN:

On a point of order, Mr. President. I would hope that when you pose the question, you would recant for us again the...the issue involved. It's been quite some time since we heard from Senator Welch and, perhaps, we don't all know what particular issue he's on.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, I'm sure that the sponsor of this bill will be able to give you proper edification with respect to the amendments that are before us. Senator Netsch on 1 and 2.

SENATOR NETSCH:

I've almost forgotten myself, Senator Schuneman. Somehow this discussion has gotten a little bit off base. What I...I would like to say is that the basic bill with the amendments, for the first time, Senator D'Arco, does not let contractors or public officials off the hook. For the first time, it is designed to provide the statutory tools whereby those who are playing games with the public contracting process can,

indeed, be found out and prosecuted effectively and it does that by very specifically defining a series of activities which I would hope all of us would agree are reprehensible but which were not easily covered by preexisting law, such matters as bid rigging and bid rotating and so forth, all of those now will be explicitly covered by law with very severe penalties. I certainly would strongly urge concurrence in Amendments No. 1 and 2.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, the question is, shall the Senate concur with House Amendments 1 and 2 to Senate Bill 2002. 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 48, the Nays are 3, 3 voting Present. The Senate does concur with House Amendments 1 and 2 to Senate Bill 2002. All right, Senator Netsch on the question of the adoption of Amendments 3 and 4. Senator Netsch.

SENATOR NETSCH:

All right, now, again, to be clear, these two amendments deal only with the penalties for those who have failed to report a bribe or a bribe attempt or in the case of the fourth amendment, someone...the...a contractor or subcontractor who has been, in effect, solicited to certify the acceptability of goods when, in fact, that is not so and in both cases, it reduces the penalty from Class 4 felony to Class A misdemeanor and the reason was just very simple. In all of our existing Statutes, there are crimes that involve failure to report a bribe or failure to do other...evidence where the person involved is not the prime actor but certainly is guilty of something. In our existing Statutes, those penalties are Class A misdemeanor and these two amendments were simply designed to conform to the existing statutory pattern.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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All right, Senator Keats, the Senator was closing.

SENATOR KEATS:

It's a question she didn't...where were you lessening the penalties? We thought those were Amendments 3 and 4. Were the lessened in penalties...they're this part. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Netsch, do you wish to say anything else with respect to this question? All right, the question is, shall the Senate concur with House Amendments 3 and 4 to Senate Bill 2002. 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 17, the Nays are 39, 1 voting Present. The...Amendments 3 and 4 to Senate Bill 2002 are not concurred. Senator Netsch, for a motion.

SENATOR NETSCH:

I would then move to nonconcur in Amendments 3 and 4 and so inform the House.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Netsch, we're delighted with that edification but I understand it's automatic. So, the...Senate does not concur with Amendments 3 and 4 and the Secretary shall so inform the House. 2010, Senator Geo-Karis. Senate Bill 2010, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Amendment No. 1 to Senate Bill 2010.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I concur with House Amendment No. 1 which clarifies the position of the fogle head prior lien rights and I move the concurrence.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Welch.

SENATOR WELCH:

Yes, I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates she will yield. Senator Welch.

SENATOR WELCH:

Does this bill give any priority whatsoever over existing law to an environmental lien?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

...to respond,...what it does...it does to...a certain extent...acceptance shall not be valid to any subsequent bona fide purchaser, mortgagee or other liener whose rights in the real property arose prior to the filing of notice of the lien. That's...that's part of that House amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch.

SENATOR WELCH:

Well, my understanding is the House amendment replaces the existing bill. Is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

No, the House amendment amends Senate Bill 2010 on page 4 by deleting lines 12 through 19, and then...inserted the...in lieu thereof the following...you want me to read that amendment to you? "The property...the agency shall not file an environmental reclamation lien and no such lien shall be valid unless the agency has sent notice pursuant to Subsections Q or V of Section 4. Now this Act...on this Act to owners of the real property. An environmental...reclamation lien shall be superior to all other liens, incumbrances other

than real estate tax liens except it shall not be valid as to any subsequent bona fide purchaser, mortgagee or other liener whose rights in real property arose prior to the filing of notice of the lien."

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch.

SENATOR WELCH:

Now that's what was amended, Senator, or is that the amendment?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

That is the amendment in the bill, sir.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Can we have a little quite here...Senator...Senator Geo-Karis, would you speak louder in the mike.

SENATOR GEO-KARIS:

That...that...that is the amendment that went on the bill, sir. I just read it to you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch.

SENATOR WELCH:

Well, this amendment basically changed your original bill which gave a super lien to environmental liens to...making it less than just another lien. Under this amendment, what it says is that if you have an environmental lien, you can't file it until you tell the person you're filing it against that you're going to file it. Now what in the world would you want to advise them in advance for? If you're going to file a lien against somebody, you don't give them advance notice so they can transfer the property to somebody or move it into a land trust or...or change title somehow. I don't understand why you want to give advance notice. This seems like business has got a hold of this bill and added something

that wasn't necessary.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Senator, I can see your point; however, I don't find anything in the law that doesn't prevent...or doesn't allow the EPA from putting a notice of it right on record on the property, and if that notice is on record and somebody comes in as a bona fide purchaser and that notice is on record, I think that bona fide purchaser might be stuck with that notice.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch.

SENATOR WELCH:

Well, that's different from what my analysis says. You're saying that the notice is filed with the recorder of deeds together with a legal description and placed on the property?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

...nothing in this bill that would prevent the EPA from doing that.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch.

SENATOR WELCH:

So,...so...for legislative intent here, you're saying that a notice that a lien is going to be filed can be filed against property with the legal description recorded by the recorder of deeds to give notice to subsequent purchasers that a...that a lien may exist sometime in the future. Is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I believe so. If...if I may go on further on that amendment, it's...quote, in lines 16, "Notice of such service shall be served on all lien holders of record as of the date of filing." That's in there.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch.

SENATOR WELCH:

Well, it seems to me that the original purpose you had, Senator, was a very good one and that was to create an environmental lien and give it priority over all other liens so that when the EPA cleans up the property the state gets its money back. What the House amendment did was basically change that around totally and said that an environmental lien stands in line just like everyone else, not just after your mortgage but after any judgment creditor, after any homestead lien, after any tax lien, any lien in the world. What you've done is created a first in time, first in right situation as to environmental liens and that wasn't your original intent; and I think that the House has totally misconstrued what you intended to do, Senator, and I think that you should nonconcur and go back to a conference committee and tell them that they went too far.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you. A question of the sponsor, if she'll yield.

PRESIDING OFFICER: (SENATOR SAVICKAS)

She indicates she will.

SENATOR SCHUNEMAN:

Senator, our analysis indicates that the IMA is opposed to the bill and that the Illinois Petroleum Council is opposed. Are...are they still in opposition to this bill?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

The IMA is not opposed to the bill. I don't know where you got that and I...I don't know where our analysis...is that the new analysis?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, it's the one that was just passed out a few minutes ago, Senator, but the...I guess my concern comes from a casual reading of...of the analysis which indicates to me that EPA could forceably cleanup what they consider to be hazardous situation on private property and then lien against that private property for the cost of the EPA cleanup, and while it...there may be some instances where that is justified, I can think of a number of instances in my district, for example, where private corporations have been forced by the lack of...of any proper dumping place for hazardous materials to...to store some of those materials on our own property and...I'm just wondering if we're opening a real Pandora's Box for them here.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not, Senator Geo-Karis may close.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this may not be the perfect bill but it's a bill...and it's...it's a step in the right direction. It does...the IMA has...has supported this bill and I believe that the analysis the prior speaker had is an old analysis. I might tell you that there has to be adequate notice served and notice of such service shall be served on all lien holders of records of the date of the filing and I ask for concurrence.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 2010. 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 44, the Nays are 6, 6 voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 2010 and the bill having received the required constitutional majority is declared passed. Senate Bill 2013, Senator Geo-Karis. Mr. Secretary.
ACTING SECRETARY: (MR. HARRY)

House Amendment No. 1 to Senate Bill 2013.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

I...Mr. President and Ladies and Gentlemen of the Senate, I concur with...the House Amendment No. 1 which clarified the language so to...that...it...it...it took out language which was thought by the House to be eliminating the entrapment defense and the language was taken out...does not eliminate the entrapment defense and I urge favorable consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 2013. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 2013 and the bill having received the required constitutional majority is declared passed. Senate Bill 2021, Senator Etheredge. Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Amendments 1, 4, 5 and 7 to Senate Bill 2021.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Etheredge, we're just checking on the last amendment. Do you want to go ahead with your motion? Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I move to concur with House Amendments 1, 4, 5 and 6 on Senate Bill 2021. I'd be happy to respond to any questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Carroll.

