

84TH GENERAL ASSEMBLY

REGULAR SESSION

MAY 23, 1986

PRESIDING OFFICER: (SENATOR DEMUZIO)

The hour of nine o'clock having arrived, the Senate will come to order. Members will be at their desks. Guests in the gallery will please rise. Our prayer this morning by Rabbi Barry Marks, . . . Temple Israel, Springfield. Reverend.

RABBI BARRY MARKS:

(Prayer given by Rabbi Marks)

PRESIDING OFFICER: (SENATOR DEMUZIO)

Reading of the Journal. Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, I move that reading and approval of the Journals of Tuesday, May 13th; Wednesday, May 14th; Thursday, May 15th; Tuesday, May 20th; Wednesday, May 21st and Thursday May 22nd, in the year 1986, be postponed pending arrival of the printed Journals.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, you've heard the motion as posed by Senator Geo-Karis. Those in favor indicate by saying Aye. Opposed Nay. The Ayes have it. So . . . so moved.

PRESIDENT:

Messages from the House.

SECRETARY:

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

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

House Bills 2685, 2821, 2898, 3032, 3042, 3065, 3135, 3162, 3192, 3217, 3271, 3298, 3309, 3396, 3503, 3513, 3667 . . . 3567, 3590 and 3596.

PRESIDENT:

With leave of the Body, we'll move to page 9 on the Calendar on the Order of House Bills 1st Reading, Mr. Secretary.

SECRETARY:

House Bill 562, Senator D'Arco is the Senate sponsor.

(Secretary reads title of bill)

913, Senator Barkhouse...Senator Barkhausen.

(Secretary reads title of bill)

938, Senator Poshard.

(Secretary reads title of bill)

1043, Senator Jones.

(Secretary reads title of bill)

1302, Senator Berman.

(Secretary reads title of bill)

1699, Senator Hall.

(Secretary reads title of bill)

2254, Senator Marovitz.

(Secretary reads title of bill)

2313, Senator Marovitz.

(Secretary reads title of bill)

2529, Senator Karpiel.

(Secretary reads title of bill)

2549, Senators Topinka, Nedza and Luft.

(Secretary reads title of bill)

2574, Senator Poshard.

(Secretary reads title of bill)

✓ 2578, Senator Carroll.

(Secretary reads title of bill)

2580, Senator Carroll.

(Secretary reads title of bill)

2587, Senator Berman.

(Secretary reads title of bill)

2648, Senator Barkhausen.

(Secretary reads title of bill)

2774, Senator Jones.

(Secretary reads title of bill)

2878, Senator Sangmeister.

(Secretary reads title of bill)

2879, Senator Luft.

(Secretary reads title of bill)

2998, Senator Rigney.

(Secretary reads title of bill)

2999, Senator Rigney.

(Secretary reads title of bill)

3035, Senator Davidson.

(Secretary reads title of bill)

3036, Senator Jerome Joyce.

(Secretary reads title of bill)

3040, Senator Luft.

(Secretary reads title of bill)

3050, Senator Etheredge.

(Secretary reads title of bill)

3072, Senator Degnan.

(Secretary reads title of bill)

3089, Senator Rock.

(Secretary reads title of bill)

✓ 3091, Senator Berman.

(Secretary reads title of bill)

3092, Senator Davidson.

(Secretary reads title of bill)

3115, Senators Kustra and Netsch.

(Secretary reads title of bill)

3144, Senator Kelly.

(Secretary reads title of bill)

3182, Senators Davidson and Holmberg.

(Secretary reads title of bill)

3255, Senator Carroll.

(Secretary reads title of bill)

3257, Senator Carroll.

(Secretary reads title of bill)

3290, Senator Degnan.

(Secretary reads title of bill)

3343, Senator Carroll.

(Secretary reads title of bill)

3422, Senator Davidson.

(Secretary reads title of bill)

3431, Senator Hall.

(Secretary reads title of bill)

3473, Senators Davidson and Philip.

(Secretary reads title of bill)

3475, Senators Netsch and Philip.

(Secretary reads title of bill)

3480, Senator Mahar.

(Secretary reads title of bill)

3512, Senator Geo-Karis.

(Secretary reads title of bill)

✓ 3518, Senators Netsch and Kustra.

(Secretary reads title of bill)

3551, Senator Etheredge.

(Secretary reads title of bill)

3552, Senator Etheredge.

(Secretary reads title of bill)

3585, Senator Topinka.

(Secretary reads title of bill)

House Bill 2621, Senator Rupp.

(Secretary reads title of bill)

House Bill 2983, Senator Etheredge.

(Secretary reads title of bill)

Okay,...House Bill 2983...was not picked up by Senator Etheredge. Instead it was House Bill 2995, Senator Etheredge.

(Secretary starts to read title of bill)

2995, Senator Etheredge.

(Secretary reads title of bill)

House Bill 2987, by the same sponsor.

(Secretary reads title of bill)

House Bill 3000, the same sponsor.

(Secretary reads title of bill)

House Bill 3001, Senator Geo-Karis.

(Secretary reads title of bill)

3002, same sponsor.

(Secretary reads title of bill)

House Bill 3006, Senator Geo-Karis.

(Secretary reads title of bill)

House Bill 3090, Senator Etheredge.

(Secretary reads title of bill)

House Bill 3261, Senator Nedza.

(Secretary reads title of bill)

...3300, Senator Lechowicz.

(Secretary reads title of bill)

1st reading of the bills.

House Bill 3555, Senator Mahar.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 2582, Senator Lemke.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 3340, Senator Lemke.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 3573, Senator Lemke.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 2974, Senator Fawell.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 2988, Senators Fawell and Woodyard.

(Secretary reads title of bill)

1st reading of the bill.

House Bill 3528, Senators Donahue and Woodyard.

(Secretary reads title of bill)

House Bill 3019, Senator Jerome Joyce.

(Secretary reads title of bill)

1st reading of the bills.

PRESIDENT:

Rules Committee. Committee reports, Mr. Secretary.

SECRETARY:

The Rules Committee met 9:00 a.m. on Friday, May the 23rd, 1986. The following bills were unanimously recommended for referral to the Committee on Assignment of Bills:

House Bills 1321, 2544, 2552, 2573, 2630, 2644, 2735, 2839, 2873, 3181, 3230, 3378, 3474, 3477, 3479, 3506, 3520 and 3632.

Senator Rock, chairman, Rules Committee.

PRESIDENT:

Ladies and Gentlemen of the Senate, Senator Philip and I have determined that we're going to leave as quickly as possible once we conclude our business. We start in the middle of page 4 where we left off yesterday on the Order of Senate Bills 3rd Reading, Senate Bill 2090, Mr. Secretary.

SECRETARY:

Senate Bill 2090.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 2090 is in...was introduced at the request of ED-RED, the suburban school district consortium, and I don't think there was any problem with the way the bill was originally introduced. All it did was to expand the provision regarding the tort immunity levy so that it covered

property damage judgments entered against school districts. There was two amendments that were added. I will get to the...to one of them in just a second. The other one that we added the other day, again without any problem, I believe, was expanding the merit recognition scholarship from the top five percent of our high school graduates to ten percent. There was an amendment that was added that allowed for the cost and claims and...and the wages and salaries of employees connected with any self-insurance program of schools to be covered by this levy. The Taxpayers' Federation, Doug Whitley, pointed this out to me yesterday that he had some problems with this. In discussing it with Senator Maitland and with others that were involved with this amendment, I've indicated that was not necessary and with that...consent, this amendment was not part of the original proposal. And I've indicated that this will be removed in the House of Representatives, and that was, I think...that's Amendment No. 1 that was...that was adopted on the Floor. So, with that understanding, I would ask for a favorable vote on...on Senate Bill 2090.