SENATOR CARROLL:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR CARROLL:

This is the Capital Development Board's reappropriation which is supposed to mean the projects we have funded they have not been able to complete so they just carry them forward. It appears as if, however, at the State Fairground, they have, in fact...Capital Development Board has once again overexpended funds for a project and doesn't have enough for that which they asked for in the reappropriation. It seemed as if the original request was for some alterations and renovations and an addition but they had the State of Illinois Center type cost overruns on the addition and, therefore, will not be doing the renovation. Is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Etheredge. Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President. I would...simply respond that there has been no overexpenditure here. I...if...according to the information that I have, that what we're talking about here is...is simply a language change. There was at...at a time when the...the thought was that there would be an addi-

tion put on one of those barns and there would be some renovation of existing barns. Now, it...what we're proposing to do here, and there is no dollar change, would be to change the language so that the money would be...expended for construction only and no renovation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Carroll.

SENATOR CARROLL:

Well, that would almost make sense but for...it was three million dollars to renovate and build an addition as we initially appropriated the funds and would have carried them forward by way of reappropriation...a little over three million dollars to renovate and build an addition. Now, according to Doctor Bob, the three million is insufficient to do both. So, it'll only be for the addition, and according to his letter, they'll come back in next year for the renovations. That means whatever they originally proposed, three million was enough to, A, renovate and, B, build an addition. Suddenly it's only enough to build an addition, so, obviously, that addition cost more than initially projected. What was the projection originally and what is the cost now?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Etheredge.

SENATOR ETHEREDGE:

Senator, there is absolutely no commitment for any further appropriations for renovation. In the letter which we received from Doctor Mandeville, he simply indicated that that would be considered in the future as we consider anything else. So, that...if there are...if...and that...and I want to underscore that, if there is the recommendation that this...there be some renovations in the future, then they go through the whole process and once more appear before your committee and that's considered like any other new project.

We're not making any long-term commitments here at all, Senator.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Carroll.

SENATOR CARROLL:

Senator Etheredge, that wasn't my question. I'm not saying it's necessarily even bad what they're proposing, but I think we should put on the record, what was the cost for the addition when proposed to the General Assembly and what is it going to cost us now. It's going to cost us now the full three million. Initially it had to be less than that 'cause some of the money was to be spent on renovation. What is the overrun on the barn?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Etheredge.

SENATOR ETHEREDGE:

Senator, that...that number has never been broken out. I think that what we're dealing with here is a...a preliminary estimate that was included but then when they...delves into this project to identify precisely what would be required, they've determined that that sum of three million dollars would be required for the addition.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Etheredge, your staff member is explaining it to...Senator Carroll.

SENATOR CARROLL:

Well, let me just ask Senator Etheredge if you can get us their preliminary estimate and what they're saying now; obviously, it's greater than what it was and we're just trying to find out why. And Senator Davidson didn't seem to have the information either.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Etheredge.

SENATOR ETHEREDGE:

*AB 2028
nonconcurrent*

...Senator, I think that detailed information will be provided. I'm not...as I indicated before, I really don't think that information is...is available. We're working here with an...an estimate and it was felt that the 3.1 million dollars would provide for the addition and some renovation. It's turned out that no renovation is possible at that figure.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Is there further discussion? Senator Carroll, are you still interested in this matter? If not, the question is, shall the Senate concur in House Amendments No. 1, 4, 5 and 6 to Senate Bill 2021. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are 2, 1 voting Present. The Senate does concur in House Amendments No. 1, 4, 5 and 6 to Senate Bill 2021 and the bill having received the required constitutional majority is declared passed. Senate Bill 2022, Senator Etheredge. Mr. Secretary. What...Senator Etheredge.

SENATOR ETHEREDGE:

Mr. President, I would...I seek leave to take this out of the record for the time being and come back to it later because we're trying to get some additional information on this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Sure...sure, leave will be granted. We'll consider it later. Senate Bill 2028, Senator O'Daniel. Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Amendments 1, 2, 3, 4, 5 and 6 to House...to Senate Bill 2028.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator O'Daniel.

SENATOR O'DANIEL:

Mr. President and members of the Senate, I move to nonconcur with House Amendment 1, 2, 3, 4, 5 and 6 to Senate Bill 2028.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator O'Daniel moves to...nonconcur in House Amendments 1, 2, 3, 4, 5 and 6 to Senate Bill 2028. All those in favor indicate by saying Aye. Opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House.

PRESIDING OFFICER: (SENATOR DEMUZIO)

(Machine cutoff)...Secretary's Desk Concurrence, page 14, is Senate Bill 2040, Mr. Secretary. Excuse me, Senator Maitland, for what purpose do you arise? Senator Maitland.

SENATOR MAITLAND:

Well,...well, thank you, Mr. President. I...I appreciate the respect and the courtesy that you've extended to me. The former...the former presiding officer would not recognize me when I was trying to find out why the gentleman chose not to concur with those...those House amendments. I guess it's too late now but I simply wanted an explanation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator, was that on 2021? Senator Maitland. Oh, I beg your pardon. I'm sorry. All right, Senate Bill 2040, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Amendment No. 1 to Senate Bill 2040.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, I move to concur with House Amendment...House Amendment No. 1 to Senate Bill 2040. Basically, House Amendment No. 1 would eliminate the Comprehensive Health Planning Act. Senate Bill 2040 as passed in the Senate allows a county hospital to enter into joint ventures and reciprocal agreements with the University

of Illinois Hospital, and the planning Act...Comprehensive Planning Act which was approved in '71 is no longer...in place and the purpose...the twenty-five member statewide Health Coordinating Council was established to implement the Act, that is not functioning. The functions...functions of the Act have been absorbed by the various entities of Department of Public Health, and since the federal government has already disbanded their coordinating council and Comprehensive Planning Act, we're just cleaning up the Statutes removing the obsolete wordage and the obsolete Act, and I would seek your concurrence with House Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? If not, the question is, shall the Senate concur with House Amendment 1 to Senate Bill 2040. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are 2, 1 voting Present. The Senate does concur with House Amendment 1 to House...to Senate Bill 2040 and the bill having received the required constitutional majority is declared passed. 2052, Senator Jones. 2079, Senator Ralph Dunn. 2112, Senator Watson. House...Senate Bill 2112, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Amendment No. 1 to Senate Bill 2112.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. I move to concur with House Amendment No. 1 to Senate Bill 2112. The amendment added five hundred and eighty-five thousand out of the GRF, General Revenue Fund, to the appropriation for the Gifted and Remedial Summer School Program. This brings the level to fifteen million dollars which is the level the State Board of Edu-

cation has requested.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? If not, the question is, shall the Senate concur with House Amendment 1 to Senate Bill 2112. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 2112 having received the required constitutional majority is declared passed. The Senate does concur with House Amendment 1. Okay. 2117, Senator Kustra. Senate Bill 2117, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Amendment No. 1 to Senate Bill 2117.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. There are two provisions in House Amendment No. 1. They are not related to each other. The first provision says in the case of new and annexed districts, the amendment specifies that for the purpose of computing audited fund balances of the new or annexed districts, the computation shall be for the year ending June 30th prior to the date the petition to form a new district or to annex becomes final. Current law provides that the operative date for new districts is the date of the referendum and for annexed districts the date the change in boundaries becomes effective. The second part of the House amendment allows Thornton Community College to levy at a rate not to exceed the 1986 statewide average maximum rate which was twenty-three dollars and fifty-four cents per one hundred dollars equalized assessed valuation. This is similar to what Senator Etheredge bill allowed some other school districts, the only difference is this amendment does

have a backdoor referendum on it. This...that particular bill passed the House 91 to 10. I would seek concurrence to House Amendment No. 1 on Senate Bill 2117.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? If not, the question is, shall the Senate concur with House Amendment 1 to Senate Bill 2117. 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 48, the Nays are 8, 1 voting Present. The Senate does concur with House Amendment 1 to Senate Bill 2117 and the bill having received the required constitutional majority is declared passed. Senate Bill 2124, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Amendment No. 1 to Senate Bill 2124.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Poshard.

SENATOR POSHARD:

Yes, thank you, Mr. President. This would eliminate the retroactive provisions of the bill. The bill attempted to affect security interest filed prior to the effective date of the bill. This amendment would remove the...retroactive provisions and will just apply to changes prospectively.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? If not, the question is, shall the Senate concur with House Amendment 1 to Senate Bill 2124. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill...I'm sorry, the Senate does concur with House Amendment 1 to Senate Bill 2124 and the bill having received the required constitutional majority is declared

passed. 2136, Senator Barkhausen. 2136, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Amendments 1 and 3 to Senate Bill 2136.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, this is the bill that...that extends the application of a federal lien reporting requirement that we passed last year to apply to personal property. The House amendments are technical in nature. It...increases the filing fees for a certificate of liens to bring it into conformity with filing fees that are otherwise required by county recorders. That's House Amendment 1. House Amendment 3 is...is unrelated and changes slightly the procedure for giving notice to the Department of Revenue when a sale of a business such as a bulk sale is taking place other than in the ordinary course of business and provide...provides, as I say, for notice to the Department of Revenue and then a notice back from the department for tax obligations due under both of the Illinois Income Tax and Retail Occupation Tax. We've discussed the House amendment with the department. They don't see any great problem with it and they are neutral, and I would ask for concurrence in both of these amendments and passage of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? If not, the question is, shall the Senate concur with House Amendments 1 and 3 to Senate Bill 2136. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. The Senate does concur with House Amendments 1 and 3 to Senate Bill 2136 and the bill having received the required constitutional majority is

declared passed. 2141, Senator Jones. 2147, Senator Severns. Senate Bill 2147, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Amendments 1 and 4 to Senate Bill 2147.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President and members of the Senate. I move to concur with House Amendment 1 and 4. House Amendment 1 codifies current practices. House Amendment 4 is a request by SBE to change an existing eligibility date. Be...happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President and members of the Senate. I...question of...of Senator Severns, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates she will yield. Senator Maitland.

SENATOR MAITLAND:

Senator, describe for me a bit more House Amendment No. 1 where you...you said that it codifies what we are now doing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Severns.

SENATOR SEVERNS:

(Machine cutoff)...it does is puts into law that school boards provide an employee bargaining agent a seniority list for ESP personnel...or the ESP individuals.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Well, it...it doesn't really codify what is now common practice, I think is the point that I'm trying to make. You indicated that it does and I...I think what...what you are

seeking to do is for all members whether they...of support staff whether or not they are a member of a union will be on a seniority list. Is that not correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Severns.

SENATOR SEVERNS:

It's my understanding from the sponsor of this amendment that it simply puts into law current practices. That is my impression and it's the impression of the...at least, obviously, of the analysis provided.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Kustra.

SENATOR KUSTRA:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates she will yield. Senator Kustra.

SENATOR KUSTRA:

Senator Severns, regarding the...the words "educational support personnel," just for the...for the record, is it my understanding that that is an employee who is a full-time employee of a school district regularly engaged in educational support services of a nonsupervisory or nonmanagerial nature?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Severns.

SENATOR SEVERNS:

Frankly, as vice-chair of the Education Committee, you've had much more experience with it than I and I think you'd be better prepared to respond. I'm not certain what the exact definition of ESP is.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra.

SENATOR KUSTRA:

Soon as they make me vice-chair of the committee, I'll

have to deal with that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

(Machine cutoff)...discussion? Senator Weaver.

SENATOR WEAVER:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates she will yield. Senator Weaver.

SENATOR WEAVER:

Senator Severns, isn't this another mandate for...for school boards to comply with?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Severns.

SENATOR WEAVER:

Why...why should we be...

PRESIDING OFFICER: (SENATOR DEMUZIO)

I'm sorry, Senator Weaver.

SENATOR WEAVER:

...mandating more and more things for all the...for the school boards statewide?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Are you...Senator Severns.

SENATOR SEVERNS:

Senator Weaver, this comes from the task force mandates chaired in part by Senator Maitland.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator...Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you...thank you, Mr. President. A question of the sponsor. Senator, you indicated that this merely codifies what the practice is now. If this is the practice, why do we need to codify it? Why can't we just let the practice continue rather than passing another mandate on local schools?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Severns.

SENATOR SEVERNS:

I don't know what the thinking of the...was the House sponsor. It certainly was not my bill, but there's a lot of things that we do here that...that is current practice that we simply put into law and this is one more example.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further...further discussion? Senator Maitland.

SENATOR MAITLAND:

Well, thank you, Mr. President. I...I apologize for rising the second time, but...but, you know, there's some things that are being said here that simply are not accurate. I don't think it's intended, Senator Severns, by you and I don't mean to imply that...that it is, but this is not common practice. It just simply is not. It's an attempt by the union, and I understand that, to put everybody on a seniority list. That's the first fallacy. The second one is, this was not a recommendation, as I recall, from the Mandates Task Force that I chaired; I mean, it simply was not, and I want that made perfectly clear.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? If not, Senator Severns may close.

SENATOR SEVERNS:

In closing, I just wanted to make myself clear in that...in response to what Senator Maitland said. The original bill was one of the recommendations stemming from the task force. The amendments, House Amendment 1 and House Amendment 4, at least by our own analysis, are not controversial and I would urge your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall the Senate concur with House Amendments 1 and 4 to Senate Bill 2147. 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 31, the Nays are 23, 2 voting Present. Senate Bill 2147 having received...I'm sorry, the Senate does concur with House Amendments 1 and 4 to Senate Bill 2147 and the bill having received the required constitutional majority is declared passed. Senator Weaver, for what purpose do you arise?

SENATOR WEAVER:

Verification, Mr. President, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver has sought verification of those who voted in the affirmative. The Secretary will read the members who voted in the affirmative. All members will be in their seat. Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

The following voted in the affirmative: Berman, Brookins, Carroll, Collins, D'Arco, Degnan, del Valle, Demuzio, Ralph Dunn, Thomas Dunn, Hall, Holmberg, Jacobs, Jones, Jeremiah Joyce, Jerome Joyce, Kelly, Lechowicz, Luft, Madigan, Mahar, Marovitz, Netsch, O'Daniel, Poshard, Savickas, Severns, Smith, Vadalabene, Welch and Zito.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver, do you question the presence of any member voting in the affirmative?

SENATOR WEAVER:

Senator Welch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR WEAVER:

Senator del Valle.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator del Valle on the Floor? Senator del Valle on the Floor? Strike his name.

SENATOR WEAVER:

That's it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator Welch has just returned to the Chamber, so restore his name.

SENATOR WEAVER:

Senator Berman.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver, do you question the presence of any other...

SENATOR WEAVER:

Yes, Senator Berman.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Oh, Senator Berman. I thought you had concluded, I'm sorry. Senator Berman on the Floor? Senator Berman on the Floor? Senator Berman...I'm sorry, Senator Weaver, you withdraw Senator Berman?

SENATOR WEAVER:

Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. He...he withdrew his request.

SENATOR WEAVER:

Senator Jeremiah Joyce.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR WEAVER:

Senator Mahar.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Mahar on the Floor? Senator Mahar on the Floor? Strike his name. All right, Mr. Secretary...Senator del Valle has just walked into the Chamber, Senator Weaver, so restore his name, Mr. Secretary. On that...on that question, the Ayes are 29, the Nays are 23, 2 voting Present. The

motion fails and the Secretary shall so inform the House. I'm sorry, it's automatically done? Oh,...okay. Page 15, Senate Bill 2151, Senator Carroll.