PRESIDENT:

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 2090 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 39, the Nays are 14, 2 voting Present. Senate Bill 2090 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading, Senate Bill 2991. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 2091.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President.

PRESIDENT:

Might I ask the ladies and gentlemen to please settle down. Remember, it's Friday and you, too, can be here on Sunday, Senator Watson. Senator Berman.

SENATOR BERMAN:

Thank you. This is part of the ED-RED package and it includes the...the Chicago Board of Education in its...in...as it was amended, and it provides that the relationship of in loco parentis which gives a certain status to the teachers and instructors in our schools would include all athletic and extracurricular programs. I solicit your Aye vote on Senate Bill 2091.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 2091 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 2091 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading, Senate Bill 2092, Mr. Secretary.

SECRETARY:

Senate...Senate Bill 2092.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

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

Senate. Senate Bill 2092, another one of the...part of the package by ED-RED and the Illinois High School Association, is a...would allow self-insurance or insurance pools to enter into reinsurance agreements for the protection of its members. I solicit your Aye vote.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 2092 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are one, none voting Present. Senate Bill 2092 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading, Senate Bill 2093. Read the bill, Mr. Secretary.

SECRETARY:

Senate...Senate Bill 2093.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you. This the fourth of the package. This bill provides, at the request of the Illinois High School Association and ED-RED, that...it clarifies that a public agency such as a school district may use its funds to pay self-insurance pool costs. There was a question as to the previous language, that has been clarified by Senate Bill 2093. I ask your favorable vote.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 2093 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who

SB 2108
3rd Reading

wish? Take the record. On that question, the Ayes are 53, the Nays are none, none voting Present. Senate Bill 2093 having received the required constitutional majority is declared passed. Senator Luft. On the Order of Senate Bills 3rd reading, Senate Bill 2104. Read the bill, Mr. Secretary.
SECRETARY:

Senate Bill 2104.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Senate Bill 2104 addresses the job training deduction for income tax purposes. Originally we applied a twenty-five percent deduction after the allocation and apportionment of base income; however, the Department of Revenue objected to that. There was a meeting of all concerned and everyone agrees that we should now apply a credit of 1.6 percent of training expenses to the income tax. This is not to the personal property replacement tax, only to the income tax. The bill specifically extends the...the credit to partners and shareholders of the Subchapter S corporations. I'd ask for a favorable roll call.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 2104 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present...1 voting Present. Senate Bill 2104 having received the required constitutional majority is declared passed. Senator D'Arco. On the Order of Senate Bills 3rd Reading, Senate Bill 2108. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 2108.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. Senate Bill 2108 provides that no person or partnership or corporation authorized to practice accountancy or any of its employees, partners or members shall be liable to persons not in privity of contract with the accountant. There is a longstanding tradition within this country and many court cases indicate that an accountant is not liable to persons other than his own client, and there is longstanding court cases that indicate that this is the way the law is represented for...for the most part. There is a question about third parties who are not in privity of contract with an accountant, and this clarifies the position that an accountant will not be liable to those...third parties unless it is wilful and wanton conduct, but he will not be liable for simple ordinary negligence. I don't know of any opposition and I would ask for a favorable vote.

PRESIDENT:

Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

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

PRESIDENT:

Sponsor indicates he'll yield. Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, what constitutes wilful and wanton negligence on the part of a...an accountant?

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

Fraud...I...you know, he really has to be in cahoots with...with somebody to fraudulently represent...an accounting statement that truly does not reflect the actual assets of a corporation.

PRESIDENT:

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, I'm...I'm simply going to raise some concerns that I have and...and I guess those legal people in our body can...can take up on them if...if you haven't seen this bill before, but...I suppose the bill stems partly from the liability insurance crisis, but I'm concerned...I have a concern about a...an...a potential investor, for example, who might want to look at the...at the annual statement of a corporation, and if there are what I might consider to be flagrant errors in that...in that CPA certified statement, as I understand your bill...

PRESIDENT:

Senator Schuneman, excuse me. Might...might we have...give the gentleman your attention, please. All the conferences, I'm sure, can be best handled elsewhere. Senator Schuneman.

SENATOR SCHUNEMAN:

...thank you, Mr. President. As I understand your bill, what it says is that if I make a financial judgment based upon and reliance upon the certified statement of the accountant that I have no recourse against that accountant since I don't have a...a direct contract with him, and I have a concern about that and I simply want to raise it for those of you who are attorneys and more into these issues than I am, perhaps you can respond but I...this seems to me that we might be going a little bit...a little bit far.

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

Well, the...the problem is that, you know, an accountant is hired by somebody to do his books and there is a myriad of potential investors out there, hundreds of thousands of people. Now, you know, are you telling me that he's going to be liable to each one of those persons because he innocently made a mistake? I mean, to me that...that...that just isn't right. You know, we could argue about it but...it just isn't the way it should be.

PRESIDENT:

Further discussion? Any further discussion? Senator Kustra.

SENATOR KUSTRA:

Well, thank you, Mr. President and members of the Senate. I think Senator D'Arco's point is well taken, especially in an era when plaintiffs' attorneys seem to be out there groping for defendants. They look for people to add to the lawsuits and here's an attempt to limit the liability of people only in such a small way so as to restrict liability so that...a CPA is liable to his client but not to those folks who might happen to read what he has done but in no way have any financial or contractual relationship with that person. I think this is a good bill.

PRESIDENT:

Further discussion? If not, Senator D'Arco, you wish to close?

SENATOR D'ARCO:

Yes, thank you, Mr. President. I would ask for a favorable vote.

PRESIDENT:

Question is, shall Senate Bill 2108 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are

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3rd Reading

56, the Nays are none, none voting Present. Senate Bill 2108 having received the required constitutional majority is declared passed. Bottom of page 4, on the Order of Senate Bills 3rd Reading is Senate Bill 2117. Read the bill, Mr. Secretary.

SECRETARY:

Senate...Senate Bill 2117.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 2117 is now back in its original form of introduction. Senator Schaffer and...and I had put an amendment to 2117 at the request of the Municipal League but there was some...confusion at least on the part of some people and, therefore, we have...have Tabled that amendment and, therefore, this bill is simply, I think, noncontroversial. I know of no opposition. It corrects legislation that was passed last Session which required the Environmental Protection Agency to collect an air pollution site fee from any site which had to obtain an air pollution operating permit. The provisions of that...legislation last year were not intended to apply to approximately four thousand service stations in Illinois which previously had been required by the EPA to install these expensive Stage II vapor recovery devices which are commonly...known as drop tubes. As drafted, this would exclude only those service stations which had installed air pollution control equipment from the original provisions of the Act and would not apply to any other site required or be permitted by the agency. I know of no...no known opposition and would ask for your support.

PRESIDENT:

Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Would the sponsor yield for a question?

PRESIDENT:

Sponsor indicates he'll yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

There were...there was a Floor Amendment 1. Is that still on the bill?

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

No, that...that amendment was...was...was Tabled, Senator Geo-Karis.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Was Floor Amendment 2 Tabled also?

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Floor Amendment 2 was Tabled and as...as a result of the Tabling of those two amendments, Amendment No. 3 was added which simply extended the effective date...not the effective date but the effect...the effective date because of the Resource Recovery Act by one year to 1987.