ACTING SECRETARY: (MR. HARRY)

(Machine cutoff)...Amendment No. 1 to Senate Bill...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President. I would move that we do not concur with House Amendment No. 1 to Senate Bill 2151. It appears as if some of the...we have just found out some of the staff had been in error over in the House side. These were not vacant positions they thought they'd pulled, they were people actually on board and that's supposedly being worked out in the House, so I'd move that we do not concur with House Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll moves to...Senator Carroll, did you move to concur? Nonconcur, all right. Discussion? Senator Carroll has moved to nonconcur with House Amendment 1 to Senate Bill 2151. Those in favor will indicate by saying Aye. Opposed Nay. The Ayes have it. Motion carries and the Secretary shall so inform the House. Senator Fawell, for what purpose do you arise?

SENATOR FAWELL:

There is just one bill that we skipped over and it was...it was my bill, 1752, while I was getting some information from the advocacy and...and guardian. I wonder if we could go back and just clean that up.

PRESIDING OFFICER: (SENATOR DEMUZIO)

No, we'll...we'll get to it at the of the...at the end of the day. 2152, Senator Karpziel. 2153, Senator Schuneman. Secretary's Desk Concurrence, page 15, Senate Bill 2153, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Amendment No. 1 to Senate Bill 2153.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. This...this was a Department of Professional Regulations bill that cleaned up some of the esthetician licensing law that we passed last year. The House amendment made some changes in the bill which are rather technical in nature. It provides an exemption from the Act for makeup artists employed by the motion picture industry and requires cosmetology teachers to demonstrate current skills in the use of esthetic machines. I would move in...to concur with the House Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate concur with House Amendment No. 1 to Senate Bill 2153. 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. The Senate does concur with House Amendment 1 to Senate Bill 2153 and the bill having received the required constitutional majority is declared passed. Senate Bill 2154. Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. HARRY)

House Amendment No. 1 to Senate Bill 2154.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, Senate Bill 2154 has to do with the corporate franchise tax which domestic and foreign corporations pay to the Secretary of State's Office. The original bill is intended to make it easier for businesses

which have overpaid or which have been overassessed to petition for a...refund or a correction in their overassessment. The House added an amendment not so much to the bill but to the current Act which is technical in nature and which expands the...the ability to petition for an assessment somewhat further by changing the wording from "an annual report" to "any document required to be filed by this Act," that's on page 2 of the bill. And if you...if the Body would be good enough to bear with me for a couple of minutes, I have been asked by the...the House sponsor who neglected to read in a...a couple of pages worth of legislative intent to do that here. If anybody wants to take a minute to stretch. It is as follows. "This amendment to Senate Bill 2154 is submitted with the approval of the Secretary of State to make a technical correction necessary to accomplish the purpose of this bill. Senate Bill 2154 is designed to correct an unintended effect of the current Business Corporation Act. Foreign corporations receiving a certificate of authority to conduct business in Illinois are entitled to pay license fees and franchise taxes based upon the portion of their assets present in and business revenues derived from Illinois. A problem usually arises when a foreign corporation files for a certificate of authority or...or files an annual report and elects to pay the fee and tax on a hundred percent of its paid-in capital because, at the time of filing, the company's paid-in capital is so small that the minimum amounts of fees and taxes are due regardless of apportionment. Subsequent to that election, as the company commences actual business operations there may be a major increase in the company's paid-in capital representing an infusion of capital for nationwide operations. The company would then discover that it may now be required to pay the State of Illinois not only additional license fees and franchise taxes on the increase in paid-in capital attributable to Illinois but on the increase in all

paid-in capital nationwide due to its original election. A typical example is a new corporation which commences with a nominal amount of one thousand dollars paid-in capital nationwide. It files for a certificate of authority to conduct business in Illinois and elects to pay Illinois...license fees and franchise taxes based on a hundred percent of that one thousand dollars in paid-in capital. Sometime after that initial filing, five hundred million dollars in capital nationwide is poured into the company as it commences actual business operations. Upon notifying the Secretary of State of the increase of paid-in capital from one thousand to five hundred million dollars the company submits a check representing additional license fees and franchise taxes based upon twenty-five million dollars of that paid-in capital which is properly apportioned to Illinois assets and revenues. The Secretary of State then notifies the company that, due to its original election to pay one hundred percent of its paid-in capital, when its paid-in capital was only one thousand dollars, it must pay increased fees and taxes based on the entire five hundred million dollars nationwide, or twenty times the actual fees and taxes attributable to Illinois in this example. Foreign corporations have a U. S. constitutional right to pay Illinois license fees and franchise taxes only on that portion of their paid-in capital represented in Illinois. This bill clarifies...I should say this bill and the amendment clarifies the intent of the General Assembly to allow the corporations to correct the basis not only during the years after the due date for the filing of the first annual report but from the initial date on which the application for the certificate of authority was filed." And that last sentence, I believe, speaks to the...the real impact of the House amendment. The Secretary of State's Office is in agreement with this amendment in that it is necessary to effect the overall purposes

of the bill and I ask for concurrence in the amendment and passage of the bill and thank you for your indulgence.

PRESIDING OFFICER: (SENATOR DEMUZIO)

(Machine cutoff)...further discussion? If not, the question is, shall the Senate concur with House Amendment 1 to Senate Bill 2154. 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. The Senate does concur with House Amendment 1 to Senate Bill 2154 and the bill having received the required constitutional majority is declared passed. Senate Bill 2193, Senator Etheredge. 2193, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Amendment No. 4 to Senate Bill 2193.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. The original bill was one that came out of the work of the State Advisory Council for the Department of Alcoholism and Substance Abuse and it did establish the Drunk and Drug Driving Prevention Fund. House Amendment No. 4 simply says that any balances remaining in this fund on June 30th, less the amount of any expenditures attributed to the fiscal year during the lapse period, shall be transferred to the General Revenue Fund by the following October the 10th. I move to concur...with House Amendment No. 4.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall the Senate concur with House Amendment 4 to Senate Bill 2193. 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...(machine cutoff)...the record. On that question, the

SB 2228
concurrance

Ayes are 58, the Nays are none, none voting Present. Senate Bill 2193 having received the required constitutional majority is declared...I'm sorry, Senate does concur with House Amendment 4 to Senate Bill 2193...2201 and the bill having received the required constitutional majority is declared passed.

PRESIDENT:

Senator Maitland on 2201. Senator Weaver on 2228. Mr. Secretary, on the Order of Secretary's Desk Concurrence is Senate Bill 2228.

END OF REEL

REEL #4

ACTING SECRETARY: (MR. HARRY)

House Amendment No. 1 to Senate Bill 2228.

PRESIDENT:

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. House...I move that we concur in House Amendment No. 1 to Senate Bill 2228. This would permit a bank without violating customer confidentiality to collect an obligation owed to the bank as long as the bank complies with the provisions of the Consumer...Fraud and Deceptive Practices Act.

PRESIDENT:

Any discussion? The gentleman has moved concurrence. Any discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 2228. 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 57, the Nays are none, none voting Present. The Senate does concur with House Amendment No. 1 to Senate Bill 2228 and the bill having received the required constitutional majority is declared passed. The Pages are passing out the supplemental Calendar. It's the intent of the Chair that we will go through the Senate bills. Our primary responsibility, in my view, are Senate bills; the others we'll get to at some point...once we finish the Senate bills, we're out of here; enough is enough, we should be through by five o'clock. Senator Barkhausen, 2257. On the Order of Secretary's Desk Concurrence, Mr. Secretary, is Senate Bill 2257.

ACTING SECRETARY: (MR. HARRY)

House Amendments 1 and 2 to Senate Bill 2257.

PRESIDENT:

Senator Barkhausen. Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President, I want to move to concur in...in House Amendment 1 and to nonconcur in House Amendment 2.

PRESIDENT:

All right. The...the gentleman has moved to concur in House Amendment No. 1. If...there's no discussion, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 2257. 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, the Ayes are 57, the Nays are none, none voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 2257...gentleman now moves to nonconcur in House Amendment No. 2 to Senate Bill 2257. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. 2258, Senator Barkhausen. On the Order of Secretary's Desk Concurrence is Senate Bill 2258, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Amendments 3 and 4 to Senate Bill 2258.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Ladies and Gentlemen of the Senate, I move that we concur in House Amendments 3 and 4 to Senate Bill 2258 which dealt with the creation of a new crime of keeping a place of juvenile prostitution and also contains some forfeiture provisions. House Amendment 3 makes the forfeiture provisions apply only to convictions for keeping a place of juvenile prostitution, exploitation of a child and

child pornography. Originally the bill included other sex offenses. In addition, House Amendment 4 adds a provision that an innocent owner or innocent bona fide third party lien holder is exempt from the forfeiture provisions of the legislation if such party had no knowledge of nor consented to the illegal act or omission which are prescribed in the bill. I move for concurrence in both of these amendments.

PRESIDENT:

The gentleman has moved concurrence. Is there any discussion? (Machine cutoff)...the question is, shall the Senate concur with House Amendments 3 and 4 to Senate Bill 2258. 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, the Ayes are 55, the Nays are none, none voting Present. The Senate does concur with House Amendments 3 and 4 to Senate Bill 2258 and the bill having received the required constitutional majority is declared passed. 2260, Senator Karpziel. On the Order of Secretary's Desk Concurrence is Senate Bill 2260, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Amendment No. 1 to Senate Bill 2260.

PRESIDENT:

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. I move to concur with House Amendment No. 1 to Senate Bill 2260. The amendment provides that when an AFDC client fails to cooperate in child support enforcement by missing a court appearance the client will not be sanctioned if a statement of willingness to cooperate and attend future hearings is signed. This is a one-time option only. It also says that a pregnant woman who fails to cooperate cannot have medical assistance denied or terminated during her pregnancy or for thirty days after the termination

of the pregnancy. The amendment also...stipulates that an AFDC client shall not be sanctioned for failure to...satisfy job search requirements if a good faith effort has been made. I understand this amendment has been agreed to by the...advocacy groups as well as the department.

PRESIDENT:

Discussion? The lady has moved concurrence. Is there any discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 2260. 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 58, the Nays are none, none voting Present. The Senate does concur with House Amendment No. 1 to Senate Bill 2260 and the bill having received the required constitutional majority is declared passed. Senate Joint Resolution 83. Ladies and gentlemen, I'll direct your attention, with leave of the Body, we'll move to the supplemental Calendar, Supplemental No. 1. All right. With leave of the Body, we'll move to Supplemental Calendar No. 1 on the Order of Secretary's Desk Concurrence, 959, Senator Lechowicz. On the Order of Secretary's Desk Concurrence, Mr. Secretary, is Senate Bill 959.

SECRETARY:

House Amendment No. 9 to Senate Bill...959.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President, Ladies and Gentlemen of...the Senate. I move that the House...that the Senate do not concur in House Amendment No. 9 and a conference committee be appointed.

PRESIDENT:

Senator Lechowicz moves to nonconcur in House Amendment

No. 9 to Senate Bill 959. All in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. 1470, Senator Netsch. On the Order of Secretary's Desk Concurrence is Senate Bill 1470, Madam Secretary.

SECRETARY:

House Amendment No. 6 to Senate Bill 1470.

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Senate Bill 1470, to which I just spoke to Senator Schuneman, is the pension funding bill that the Senate passed, I think, as I recall, unanimously last year, and the House passed it this last week, again, as I understand, unanimously. What it does is commit us to a reasonable method of trying to bring our five state level...pension systems into some kind of long-range funding order. It provides for not a payout method of determining the annual state appropriation but rather a...an actuarially sound method of determining the current benefit costs that we are incurring as we go along and then it adds on to that a method at a level year percentage of...of funding our unpaid, unfunded liabilities. It is admittedly more expensive in the early years but our computation show that quite a ways down the road it would actually be less expensive. We are fully aware of that and we recognize that if there is no more money available that the Governor may see fit either to delay the effective date or to do otherwise with it. But there...it was such a strong commitment on the part of everyone in this Body as well as in the House that we...we make this statement of what we ought to be doing with our pension funds and that we put ourselves in a position where we will keep coming back to this if we are not successful in making it fully achieve this year, that both Senator Schuneman and...and myself

agreed that we should, indeed, proceed to pass the bill. It is an extremely important statement of how we believe our...our pension obligations ought to be met in the future.

PRESIDENT:

All right. The...

SENATOR NETSCH:

I, therefore, move to concur in Amendment No. 1. Amendment No. 1, I should explain, just simply revises the effective date since it was last year that the Senate passed the bill and brings them up to...up-to-date.

PRESIDENT:

All right. The lady has moved concurrence in House Amendment No. 6. Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you, Mr. President. I join with Senator Netsch in asking for your approval of the motion. I think everybody here recognizes that without new revenue the Governor is going to be hard pressed to enforce this bill and perhaps may want to either veto it or...or delay it. However, I think it's important for us, as a Body, now that we have the agreement of the House that something ought to be done about our pension funding. I think this sends a strong message at least to ourselves that we believe this is an issue which should be dealt with and...whenever the time comes that we can effectively deal with it, I think that we should follow the procedure outlined in this bill. I would ask for your support.

PRESIDENT:

The question is, shall the Senate concur in House Amendment No. 6 to Senate Bill 1470. 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, the Ayes are 56, the Nays are none, none voting Present. The Senate does concur in

House Amendment No. 6 to Senate Bill 1470 and the bill having received the required constitutional majority is declared passed. 1558, Senator del Valle. 1562, Senator Netsch. On the Order of Secretary's Desk Concurrence is Senate Bill 1562, Madam Secretary.

SECRETARY:

House Amendments 1 and 2 to Senate Bill 1562.

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Senate Bill 1562 is the bill that deals with establishing an Income Tax Refund Fund in the State Treasury. It is a proposal that the Senate has now addressed on a couple of occasions and, again, I believe, passed unanimously or near unanimously. The...what it does is to establish the fund to require that beginning January, 1989 there will be transferred automatically every month a certain proportion of the individual income tax receipts and the corporate income tax receipts into this fund and that every year thereafter the...there will be a formula used to determine the amount that should be applied to the transfer the following year. Obviously, it's designed within about a year's time to get that account...that refund account into a condition that it will be adequate to cover all of our income tax refunds. This does two things; it means that, in the first place, we will not have a...a budgetary picture that is really unbalanced because we are, in effect, using money that doesn't belong to us in the first place and, equally important, certainly to all of us in the Legislature, it means that our constituents will not be phoning us continuously saying, where is my income tax refund that was due to me six, eight months ago, in some cases longer than that. So, it's a very important concept. The amendments...yeah, the...the first amendment was one that has been worked out with all of

the parties agreed, the Bureau of the Budget and everyone else and it just revised the formula. I believe that it is the same amendment exactly that we put on to the House version of the bill before we passed it out recently, so it conforms exactly what we were doing on the House bill. The second amendment is an important added part of the whole picture, something that has very much the concurrence of the Bureau of the Budget; that is, it makes the Local Government Distributive Fund and the Personal Property Tax Replacement Fund continuing appropriations so that, again, local governments will not have to wait for us to appropriate the money if we misjudge in some particular year. All of that money is determined by formula, we never in any way change the amount but we do appropriate it at the present time and so this will make it possible for us not to have to do that in the future. Both very, very important provisions. I would move that we concur in House Amendments No. 1 and 2 to Senate Bill 1562.

PRESIDENT:

All right. The lady has moved concurrence. Is there any discussion? If not, the question is, shall the Senate concur in House Amendments 1 and 2 to Senate Bill 1562. 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, the Ayes are 57, the Nays are none, none voting Present. The Senate does concur with House Amendments 1 and 2 to Senate Bill 1562 and the bill having received the required constitutional majority is declared passed. Senator Joyce, 1581. On the Order of Secretary's Desk Concurrence, Madam Secretary, is Senate Bill 1581.

SECRETARY:

House Amendments 1, 2, 3 and 4 to Senate Bill 1581.

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. I would move to nonconcur in Amendments 1 and 3 and concur in 2 and 4. Amendment No. 2...oh, all right. I would move to nonconcur then in...in 1 and 3.

PRESIDENT:

...okay...we...we need a roll call on 2 and 4, so why don't you explain those two and then we'll take a roll call, then nonconcur and...move on.