PRESIDENT:

Senator Geo-Karis. Further discussion? Any further discussion? If not, the question is, shall Senate Bill 2117 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there 56 Ayes, no Nays, none voting Present. Senate Bill 2117 having received the required constitutional majority is declared passed. Top of page 5, on the Order of

Senate Bills 3rd Reading, Senate Bill 2123. Mr. Secretary, read the bill, please.

SECRETARY:

Senate Bill 2123.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...Senator Poshard.

SENATOR POSHARD:

Yes, thank you, Mr. President and Ladies and Gentlemen of the Senate. There are several school districts throughout the State who are voluntarily presenting referendums...who are voluntarily presenting referendums to their districts this fall for consolidating with neighboring districts. They have buildings which are old and, according to the State Board of Education, are on the verge of being condemned. These districts are in need of assistance in meeting the cost of any new buildings which the consolidation might mandate. There are other districts in the State who simply cannot meet the life, health and safety standards of the State...Board of Education, and these schools also need assistance in upgrading their buildings to meet these standards. This bill increases the general obligation bond authorization for the School Construction Fund by sixty million dollars, with ten million designated toward existing school districts for capital facilities and fifty million...excuse me, to school districts formed after July 1, 1986, for capital facilities and assistance in capital program planning. This would provide matching funds which would be anywhere from twenty to seventy percent of the building project depending upon the needs and the ability of the district to generate local funds. I would move for favorable consideration of this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President. I rise somewhat reluctantly on Senate Bill 2123 to oppose it. As everyone in this Chamber knows, we have put forth an initiative in an attempt to encourage school districts around the State to...to reorganize, and the sponsor has a very real problem in his area of the State, and I...and I understand that and I...I've got concern about that; but we also in talking with school districts around the State are finding that if they are going to reorganize that, very honestly, none of the buildings that they have would accommodate the school district reorganization, and can the State, as they did once before, come in and assist, and we're agonizing over a mechanism to make this happen. Clearly, many of these areas, such as Senator Poshard's, will not be able to...to build those buildings without help. But it seems to me, Ladies and Gentlemen of the Senate, that we're going to have to put together that criterion to determine how we really allow these school...to access this Act or not access it. I think we may be a year or two years premature. I'm not sure, Senator, how the delay in the life safety mandate that we passed this year of two years will help you. I rather think that it will, so it may give you some time on this one. But the fact of the matter is, if you look at the formula that determines under the Capital Assistance Act how we allocate this money, it's still based on the wealthy districts versus the poor districts, and those districts who are wealthy or, in other words, have a high assessed valuation per student have all this property wealth but they, too, have the same problem that Senator Poshard has in his district. They don't have the money and they can't generate the money to build the new buildings if they're needed. I respectfully request to this Body that we perhaps delay an attempt like this for a year or two until we really have an opportunity to sit down and deal

with the whole school building funding issue. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. This bill was assigned to the Revenue Committee perhaps inappropriately but it does mean that we had an opportunity to look into it with some care, and I would strongly support it and point out, by the way, that it did pass out of the Revenue Committee 6 to nothing, so there was no objection after all the arguments were heard there. I understand what Senator Maitland is saying, but it seems to me that we're...there are really two things involved here; one is that we have tried to encourage, indeed, some might say we tried to mandate, consolidation at one point...a highly controversial issue. Here is a...an area where they are desperately looking for the opportunity to consolidate, and according to Mr. Hull, the regional superintendent of schools, who was one of our witnesses, it will allow these three small unit districts who want to consolidate to do so. It will be a K through 12, obviously, because it will be a unit district and...but they cannot do it without some help, and it seems to me that rather than...I understand, we have to have some long-range planning, but...but it makes absolutely no sense for us to thwart an area that is trying to do the very thing that we were trying to encourage everyone to do and that was to look at their circumstances and if they possibly could do it in a more efficient manner, to go about doing it. So, I...I just think it's not fair to ask them to wait for two or three years while we try to work out problems of other parts of the State. The other school district that was involved in this bill, as I understood it, was in Harrisburg and this is a somewhat different circumstance, it is already a unit district, a possibility and...and I don't think this was an assurance that there might be a couple of

other smaller districts that might be able to join in with it, but the main problem there was that the building itself was condemnable. They cannot wait two or three years. They are in a building that has got to be replaced. Again, it seems to me that...that this is part of our obligation at the State level to help those school districts which are trying to do some of the things that we have asked them to do, and I think we really owe it to them to allow this bill to be approved so that they can proceed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Fawell.

SENATOR FAWELL:

Do you have any idea what it would...the savings would be if you did manage to consolidate? I mean, I assume that's one of the reasons you're doing this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Poshard.

SENATOR POSHARD:

Senator Fawell, thank you for that question. First of all, let me point out that this bill isn't peculiar only to my district. There are many districts across the State that are in the same position. Obviously, I'm carrying the bill because some of the districts in my area approached me as well as the State Board of Education. So, it would apply to any area of the State and the procedure for application would be that any school district could apply for these matching funds to the State Board of Education. They would make up a priority list of school districts who would be able to access these funds based upon the need of the district and the ability of the district to raise their own local monies. The

extent to which the savings would...occur would simply be...in my...in...in my instance, in the three school districts here that want to consolidate, they estimate that to renovate the buildings, to bring them up to standard, they're old, dilapidated kind of buildings, it would cost them as much to do the four buildings that would be involved as it would to build a new building. So, the savings would be whatever the cost of the new building would be...in actuality.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

Well, I have a...a somewhat similar situation in...in my district in Villa Park. We have a very old building...but we have...we are either going to have to gut the center of the building for two million dollars or we can build a new building on the same site for two million dollars, and...you know, it just seems to me that at...at times around here we get a little bit carried away and...and try and save pennies and...and in the long-run spend an awful lot of dollars doing some pretty foolish things. I...seems to me it's a pretty good bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Poshard may close.

SENATOR POSHARD:

Well, thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill is simply a...a bill to attempt to help those districts who by virtue of voluntary consolidation will have to build new buildings to accommodate that consolidation or to help those building...districts who currently cannot meet the safety standards for their students to come up to par. I think it's a good bill. I think it deserves our consideration and I'd appreciate a positive vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 2123 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 37, the Nays are 20, none voting Present. Senate Bill 2123 having received the required constitutional majority is declared passed. 2135, Mr. Secretary. Senate bills 3rd reading is Senate Bill 2135.

SECRETARY:

Senate...Senate Bill 2135.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. The purpose of Senate Bill 2135 is to afford the organization licensees the opportunity, if they wish and with the approval of the Racing Board, to supplement the prize for the super bet. Every one of us, I think, plays the lottery. We particularly play it when it's worth forty million dollars or fifty million dollars. All this says is that in order to play the super bet, the organization licensee can supplement it and say, if you play this bet, it's worth twenty-five thousand dollars as opposed to a thousand dollars. I know of no objection. Doesn't cost anybody anything. This is the organization's money and I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 2135 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the

Ayes ae 54, the Nays are none, none voting Present...Senate Bill 2135 having received the required constitutional majority is declared passed. 2145. On the Order of Senate Bills 3rd Reading is Senate Bill...2145, Mr. Secretary.

SECRETARY:

Senate Bill 2145.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. This makes an appropriation of a hundred and five thousand nine hundred dollars to the Medical Center Commission for the Chicago Technology Park Development parking facility. Appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 2145 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 2145 having received the required constitutional majority is declared passed. 2154, Senator O'Daniel. On the Order of Senate Bills 3rd Reading is Senate Bill 2154, Mr. Secretary.