SENATOR JEROME JOYCE:

Okay...all right. Amendment No. 2 defines the Kankakee River Valley as Kankakee County, changes the name from...Number 4 sets up the provisions for a Kankakee Area Airport Authority. This is a...an airport authority...it amends the Act...well, it deletes the Kankakee River Valley Area Airport Authority Act amendatory provisions, replaces with a new and additional provisions which specify various duties and powers of the authority concerning contracts, services, supplies, bidding requirements, exemptions from taxation, compensation to taxing districts and penalties thereof.

PRESIDENT:

All right. The gentleman has moved concurrence in Amendments 2 and 4 to Senate Bill 1581. Discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I would like to express my opposition to his concurrence with Amendment No. 4. I don't know how we're going to affect this roll call with that opposition but...the fact is that that radically changes the bill. And if the sponsor persists in concurring with that, I would like to remove myself as the hyphenated sponsor because there was no intent when this bill first went in to have happen to it what has happened. Essentially what Amendment

No. 4 does, it gives the airport to Kankakee. And, as you might know, there is a study...in fact, in the page...front page of Section 4 of the Tribune today, there is a very long article on the prospect of a third airport. And I would say this, Senator Joyce, that if you want to kill that prospect, then please do not concur in amendment...please concur in Amendment No. 4 because that will certainly kill any prospect of an airport in the south suburban area. Now, I realize the people that are behind us have refused to participate with the committee that's been going on for a long time because they think that Kankakee exclusively out to be designated as the site. The study has been done, Kankakee is one of the prospective sites, but I really do believe that the FAA ought to continue its study and to ultimately make that decision in the manner that it ought to be because trying to manipulate or maneuver the authority into one site is not going to work; in fact, all it's going to do is destroy the prospect. So, Mr. President, I would like for us not to concur with Amendment No. 4.

PRESIDENT:

All right. Senator Joyce.

SENATOR JEROME JOYCE:

Well, yes, thank you. In defense of Amendment No. 4, I don't know how you can say that this would kill a third airport in any sense of the imagination. This creates an airport authority in Kankakee County, there would be two board members from Will County, three from Kankakee. I would suggest that wherever a site was selected, whether it be any one of the other sites, an airport authority could be created. Now, I'm not very happy with the way that Amendment No. 4 is drafted by the House, there is...they've deleted the bonding authority in it as well. I guess that means that we have to come back again or something, I'm not just sure what their...their rationale for that was. But it's my contention

that...that a....an airport authority being created in Kankakee County is certainly not going to jeopardize wherever a third airport is being situated. It just seems to me that to create an airport authority in one's county is one's prerogative. And I...I, you know, I am obviously in favor of the airport being put in Kankakee County but I don't think that prohibits anyone else from creating a...or creating an airport authority anywhere else in the State of Illinois that they would want to. All I am doing is...is acceding to the wishes of the people in Kankakee County, some twenty-three thousand of them have signed petitions asking that an airport authority be created in Kankakee County and that's what I'm trying to do with this bill.

PRESIDENT:

All right. Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Well, it might well be that...that you want to do that. First of all, Senator Joyce, I believe you do have a airport authority in Kankakee already. So, let's not try to camouflage what this sucker is really trying to do. The fact is that it's trying to capture the regional airport, not to have an airport authority in Kankakee. And, frankly, when I went on with you on the bill, the first...the bill as originally written had a multicounty authority, not knowing where the airport was going to be but also recognizing that all those counties had to participate. Well, as this thing went along, suddenly it became Kankakee's authority, Kankakee's airport, they have an authority already and I'm going to tell you in no uncertain terms that this is, in fact, jeopardizing the third airport because you and I both know that the FAA is not going to locate an airport in an area where people are fighting with each other. And we ought to let the study go through and let the choice be made in a rational nonpolitical, nondirected, nonmaneuvered manner. And I would

strongly urge that we not concur with Amendment No. 4.

PRESIDENT:

All right. Further discussion? Senator Joyce, you may close.

SENATOR JEROME JOYCE:

Thank you, Mr. President. Well, just to...to reiterate, I...I think that anyone in this...this Body who wants to create an airport authority ought to have that right. I don't know that, you know, I...certainly, I am promoting my area for an airport, I'm...I'm not ashamed to say that. I think that that is anyone's prerogative and probably their duty when they come down here is...is to try and do whatever they can to...to help the community that they serve. And I think this would...would help not only the Kankakee area but on further north everyone knows...wherever an airport is...any kind of an industry like this, it's going to develop from that area toward the city, so I think that everyone would benefit. So, I...I would ask an Aye vote on the concurrence in Amendments No. 2 and 4.

PRESIDENT:

All right. Senator Joyce has moved that the Senate concur in 2 and 4 and nonconcur in 1 and 3. Question is, shall the Senate concur in House Amendments 2 and 4 to Senate Bill 1581. Those in favor vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 29 Ayes, 25 Nays, 2 voting Present. The Senate does not concur, motion to concur fails and the Secretary shall so inform the House. Senator Joyce now moves to nonconcur in House Amendments 1 and 3. All in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. ...1697, Senator Etheredge. On the Order of Secretary's Desk

Concurrence, Senate Bill 1697.

SECRETARY:

House Amendment No. 1 to Senate Bill 1697.

PRESIDENT:

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I move to nonconcur in House Amendment No. 1 to Senate Bill 1697. The House amendment deleted the effective date on this bill.

PRESIDENT:

All right. Senator Etheredge has moved to nonconcur in House Amendment No. 1 to Senate Bill 1697. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. 1706. On the Order of Secretary's Desk Concurrence is Senate Bill 1706, Madam Secretary.

SECRETARY:

House Amendment No. 1 to Senate Bill 1706.

PRESIDENT:

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President and members of the Senate. I would move to nonconcur with...House Amendment No. 1 to Senate Bill 1706.

PRESIDENT:

All right. Senator Woodyard has moved to nonconcur with House Amendment No. 1 to Senate Bill 1706. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. 1762, Senator Jacobs. On the Order of Secretary's Desk Concurrence is Senate Bill 1762, Madam Secretary.

SECRETARY:

House Amendments 1 and 3 to Senate Bill 1762.

PRESIDENT:

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I move to concur in House Amendment No. 1 and No. 3 to Senate Bill No. 1762.

PRESIDENT:

All right. The gentleman has moved concurrence. Discussion? Senator Watson.

SENATOR WATSON:

Thank you. I'd just like to have a little more of an explanation about House Amendment No. 1. It says, "exempts mass transit districts in the state which receive funding from RTA or any other service board," what does...what does all that mean?

PRESIDENT:

Senator Jacobs.

SENATOR JACOBS:

Thank you, Senator Watson. The bill as it was originally intended was intended to...to address five districts. There was a feeling that that did not do that in the original language, therefore, it was opted by the RTA and any of its ancillary boards that they would not be included, they wanted that in there to specifically state that, not to just imply that.

PRESIDENT:

Further discussion? If not, the question...I beg your pardon, Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDENT:

Indicates he'll yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, this is the bill that would...that could permit annexation by mass transit districts of areas including residential areas without any referendum provision. Is that right?

PRESIDENT:

Senator Jacobs.

SENATOR JACOBS:

Correct,...Senator, there...there is no true referendum procedure now. There...there are about four other procedures but they all end up in the court, they're basically by petition. The legislative intent...and let me make that clear 'cause I think it's important, the legislative intent of this bill is to ensure in those areas where there are no registered voters that we can then have at least a process, i. e., a shopping center to where we can go out and supply that shopping center, whatever, with...with that territorial jurisdiction.

PRESIDENT:

Senator Hawkinson.

SENATOR HAWKINSON:

It would also permit annexation of residential areas where there are registered voters and there is the imposition by these districts of a tax on property. Is that correct?

PRESIDENT:

Senator Jacobs.

SENATOR JACOBS:

Correct. It could be...it's another...it's another method; yes, it could be.

PRESIDENT:

Further discussion? Senator Weaver.

SENATOR WEAVER:

Question of the sponsor, Mr. President.

PRESIDENT:

Indicates he'll yield, Senator Weaver.

SENATOR WEAVER:

Senator Jacobs, there is a provision for public hearings in these areas, is there not?

PRESIDENT:

Senator Jacobs.

SENATOR JACOBS:

Yes, there is, Senator.