SECRETARY:

Senate...Senate Bill 2154.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator O'Daniel.

SENATOR O'DANIEL:

Mr. President and members of the Senate, Senate Bill 2154

amends the Unified Code of Corrections. It creates the Jail Standard Board to oversee county jails and municipal lockups. Local jail oversight is currently the function of the Department of Corrections. Senate Bill 2154 attempts to shift that responsibility to a Statewide board consisting of local and State officials, and the Governor has...would control seven of the eleven appointments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. There was some opposition to this in committee primarily because the Governor has appointed a task force to look into county jail situation, and I realize that this is something that's somewhat divorced from that but still we are trying to make an effort to address the problem at the local level. I think that this may be a duplication somewhat of efforts and possibly...cost that really isn't warranted at this time. So, I would urge a No vote. It's probably going to fly out of here but I do think it's a bad idea.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? All right, Senator O'Daniel may close.

SENATOR O'DANIEL:

Hearings were held all over the State for more than a year with the County Finance Study Group and at all meetings the jails were the number one concern. The...the local people wanted more input into the...the type of facility they had and the operation of it and...and this board would tend to give more local control, and I would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 2154 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish?

Have all voted who wish? Take the record. On that question, the Ayes are 35, the Nays are 19, none voting Present. Senate Bill 2154 having received the required constitutional majority is declared passed. 2156, Senator Welch. On the Order of Senate Bills 3rd Reading is Senate Bill 2156, Mr. Secretary.

SECRETARY:

Senate Bill 2156.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...Senator Welch.

SENATOR WELCH:

I'd like to pass that bill by.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, take it out of the record. 2157. On the Order of Senate Bills 3rd Reading is Senate Bill 2157, Mr. Secretary.

SECRETARY:

Senate Bill 2157.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 2157 is an amendment to the Counties Act and it authorizes the county boards of the respective hundred and two counties, if they so wish, to impose a surcharge...to represent the cost of collecting the fees and fines collected by the circuit court. One of the things that we did was we had a number of hearings across the State with respect to county government, and the complaint that we heard was that we have mandated, we, the Assembly, have mandated that the

counties collect these fees and fines and we have not provided any administrative costs. What this says is that the county board, if they wish, can impose a surtax, a surcharge on the fees and fines collected equal to or less than the cost of the collection but not to exceed twenty percent of the actual fine. I don't know of any objection. It's an attempt on our part to afford the counties the opportunity to...to reimburse themselves for the duties that we have mandated upon them, and I would seek a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, question is, shall Senate Bill 2157 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. Senate Bill 2157 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 2158, Mr. Secretary.

SECRETARY:

Senate Bill 2158.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is the second bill in the series that Senator Rock had just explained to you. Now, the current law requires that a fee of twenty dollars in counties of less than one million population and forty dollars in counties of more than one million population be collected prior to the issuance of any certificate of purchase as a result of a tax foreclosure sale. The fees are currently deposited in an

indemnity fund, the total amount determined by the governing body; however, the fund may not be less than five...than fifty thousand dollars or one...or .03 percent of the total EAV whichever is greater. Any amount above this minimum requirement may be deposited in the General Fund. The purpose of the General Fund and Tort Liability Fund are the same; that is, to satisfy judgments against the county. This bill is a...is another in a series of sponsored by county finance study groups. The bill will provide more revenue for the General Fund of counties that utilize a Tort Liability Fund. I ask your most favorable support of this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 2158 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are 1,...none voting Present. Senate Bill 2158 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 2162, Mr. Secretary.

SECRETARY:

Senate Bill 2162.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and members of the Senate. The purpose of Senate Bill 2162 which is part of the Senate Democratic initiative addresses teenage issues is to provide for the establishment of a comprehensive and coordinated approach to prevent initial and repeated adolescent pregnancies and to address more effectively the consequences of adolescent

parenting. Senate Bill 2162 attempts to integrate existing State programs and funding for existing State and Federal adolescent pregnancy programs including Parents Too Soon. This approach has been implemented in Connecticut, Maryland, New York and in Wisconsin. As amended, Senate Bill 2162 will do the following. It authorizes the Department of Public Health in conjunction with the Adolescent Pregnancy Prevention and Parenting Service Board created by the Act to review community service projects, plan design to prevent adolescent pregnancies or provide services to pregnant teenagers and approve the disapproving funding of such plan. It will describe the type of services and programs that qualify for grants, such as, programs that address male adolescent responsibilities for their sexual activity and for parenting, peer persuasion projects, young parent programs, parental involvement programs, school dropout prevention programs, adult roles...model programs, et cetera. It will give priority to the projects that meet certain objectives. It will establish a seventy-five percent to twenty-five percent funding mechanism; however, the Department of Public Aid may waiver the twenty-five percent matching fund. It will define the powers of the Adolescent Pregnant Prevention and Parenting Service Board. When this bill, 2162, came out of committee, it passed out 11 to nothing; and in support of this bill, the Department of Public Health, the Department of Children and Family Services, the Illinois Catholic Conference and the Chicago Urban League and the only opponent that we had was the Eagle Forum. I ask your consideration for this legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and members of the Senate.
Senator Smith's

bill...we did adopt an amendment which I offered and...and it was successfully adopted which would prevent the...at these health clinics the dispensing of contraceptives, and also I had a question about abortion counseling at these clinics, and I have been advised that there is provisions in the State laws which...prohibit the abortion counseling. And what I'm asking the sponsor, is that, in fact, the intent of this legislation that there will not be contraceptives nor abortion counseling in these clinics that are being established?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

That's right, sir.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Smith may close.

SENATOR SMITH:

I merely want to bring to your attention that teenage pregnancy and the associated problems has cost the citizens of Illinois an estimated eight hundred and fifty-three million dollars annually and more than two hundred dollars per household annually. Individual citizens pay their own pocket...out of their own pocket or through taxes at least six hundred and ninety-eight million dollars every year or eighty-two percent of the eight hundred and fifty-three million dollars. The eight hundred and fifty-three million dollars covers children born to teenagers during the past five years. Due to the cutoff for children at the age of five, all of the very substantial schooling costs and most of the social cost of teenage pregnancy problems are excluded from this figure. I merely want to say that in conclusion that we will prevent teenage pregnancy and assist teen parents, we will also fight the problem of low educational achievement, unemployment, welfare dependency if we pass this

legislation. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 2162 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present...Senate Bill 2162 having received the required constitutional majority is declared passed. Senate...Senate bills 3rd reading, Senate Bill 2163, Mr. Secretary.

SECRETARY:

Senate Bill 2163.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President and members of the Senate. Senate Bill 2163 is a second bill in the series of the Democratic initiatives to respond to one of the most critical social problems that's facing this country today and, most certainly, one of the most critical problems that's facing our teenage youth. It is a program which is designed to respond to the crisis problems of teen pregnancies among our teenagers in the State. It repeals the existing Sex Education Act and it...institutes a new Act of human growth and development, and it is a comprehensive program designed to teach...help young people to...first of all, to understand consequences of early pregnancies and the impact of early pregnancies on their entire life. It is to teach responsibility, self-esteem, how to make decisions, understanding of psychological and emotional transition of adolescents, the whole reproduction...repercussion of adolescent sexual activities and, of course, family life skills in regard to

parenting. The bill is designed to encourage local input from parent. It creates an advisory board who is responsible for assisting and determining the curriculum and reviewing such curriculum. It provides for grants to eligible teen mothers for child care payments so that they can, in fact, continue their education once a girl has become pregnant or have...have a child. It provides for a provision of services of in-home care so that the kids will not fall behind in her curriculum if for some reason she is unable to attend school while she is pregnant or immediately following her pregnancy up until three months. I think it is a very good start in response to the need to address this critical problem in our society. I will not propose that this bill will cure all of the problems, but it most certainly is a giant step in that direction. I will be happy to answer any questions; if not, I would request a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Schaffer.

SENATOR SCHAFFER:

Well, I would suggest the membership ought to listen up a little bit on this one. This repeals the Sex Education Act and implements a whole new concept, a much broader involvement by the State Government and by the school districts in sex education. I don't think I have to mention to my colleagues that this is a controversial subject. I recall a number of years ago sharing an office with Senator Glass and he put a bill in that just changed about six words on this bill and they...Reference Bureau made it a mandatory sex education program instead of an optional. I think you'll recall, Senator Glass got the pickle that year at the Press Gridiron Dinner because for two weeks we got nothing but phone calls, letters, delegations. He eventually Tabled the bill and public apologized for ever uttering the words. My major concern with this bill is that it gets us into a lot of

areas that we have never been...we...in a governmental sense, have ever been. It appears to me to be a solution aimed at addressing local problems that are localized and severe...I'm not saying they aren't Statewide, but in certain parts of the State they are much more severe and would...appear to me to be applying a rather radical approach aimed at those concentrated areas that have severe problems but applying it on every school district in the State. I am not comfortable with many of the provisions of this...

PRESIDING OFFICER: (SENATOR DEMUZZIO)

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

SENATOR SCHUNEMAN:

Point of order, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

State your point.

SENATOR SCHUNEMAN:

We're trying to debate an important issue here and...it really sounds like someone opened the hen house door. I think we ought to give the gentleman a little order, if we might, please.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Well, Senator Schuneman, I agree, that's why I've been banging the gavel. So, I...I...I'm sure the...the members appreciate your admonishment. Senator Schaffer.

SENATOR SCHUNEMAN:

Well, Mr. President, if...

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

...if I may...if I may, sometimes we tend to ignore the banging of the gavel, but I really think we ought to pay more attention to what's going on there, and I thank....I thank you for your efforts, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right. Can we have some order, please. Get the staff conferences off the Floor. Senator Schaffer.

SENATOR SCHAFFER:

Let me suggest, Senator Schuneman, I don't know if anybody's opening the hen house door but I think we are about to open Pandora's Box. I have some real concerns. I think we could go through this bill line by line and I think you would similarly be concerned. I don't say there isn't a problem.

I'm not...I don't have my head...stuck in the sand. There is a problem. It's a big problem. I would suggest to you that we have a lot of programs in this State, I think of the Parents Too Soon Program. We have programs in place. This, in my mind, is overkill and it gets us into some areas that I don't think government belongs or should be. Having said that, I...I also say I'm totally sympathetic to those parts of the State that have these problems and...to agree that they have local programs that address solutions that are acceptable and...locales. I have no problem with that. Let us not go this far. We do not have any business in some of these areas. We have programs in place. This is overkill and this is a roll call that will be remembered around this State in...most of our constituencies because it could create a tremendous burden on our education community and get us into some things that I think most of the citizens, at least in my district, have serious questions about the State being involved with.

PRESIDING OFFICER: (SENATOR SAVICKAS)

There further discussion? Senator Macdonald.

END OF REEL

REEL #2

SENATOR MACDONALD:

Thank you, Mr. President. I just want to extend and...and elaborate a little bit more on what Senator Schaffer has just said. Certainly, I think all of us would be remiss if we deny that there was certainly a...a problem, but we really should not be mandating our schools and our various areas of this State to go as broadly into this remedy as this particular bill mandates. It...it just...we have passed sweeping...education legislation last year in Senate Bill 730 and I...I just think that this...this bill really does go too far, and I think that local areas that have these severe problems ought to be allowed to recommend and to solve their own problems. And I just don't think that we can go into all of the extensive programs that are suggested in this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

Just to set the record straight, I've talked with the Pro-life people, I've talked with the Pro-family people. We have put an amendment on here and what we're saying when we went to the Supreme Court in 1979 when we denied public aid funds for abortion, we said that we will do what is possible to help the parent...the young parent and...and the parent that didn't have a father through the stages after she has the baby. This bill does that. This bill provides home instruction for three months after the birth of a child or a pregnancy termination. We have a growing problem in the State of teenage pregnancy. We have a growing problem of family people failing to...to work with their children

because of the work...workload of...both...both parents. This, we have to stand out on and do. We have had to make one of two decisions in this State. I am against the one decision of using public aid funds for abortion. I am not against any decision to help these young teenage mothers through the three months after the baby is born in home instructions or what may it be. If this is a problem in education, Senator Schaffer, then those educators you're talking about are not doing their job, and they should do their job and we, as a State, must put programs together to help these mothers...teenage mothers after the child is born and that is what this bill is trying to do. If it isn't stretched towards something we're not doing and something that maybe we shouldn't tread on, there is nothing in this world we shouldn't tread on, there's things that we should do to try to help people and this bill helps teenage mothers after a baby is born. And I stand on this bill because I think it's the right thing to do. We cannot tell people in our lifetime that you can't have an abortion but we will...we can tell them if you don't have that abortion and you don't do it voluntarily, we're going to help you, we're going to give you instructions. We're going to tell you how to rear that baby so that baby does not become another responsibility of society and that's what this bill does and I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. Everybody is worried about this being a State mandate to local school districts but, let me tell you something, all this says is that the district shall provide a course of sex education and maybe those are buzzwords and they don't use those exact words, they talk about human growth and development; but what we're talking

about and if you read the bill it says that no pupil shall be required to take this course if he gets...if the parent of the pupil files a written request with the school to exempt that student from the course. So the parents of the...of the student decide if this student is going to take this course in the school. Now, that's a good idea. We're...we're putting the choice on the parent, not the school; the school isn't saying, you got to take this course, the parent makes the decision whether the school...whether the student should take this course or not. And what this bill says is, look, there is a crisis in America, babies are having babies in America and what are we going to do about it? Are we going to sit back and just let them continue to have babies or are we going to try to do something to help these kids understand what is going on? And all this bill says is that for children who have children, let a school provide facilities for that child's child to get the proper education and nutrition while that child is going to school. That's not a bad thing, that doesn't affect ninety percent of the school districts in this State, but it is a crisis in Chicago and we're not asking anything more than we be allowed to implement this program, that's all.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator,...Senator, could...we'd like to introduce the Governor on the Democratic side of the aisle. Governor Thompson, our...he's on the right side of the aisle now. Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. That's about it. You know, I really...I mean, that's about it. It's a good bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Watson, for what purpose do you arise?

SENATOR WATSON:

Thank you, Mr. President. A point of...personal privi-

lege.

PRESIDING OFFICER: (SENATOR SAVICKAS)

State your point.

SENATOR WATSON:

There's a school group in the President's Gallery from Vandalia in my district, sixth, seventh and eighth grade class of student council members and I'd like for the Senate to welcome them to Springfield. They're here with their teachers, Tim Sommers and Donna Hayes, and I'd like for you to welcome them.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Would they please rise and be recognized. Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President, Ladies and Gentlemen of the Senate, maybe I'm a little old-fashioned but, first of all, I hope that we can have a course of training at home for the parents of these youngsters before they become pregnant and what have you. Second of all, if we...mandate any more programs on our schools, what's going to happen to our taxes? I mean, there's...we...we can't keep mandating things and not paying for them, and I do feel that perhaps the intention is good but I also think there should be another avenue, and I think perhaps we ought to dedicate ourselves to educating the parents of these potential parents and helping them out there.