PRESIDENT:

Further discussion? Further discussion? If not, the question is, shall the Senate concur in House Amendments 1 and 3 to Senate Bill 1762. Those in favor will vote Aye. Opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 45 Ayes, 9 Nays, 1 voting Present. The Senate does concur with House Amendments 1 and 3 to Senate Bill 1762 and the bill having received the required constitutional majority is declared passed. Top of page 3 on the supplemental, on the Order of Secretary's Desk Concurrence is Senate Bill 1795, Madam Secretary.

SECRETARY:

House Amendments 1, 2 and 5 to Senate Bill 1795.

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President, I would move to nonconcur in House Amendments No. 1, 2 and 5.

PRESIDENT:

All right. Senator Savickas has moved to nonconcur in House Amendments 1, 2 and 5 to Senate Bill 1795. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. 1806, Senator Zito. 1839, Senator Berman. 1842, Senator Degnan. On the Order of Secretary's Desk Concurrence is Senate Bill 1842, Madam Secretary.

SECRETARY:

House Amendments 3, 4, 6 and 7 to Senate Bill 1842.

PRESIDENT:

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. I move to nonconcur in House Amendments 3, 4, 6 and 7.

PRESIDENT:

All right. The gentleman has moved to nonconcur in House Amendments 3, 4, 6 and 7. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. 1856, Senator del Valle. Senator del Valle.

SENATOR del VALLE:

Mr. President, I would move to not concur with Amendment No. 2 and 3.

PRESIDENT:

All right. Madam Secretary, on the Order of Secretary's Desk Concurrence is Senate Bill 1856.

SECRETARY:

House Amendments 2 and 3 to Senate Bill 1856.

PRESIDENT:

All right. Senator del Valle has moved to nonconcur in Amendments 2 and 3 to Senate Bill 1856. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. 1860, Senator Welch. 1956, Senator Davidson. Going once. 1958, Senator...the whole world is waiting. On the Order of Secretary's Desk Concurrence is Senate Bill 1956, Madam Secretary.

SECRETARY:

House Amendment No. 3 to Senate Bill 1956.

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, I urge us to...excuse me, I urge us to concur in amendment to 1956. This corrects a...inequity that came about with what's called that trailer on the end of a cement mixer when we redid the Transportation Code last year. Has the support of the State Police, IDOT, the construction industry, all down the line. I'd appreciate a favorable vote.

PRESIDENT:

All right. The gentleman has moved concurrence. Is there any discussion? If not, the question is, shall the Senate concur with House Amendment No. 3 to Senate Bill 1956. 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, 1 Nay, none voting Present. The Senate does concur with House Amendment No. 3 to Senate Bill 1956 and the bill having received the required constitutional majority is declared passed. 1958, Senator Macdonald. On the Order of Secretary's Desk Concurrence is Senate Bill 1958, Madam Secretary.

SECRETARY:

House Amendments 1, 5 and 7 to Senate Bill 1958.

PRESIDENT:

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. I move to concur on House Amendment 1, 5 and 7. House Amendment 1 provides that a...municipality that is located in two or more counties one of which is a home rule county may by ordinance sever itself from county jurisdiction relative to waste management if the municipality is a member of a...municipal joint action agency formed prior to June 15th, 1988. This specifically applies to three communities, Roselle, Hanover Park and Elk Grove

Village. House Amendment No. 5 makes a technical change, it's cross-referencing subdivision, and Amendment No. 7 provides that abandoned quarries used solely for the disposal of concrete, earth materials, gravel from road construction activities conducted by a unit of government or construction activities conducted by a public utility are not considered regional pollution control facilities. I move for the passage of these three amendments.

PRESIDENT:

All right. The lady has moved concurrence in House Amendments 1, 5 and 7. Discussion? Senator Welch.

SENATOR WELCH:

Yes, Mr. President, I have a question as to House Amendment No. 7. House Amendment No. 7 says that..."Abandoned quarries used solely for the disposal of concrete earth materials, gravel or aggregate...debris resulting from road construction activities or...or construction activities conducted by a public utility." Senator Macdonald, under the terms of this amendment a nuclear power plant could be decommissioned, it could be torn down and placed in a quarry. Now I don't think that's the intent of this amendment but that's the effect of this amendment. And it...it would seem to me that there should be nonconcurrence on this amendment.

PRESIDENT:

Senator Macdonald.

SENATOR MACDONALD:

My understanding is that the language was drafted by the Pollution Control Board and certainly that is not their intent.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

Well, regardless of their intent, the Pollution Control Board doesn't regulate nuclear power plants. This is...this

specifically says "Construction activities conducted by a...public utility," which also may include rebuilding existing plants. In effect, you could even have nuclear fuel rods placed in one of these quarries. This is...this is...whoever drew this up went way too far, and I...I think that...putting it in a conference committee and just striking this last part about the public utilities is something we could go along with, but this...this really goes too far and I...I would, at the appropriate time, move to divide this question, Mr. President, Amendment No. 7.

PRESIDENT:

Okay. That request is in order. All right. Senator Macdonald, what's your pleasure?

SENATOR MACDONALD:

Well, I would suggest that decommissioning is...is much different than...than...than construction and I would...I...I just would, again, reintroduce my motion to pass these three amendments.

PRESIDENT:

All right. We'll take Amendments 1 and 5 and divide out Number 7 pursuant to that request. The question is, shall the Senate concur in House Amendments 1 and 5 to Senate Bill 1958. Those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. The Senate does concur with House Amendments 1 and 5 to Senate Bill 1958. Question now before the Body is the...is House Amendment No.7. Senator Macdonald.

SENATOR MACDONALD:

Well, once more, this language was drafted by the Pollution Control Board and I...I really do differ in opinion with my good friend, Senator Welch, and I...I would urge your passage of House Amendment No. 7.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

Mr. President, I would just state that the problem with the amendment is that there is no definition of what aggregate debris may be. The amendment basically reads aggregate debris from construction activities conducted by a public utility and Lord knows what that could encompass, it could encompass everything. They don't intend to be restrictive in their interpretation of Statutes favorable towards them. And I would just say that should we get to the point where a utility company is disposing of various items on their property for construction whether it be high-level, low-level nuclear waste, anything in conjunction with it, this gives them carte blanche to do whatever they want as long as they put it into an abandoned quarry. And I would urge a No vote and that this go back to a conference committee just for a little...little bitty, teeny-weeny tightening up that I don't think anybody could really object to. I would urge a...No...No vote on concurrence.

PRESIDENT:

Question is, shall the Senate concur in House Amendment No. 7 to Senate Bill 1958. Those in favor vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 28 Ayes, 27 Nays, 1 voting Present. The Senate does not concur with House Amendment No. 7 and the Secretary shall so inform the House. (Machine cutoff)...Topinka. On the Order of Secretary's Desk Concurrence, bottom of page 3 and top of page 4, is Senate Bill 2014, Madam Secretary.

SECRETARY:

Amendment Numbers...pardon me, House Amendment 1...1 and 5 to Senate Bill 2014.

PRESIDENT:

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President, Ladies and Gentlemen of the Senate, I would move that we concur with House Amendments 1 and 5 to Senate Bill 2014. House Amendment No. 1 basically was a false start preempted by Amendment No. 5 which would provide a mutually acceptable announcement system between tax exempt properties and municipalities and school boards. It would also provide for...working out, again, mutually acceptable use of services and it was something that has been worked on, you know, extremely hard between both the House and the Senate members on this and I know of no opposition at this time.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall the Senate concur in House Amendments 1 and 5 to Senate Bill 2014. Those in favor will vote Aye. Opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. The Senate does concur with House Amendments 1 and 5 to Senate Bill 2014 and the bill having received the required constitutional majority is declared passed. 2027, Senator Holmberg. 2042, Senator Woodyard. On the Order of Secretary's Desk Concurrence, Madam Secretary, is Senate Bill 2042.

SECRETARY:

House Amendment No. 1 to Senate Bill 2042.

PRESIDENT:

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President and members of the Senate. Senate Bill 2042 when it left the Senate was actually just

a...a shell bill and...and as a result, a series of negotiations, compromises have occurred between the Secretary of State's Office, state police, Chicago police, all of the state's attorney in the state and the scrap processors. And out of that this massive amendment, House amendment, which actually is the bill is very much agreed to by all of the various parties concerned. I'd be glad to go through each individual category of definition and changes in the bill. I don't know of any opposition to it, but I...and I'd be glad to answer any questions...if...