Instead of making...instead of having schools teach education, we are now going to have schools do what, raise families in the schools? Is that what we really want to do? Maybe I'm a little old-fashioned, but I don't feel that I want to support this bill by mandating more programs that we expect the school districts to pay and have our constituents say, why.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kelly.

SENATOR KELLY:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

She indicates she'll yield.

SENATOR KELLY:

Senator Collins, a similar question to what I had asked to Senator Smith. Is there abortion counseling within this...anywhere or...and, if so, is it your intent that there is not abortion counseling...legislative intent not to have abortion counseling as part of this program?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

There is no abortion counseling in this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kelly.

SENATOR KELLY:

And that is your legislative intent?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Yes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kelly.

SENATOR KELLY:

Thank you. Well, I think...Senator Geo-Karis made a very valid point on the...the parents. As I read this legislation, it seems like a great idea. We're repealing the Sex Education Act, which I don't think has done anything, particularly between that and the dispensing of the birth control pills, we've had multitudes of teenage babies born and certainly a lot of problems that go along with it. However, I think there is time in the House to maybe incorporate some

other aspects to this legislation, but parents...the biggest complaint that they had about the Sex Education Act and what was going on is that they were not being informed about what's taking place in their schools, and I think that's one of the...concepts or one of the aspects that's missing from this legislation. I know it's a difficult area. I happen to think that we have to do something to...because we do have such a...an accelerated problem and I'm going to support this legislation, but I do...would hope the sponsor would be amenable if we have a chance to pass it to the House to have an amendment or two where we could have some parent involvement in this program.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Channel 20, Janis Stewart, seeks permission to tape the proceedings. Is leave granted? Hearing no objection, leave is granted. Is there further discussion? Senator Maitland.
SENATOR MAITLAND:

Thank you...thank you, Mr. President. A couple of points that I'd like to make that I...perhaps haven't been made, I...I really am concerned. Senator Collins, do you by...by repealing the...the other Acts in total, could you tell the Body what this does with the...with the Sex Education Advisory Board? Does this also abolish that board?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Yes, but there is an advisory board for human growth and development curriculum.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Are you telling us that there...in addition to the school district...individual school district boards there is also a State advisory board? Could you tell us where that is in the

bill?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

No. What it is is to give more local input, each of the school districts at the local level would...would create their own advisory board.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

All right, you are telling us then that we are doing away with the State advisory board...the Sex Education State Advisory Board that was created by this Body, be nothing at the State level and we'll only have...each school district will be mandated...will be mandated to...to form a human growth development advisory committee to develop the curriculum in each school district of this State. Is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

They can opt out.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Could you tell us where they can opt out?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Each...they are...they are currently...let me first...let me clarify something and let me just read from the fiscal note that you have...from the...the...the Office of Education because there's a lot of confusion here. The basic courses that we are offering in here are already mandated and he...and then let me just quote, "The course requirements is

currently required under the Clinical Health Problems and Comprehensive Health Education Act and should not involve any additional cost to school districts." These courses are already basically...mandated at this point.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Senator, I'm quoting from the bill, okay? The bill says, "Each school board shall appoint a human growth and development advisory committee," and it goes on. Now...now tell me where that says they can opt out.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Each parent...the parent of the...of...any child can opt out. What they have to do, they have to first...the...the curriculum have to be...reviewed by the parent before the curriculum is put into effect by the board. The board must prevent...present the basic outline of these courses to the parent and to this advisory board at the local level for approval.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Well, Senator, that's fine and you've taken some time but you haven't answered the question. The point is, you indicated that...that you were talking about...students. I'm talking about school boards, and the fact of the matter is, every...every district in this State will have an advisory committee and every advisory board across this State will work with the school to put in place a program. They're mandated to do that whether or not they want to do it or not, correct? Thank you. Next...thank you. With respect to...to the grants, and I...and I...Senator, I am painfully concerned

about this problem also and I'm trying to...to find a way in which we can deal with it, but it concerns me with, for example, School District 299 which obviously is the largest school district...in the State, fifty percent of this revenue will in fact come from general revenue sources. Is that correct?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Yes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

And the other fifty percent will then come from local sources, and I'm wondering if you have a guesstimate with respect to just that one school district alone what the cost might be?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

...I apologize, would you repeat your question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

From a...from a fiscal point of view, I'm curious to know what the cost of this might be; for example, fifty percent of the money comes from the General Revenue Fund, the other fifty percent comes from the local effort. I'm curious what that cost might be with just one school district, 299.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Now, I'm informed that the grant...the section on the grants...section is not mandatory.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Then...then what you're saying is it may well all be a local cost.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Okay. Based on...based on the bill, if they wish to contribute the money, they can; if not, they don't have to. It's like any other grant program.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Well, I'm sorry, Mr. President, but you told me that the grants aren't necessarily...the grants come from the State and what we're saying, we may or may not appropriate the money to the State Board of Education that may from that then issue grants to the school districts. We may not do that, so that's zero money. Now, you're telling me that the school may not fund it also.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

The State monies are...they've already put the money into the budget.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Well...okay. To another subject, I...do these grants also then include the maintenance of child-care centers also? Is this all a part of the grant?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Yes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Okay, folks, this is an expensive little item. I would ask just one further question, Mr. President, if you would allow me. Senator, again, I'm concerned about the issue also. How does Senate Bill 2163 relate or blend with a bill that's on the Calendar that we'll be discussing later today, that bill being Senate Bill 1529?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

To my knowledge, it's not related at all.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Maitland.

SENATOR MAITLAND:

Senator, I...I don't believe...maybe we're quite accurate on that and I think the Body really needs to take a look at this issue and...and perhaps deal at it...with it another time, and I would...would recommend defeat of Senate Bill 2163.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR COLLINS:

Thank you, Mr. President. Let me try and respond again to some of the concerns raised by the...the opponents of this bill. First of all, the basic courses offered in this...this bill, the curriculum, suggested courses are already requirements under the existing Clinical Health Problems and Comprehensive Health Educational Act. The...the...there was another statement made that we are going too far, this...this

Body, and...and treading on territories in areas of which we've never done before and, therefore, we think that...for that reason that we should not enact this...this legislation. I think that's the basic crux of the problem and why we have the problem today, because no one, it is like some kind of sacred cow, is willing to stand up and say, enough is enough. It is time that someone assumed the responsibility and bite the bullet to deal with the problem of teen pregnancy in this State. Teen pregnancies does not only affect the child or ruin the life a young girl, but we have to be concerned about what happens to that unwanted child for the rest of that child's life. What about the complications and the health problems, the other types of social problems that we have to pay for because we did not have the courage enough to stand up and say, yes, it is our responsibility and we must take charge in the absence of adequate...parental control from the parent, because that's basically what is needed and what the problem is all about. We talk about Parent Too Soon, Parent Too Soon does not and let me repeat, again, does not, address the critical issues outlined in this bill. This bill focus is not on what happens after the girl so much have a baby but it is designed to prevent them from ever getting pregnancy...pregnant. That is the issue and that is where our emphasis ought to be. If, in fact, the school districts, the...the...the homes, the churches are falling short of what...for whatever reason of addressing this problem, then we must attempt to do it ourselves, because we have the responsibility and we are the ones will determine who will pay the costs and pay the price if we do nothing at all. I think this legislation is a great step in the direction and it sends a very clear message that the citizens of Illinois is willing, first of all, to recognize and accept the basic reality that teen pregnancy and adolescent sexual activities does exist in this State, and it exists to the extent that it

is causing a problem which is threatening the whole social fibers and economic fibers of this State of Illinois and we have a charge and a responsibility to protect the overall welfare and health and safety of the citizens of this State of Illinois. This bill is a charge in that direction and I will ask for a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 2163 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 25, the Nays are 28, 2 voting Present. Senate Bill 2163 having failed to receive a majority vote is declared lost. Senate...Senate Bill 2164, Senator Lemke. Read the bill, Mr. Secretary. Oh,...I'm...Senator...Senator Collins, I'm informed you asked for for...postponed consideration on this bill? Senate Bill 2164, Senator Lemke. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 2164.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

Mr. President, can I have leave also to have Senate Resolution 813 be handled with this? This is a similar...it's...it's in conjunction with this bill and I had leave before to have it called when it was up in resolutions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You...you heard the motion. Senator Lemke requests leave of the Body to hear Senate Joint Resolution...what is it 813?

SENATOR LEMKE:

...Senate Resolution 813.

PRESIDING OFFICER: (SENATOR SAVICKAS)

...Senate Resolution 813 to be heard and voted on in conjunction with Senate Bill 2164. Is there objection? If not, leave is granted. Senator Lemke on the bill first, the resolution second.

SENATOR LEMKE:

What Senate Bill 2164 and Senate Resolution 813 deals with is teenage suicide in the State of Illinois which is a growing problem in the State. What Senate Bill 2164 does, requires the Department of Mental Health and Developmental Disabilities to establish an adolescent and teen suicide prevention program, authorize grants to model...to model programs retiring teacher institutions in...in-service training programs on the detection of suicidal behavior youth and intervention procedures. I think this is a good concept, because in this country and in this State, suicide rates have been growing astronomically. I think it's time we get involved to solve this problem. Alone in certain towns of...in Illinois in the last eighteen months, the problem has...particular bad in the Villages of Arlington Heights, Buffalo Grove, Elk Grove Village, Inverness, Lake Zurich, Mount Prospect, Prospect Heights, Rolling Meadows, Schaumburg, Waukegan and Wheeling and have a...and these...these...these areas have an extraordinary higher teenage...suicide rate. And I think living in a environment where every student is expected to be...the next Einstein where achievement and success pronounced to be the norm results in pressures...on some youths finding it intolerable and their only way out is sometimes through the tragic method of suicide. I think it's about time we come and do something about this problem. It's a growing thing I know amongst teenagers and a concern in high school seniors. They have seen too many friends talk about it or attempt to do it because they've failed to achieve. So I ask for your favor-

*SB 2165
3rd reading*

able consideration of this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 2164 and Senate Resolution 813 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. Senate Bill 2164 and Senate Resolution 813 having received the majority vote is declared passed. Senate Bill 2165, Senator Joyce. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 2165.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President and members of the Senate. Senate Bill 2165 will do the following if enacted. It will provide that anyone who advertises in Illinois media that they have a drinking age under the age of twenty-one, anyone would be guilty of a misdemeanor. It also...provides that the...that the...in our school education program that there be included instruction on the problems of driving under the influence. It also...extends the Long-arm Statute with respect to dram shop to persons...the tavern owners who cause intoxication would then be liable in Illinois courts for resulting damages under dram shop. And it, finally and most importantly, I think, provides that persons under the age of twenty-one who are convicted of driving under the influence would be precluded from receiving a restricted driving privilege for one year upon conviction. In addition to that, the Secretary of State is empowered to provide restricted driving

privileges after the one-year period for a time...up to the time that the person is twenty-one years...becomes twenty-one years of age. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR SCHUNEMAN:

In what way are you extending or changing the Dram Shop Act?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

The dram shop is extended in...to the effect that a tavern operator and...in an adjoining state who causes the intoxication of someone who then causes injury would be...or has done injury would...would be liable for that damage. Illinois courts have held that it was not within the...of the Illinois General Assembly when we enacted dram shop to extend jurisdiction beyond our borders. It was brought out in committee that there is possible problems...constitutional problems with this. It's kind of a tossup at this point, we're going to go forward with it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Thank you. A question of the sponsor relating to the first part of the bill which is the ban on advertising and...and I guess I...number one, I've got some concern about whether there is...whether it is fundamentally valid; but...but I'm not quite sure what it is reaching, Senator Joyce, because you are prohibiting any person licensed either

in this State or another state to advertise that another state has a lower drinking age, and I guess my first question is, I'm not quite sure why someone...presumably a bar that is licensed in this State would want to advertise that the drinking age is lower in another State. What would that gain them or are you talking about something beyond...in any event, just try to explain what you're...what you're trying to reach?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well, let me just preface this by saying, this may be moot...hopefully this will be moot in the...because Wisconsin is moving forward, and we are trying to address that situation where Illinois residents are being lured across the...the State border to obtain...for the purpose of drinking and we have...I can read them to you, the staff has prepared all kinds of statistics here with respect to drunk driving and with respect to result in fatalities associated with teenage intoxication on our borders, comparing our borders where...with where we border states that have lower drinking ages as opposed to states that do not and et cetera, et cetera. It's trying to get at that, Senator Netsch, and so...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

No, I understand the problem of having states with different ages, that's not..and that...and that's serious one I...I grant you. I think my...my concern is only in the context of this particular section which attempts to prohibit advertising under these circumstances, and I...I guess I was trying to figure out what it really is directed at, because I can't imagine why someone who is licensed in this State would

say, gee, get out of this State, go someplace else because you can get liquor at an earlier age. That is one part of it, and then while I'm asking a question, let me ask you the second question. I'm not an authority on...on commercial First Amendment to problems, but...because what you are prohibiting here is not unlawful; that is, assuming Wisconsin retains its lower age, it is not unlawful for someone under age to drink in the State of Wisconsin, and...what strikes me is that you may be prohibiting the advertising of a lawful activity and, in that case, I would think there would be some very serious First Amendment questions. Has that been addressed?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

I didn't hear the second part...part of...of what you were saying, but the...I think you're misreading this...this Statute...this proposed...the language here in that it is any person who...who advertises, it's not a...it's not a tavern owner, it's any person would be guilty of a misdemeanor who advertises that there is a lower drinking age in another state. So in terms of how you're trying to figure out why would an Illinois tavern operator place an ad, I mean, that's just...that's just not the case not whether or not that's...you...you know, you agree with that or whether or not that's...you have some other problems with that.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Yeah, I...I understand that, and I guess again my...I just was trying to...and..and this was not a...a confrontational question, Senator Joyce, I was just trying to figure out who does advertise in Illinois that you can drink at a lower age in the State of Wisconsin? Was there...are

there circumstances where that has been happening?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well, Senator Schaffer, can handle that. He has some of those advertisements in his community.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Well, I'm...I'm perfectly willing to get an answer from whatever source and this really is a question, I just can't quite figure out what it's addressed to. I would like to...if Senator Schaffer would address that point, I would like to be able to repeat my second question to Senator Joyce which had to do with the First Amendment.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Well, Senator Schaffer is on board to speak next, so...Senator Schaffer.