PRESIDENT:

All right. The gentleman has moved concurrence. Is there any discussion? If not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 2042. 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. The Senate does concur with House Amendment No. 1 to Senate Bill 2042 and the bill having received the required constitutional majority is declared passed. 2127, Senator Barkhausen. On the Order of Secretary's Desk Concurrence is Senate Bill 2127, Madam Secretary.

SECRETARY:

House Amendments 1 and 2 to Senate Bill 2127.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President, I want to move to concur with House Amendment No. 1 and to nonconcur with House Amendment 2 on this bill.

PRESIDENT:

All right. Senator Barkhausen has moved to concur with House Amendment No. 1 to Senate Bill 2127. Discussion? If

HB 3100
Refuse to Recede

not, the question is, shall the Senate concur with House Amendment No. 1 to Senate Bill 2127. 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 52 Ayes, no Nays, none voting Present...1 voting Present. The Senate does concur with House Amendment No. 1 to Senate Bill 2127. Senator Barkhausen now moves that the...to nonconcur in House Amendment No. 2 to Senate Bill 2127. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. 2185, Senator Berman. Ladies and gentlemen, if I can have your attention. If you'll turn to page 16 on the Calendar...page 16. On the Order of Nonconcurrency, these are now House bills with Senate amendments. If, indeed, a Senator wishes not to recede from the Senate amendment...all these Senate amendments obviously have passed the Senate. If you wish to not recede, if you refuse to recede that requires sending a piece of paper over to the House to tell them. So, if anybody wishes to refuse to recede why don't we do that; and if you're going to recede from a Senate amendment, it's going to take a little discussion, I suspect. Only motions to refuse to recede. Senator Welch, 3100. Yeah, what? Okay. It's almost five o'clock, I'm sorry, I'm...I'm getting as punchy as everybody around here. All right. Senator Welch moves that the Senate refuse to recede from the adoption of Senate Amendment No. 1 to House Bill 3100 and that a conference committee be appointed. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. Senator Donahue, 3490. 3636, Senator Hawkinson. All right. Senator Hawkinson...moves that the Senate refuse to recede. On the Order of Secretary's Desk Nonconcurrency, House Bill 3636.

Senator Hawkinson...moves that the Senate refuse to recede from the adoption of Senate Amendment No. 1 to House Bill 3636 and that a conference committee be appointed. All in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. Senator Donahue, I'm sorry.

SENATOR DONAHUE:

I apologize, I would like...I refuse to recede from the amendment, that's...

PRESIDENT:

All right. On the Order of Secretary's Desk Nonconcurrency is House Bill 3490. Senator Donahue moves that the Senate refuse to recede from the adoption of Senate Amendment No. 1 to House Bill 3490 and that a conference committee be appointed. All in favor indicate by saying Aye. All opposed Nay. The Ayes have it. The motion carries and the Secretary shall so inform the House. 3653, Senator Etheredge. Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President and members. I move that the Senate refuse to recede and request that a committee of conference be reported...appointed.

PRESIDENT:

On the Order of Secretary's Desk Nonconcurrency is House Bill 3653. Senator Etheredge moves that the Senate refuse to recede from the adoption of Senate Amendments 1 and 2 to House Bill 3653 and that a conference committee be appointed. All in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and the Secretary shall so inform the House. 3806, Senator Jones. 3846, Senator Carroll. 3857, Senator Schaffer. 3914, Senator Savickas. And 4037, Senator Topinka. Senator Topinka.

SENATOR TOPINKA:

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

I would ask the Senate to refuse to recede on House Bill 4037 from Senate Amendment No. 1.

PRESIDENT:

All right. Senator Topinka has moved, on the Order of Secretary's Desk Nonconcurrency, that the Senate refuse to recede from the adoption of Senate Amendment No. 1 to House Bill 4037 and that a conference committee be appointed. All in favor indicate by saying Aye. All opposed Nay. The Ayes have it. The motion carries. The Secretary shall so inform the House. Resolutions, Madam Secretary.

SECRETARY:

(Machine cutoff)...Resolutions 1255 offered by Senator Degnan.

Senate Resolution 1256 offered by Senator Kelly.

Senate Resolution 1257 offered by Senator Ralph Dunn.

Senate Resolution 1258 offered by President Rock, Senator Philip and all members.

Senate Resolution 1260 offered by Senator Dudycz.

Senate Resolution 1261 offered by Senator DeAngelis.

Senate Resolution 1262 offered by Senator Keats.

They are all congratulatory.

PRESIDENT:

Consent Calendar.

SECRETARY:

Senate Resolution 1259 offered by Senator Brookins. It's a death resolution.

PRESIDENT:

Consent Calendar.

SECRETARY:

Senate Resolution 1263 offered by Senator Demuzio. It is substantive.

PRESIDENT:

Executive.

SECRETARY:

Senate Joint Resolution 157 offered by Senator Jerome J. Joyce.

And Senate Joint Resolution 1258 offered by Senator Jerome J. Joyce.

PRESIDENT:

Executive.

SECRETARY:

158, pardon me.

PRESIDENT:

Executive.

SECRETARY:

Senate Joint Resolution 159 offered by Senator Macdonald. That is congratulatory.

PRESIDENT:

Consent Calendar. All right. Any further business to come before the Senate? Announcements? Senator Zito.

SENATOR ZITO:

Yes, thank you, Mr. President. After talking to the sponsor of House Bill 2993, I have his permission to ask leave of this Chamber to show House Bill 2993 as Zito-Jacobs.

PRESIDENT:

All right. The gentleman seeks leave to have House Bill 2993 shown as chief sponsor Senator Zito-Senator Jacobs. Without objection, leave is granted. Senator Brookins.

SENATOR BROOKINS:

Yes, Mr. President, I ask for leave for immediate consideration on House...on Senate Resolution 1259, a death resolution.

PRESIDENT:

All right. We'll do that as the last order. 1259, ladies and gentlemen. (Machine cutoff)...Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate, purpose of an announcement. I have been reliably

informed that the gentleman farmer from Freeport, Senator Rigney, has a birthday today. He has hit the double nickel, I think that's fifty-five, and I just think we all ought to wish him a happy birthday and a Merry Christmas.

PRESIDENT:

Senator Rigney, happy birthday. Senator Vadalabene. Senator Vadalabene.

SENATOR VADALABENE:

Thank you, Mr. President. After quite a lengthy...after quite a lengthy persuasion, I had one more printing done on the Independence Day speeches. They're here and...this will be the final printing and, please, don't rush me.

PRESIDENT:

And they're going like hot cakes, let's get them. Senator Netsch.

SENATOR NETSCH:

...thank you, Mr. President, an announcement. The joint committee...House-Senate committee on drafting the Constitutional Convention proposal arguments will attempt to meet as soon as the House adjourns following our adjournment as well, in Room 122 B. And we do need to address that so that we can get it back to both Houses for adoption before the end of the week.

PRESIDENT:

All right. Executive Appointments will meet at nine o'clock tomorrow morning. Committee on Executive Appointments, nine o'clock. We will begin Session at eleven...eleven o'clock tomorrow morning. Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate, purpose of an announcement. Remind the membership that Mrs. Thompson and the Governor are throwing a lawn party from six-thirty to eleven tonight, everybody is invited.

PRESIDENT:

All right. Any further business? Further announcements?
Resolutions.

SECRETARY:

Senate Resolution 1264 offered by Senator Newhouse. It is substantive.

PRESIDENT:

Executive. All right. Senator Brookins asked leave of the Body to go to the Order of Resolutions for Senate Resolution 1259, it is a death resolution. All right. Senator Brookins has moved to suspend the rules for the immediate consideration and adoption of Senate Resolution 1259. All in favor of the motion to suspend indicate by saying Aye. All opposed. The Ayes have it. The rules are suspended. Senator Brookins now moves the adoption of Senate Resolution 1259, it's a death resolution. All in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. Any further business to come before the Senate? Further announcements? If not, Senator Vadalabene moves that the Senate stand adjourned till Tuesday, tomorrow morning, at the hour of eleven o'clock. The Senate stands adjourned.

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