SENATOR SCHAFFER:

Well, I'm not sure I like being referred to as whatever source. Let me assure you that there is advertising, particularly in the northern part of the State, my district and the districts around me that abut the Wisconsin border, that is put in publications aimed at young people advertising the availability of liquor, special events,...not liquor, their law up there isn't...I don't think the hard stuff qualifies but basically advertising and pushing the lower drinking age to college type kids that are underage, high school type kids. There are publications that you will see these ads in advertising particular establishments or events with a clear intention of encouraging our young people between nineteen and twenty-one and regrettably younger to get up into Wisconsin because of the lower drinking age. And let me suggest to you, while...drinking between nineteen and twenty-one in Wis-

consin is not illegal, the side effect, which is what I think we're trying to get at with this bill, which is coming back into the State in an intoxicated state and driving an automobile is clearly illegal and that is what I believe this bill is aimed at. Someone...a nineteen or twenty-year-old wants to go up to Wisconsin and have a few beers and not drive a car on...in a...state of intoxication, I don't think we particularly care. What we object to is the obvious attempt to get them to drive up, drink and regrettably in many cases to an excess and drive back through. We had another fatality up in my area this last weekend. I dread this time of year simply because I know my papers are going to be filled with tragedy after tragedy caused by this problem, and to the extent that this bill maybe not in a major way but in a...in a...in some way can prohibit this type of activity. There's one other thing you might get a...well, I won't say chuckle, it's not really funny. Many of the establishments also have handouts last year at least not only telling you where to drink and under...their lower age but also suggesting routes on how to get home and to avoid our police nets. I'm happy to say we have intercepted those documents and they are no longer valid routes; in fact, we'd like to see you come down those routes at...late on Saturday night, we're waiting for you. But that type of advertisement is made available to the young people and I think this bill addresses a very real problem, and my...the ultimate answer is our friends in Wisconsin to recognize the need for twenty-one drinking age at least...at the very least as it applies to out-of-state residents. But this bill is a positive step and about the only thing I think we can legally and constitutionally do at this point other than continue to step up our law enforcement on the border, which regrettably becomes more necessary everyday. I rise in support of this bill and I hope I've answered your question.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

No, I...I'm not arguing about the issue, I agree, it is a very serious one and, as a matter of fact, I even supported the twenty-one age drinking ban in this State, so that's not my problem. My concern is whether this section, not the other parts of the bill but this section does anything or whether it is kind of an empty gesture because it doesn't really reach anything that can be done and I have a dual question. I don't see how...Illinois is going to be able to reach anyone who is based in Wisconsin and does not come into this State with a criminal prosecution. I mean, we're not allowed to go up there and arrest someone and drag them back to the State of...of Illinois, that is the one side of it. The second is, in terms of...of what is being banned, I think what you are banning is something that is not...literally illegal in the State of Illinois, and I believe a prohibition on advertising something that is not illegal has very serious if not fatal First Amendment questions. That was my only concern whether this section really does anything because it is trying to do things which cannot be done.

PRESIDING OFFICER: (SENATOR SAVICKAS)

All right. Senator Schaffer, have you concluded your remarks or was that just an answer to a question? He's concluded. Okay. Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. I share many of the comments of Senator Schaffer, our counties are the counties most often affected there in northern Illinois; and if I could further elaborate 'cause I've looked into some of this a little bit, Senator Netsch, that one of the things we are not doing is prohibiting advertising, that we are not doing that with this bill. What we are doing is saying that you may not advertise

that you have a younger...or a lower drinking age as part of that advertisement, and we have done this historically in what we say we may do with liquor advertising on television and magazines and...and so forth. And so we are...we're going after a section, we believe, in the law that we may be perfectly safe with. The other problem with the dram shop legislation, although we've had difficulties with it in the...in the past, we are now going with language that the court has recommended; and we realize how vital this is as we take a look at the statistics and know that the fatalities are coming down in the rest of the State but not in those northern counties, that this is absolutely a critical issue and this is a very good piece of legislation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

...Mr. President, Ladies and Gentlemen of the Senate, I invite the press to go and see the gin mill signs on the borders of Antioch and what have you, 'cause my district abuts Wisconsin. I think this is a good bill and I...I rise to speak in favor of it because we've had plenty of casualties coming from the borders of Wisconsin and their horrible advertising.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President, question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR BARKHAUSEN:

Senator Joyce, just quickly to try to establish another point of legislative intent. One...one aspect of the bill, from what I can tell appears to say if someone under the age of twenty-one is...is convicted of DUI that their license

shall be revoked for one year and that...but then after that period that they shall automatically be limited to a restricted driving permit that limits their driving between the hours of 5:00 a.m. and 9:00 p.m. up until they're twenty-one years of age. In other words, if someone was sixteen or seventeen years old and was convicted of DUI, for four or five years thereafter they'd...they'd have to drive on a RDP no matter what their other driving record and since, obviously, a lot of our youngsters are driving...wanting to hold down after-school employment and so forth, that would possibly seem to be a little bit harsh.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

My understanding...let me check here,...my understanding is that after that one-year period that...that's at the discretion of the Secretary of State as to whether or not they will be given that and whether or not that restriction will apply all the way up until they're twenty-one years of age. Let me...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Senator Barkhausen, for legislative intent, that is...your representation of that is correct.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Well,...Ladies and Gentlemen of the Senate, I...you know, as much as I've had an interest in this...in this legislation and as much as I support most of the provisions in this bill, let me just take half a second here to express some misgivings about this particular provision. It would appear to be...it's on page 7 of the bill, Section D, I guess

it's...6205 that we're dealing with; and what the bill says is, "Upon the expiration of one year after the date of revocation, Secretary of State may, if satisfied that the person reapplying will not endanger the public safety, issue a restricted license permitting the licensee to operate a motor vehicle only between the...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Barkhausen, would you just...Senator Joyce.

SENATOR JEREMIAH JOYCE:

Wait...we were...I was proceeding...I was proceeding with the understanding that that was discretionary on part of the Secretary of State. What I..what I would represent to you, we would get an amendment and place it on there to change that language to leave the Secretary of State with the discretion on the restriction after the...after the expiration of the revocation period.

SENATOR BARKHAUSEN:

Well, that's fine, I...I...I was simply going to point out that the bill seems to allow the Secretary of State discretion only as to the issuance of this RDP, but the Secretary of State would not seem to have the discretion up until the time the underage driver is twenty-one to restore full driving privileges.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President. This...this bill, obviously, does address a very important problem. Just a question of the sponsor. Senator Joyce, in the current DUI law, are there any varying provisions depending on age as...as...as you would have under...under this legislation in terms of penalties?

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

No.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

...my only...well, one of...one of my concerns with this bill...and, of course, I'm going to support it, it is important and it is needed, and perhaps Senator Netsch is a far more knowledgeable constitutional scholar than myself might address this, that...the question of whether or not we can distinguish solely on the basis of age the penalty which would be incurred under this legislation, I think might present constitutional problems. Now, certainly...the bill is meritorious and I know what you're trying to get at and I hope we can get at it with this; but I just wonder maybe...Jerry, maybe you've asked somebody in the Secretary of State's Office or someone else if we distinguish strictly on the basis of age, the penalty, the...the mandatory suspension. Is there any precedent for that and...and do you think that presents any constitutional problem?

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

We went through the hearing and they...and they indicated that that would not be a problem in terms of...if you're talking about equal protection type of situation.

PRESIDENT:

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Well, the last question is, this...this does not deal with the social host type situation but only deals with the tavern owner. Is...is that correct?

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

That's...that's correct.

PRESIDENT:

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

SENATOR JEREMIAH JOYCE:

Well, just very briefly, with respect to the...with the points raised by Senator Netsch, the courts have said that when we are talking about limiting free speech, in those situations involving liquor there is not as...not as close a scrutiny with respect to the chilling effect aspect. The...Section 2 of the Twenty-first Amendment of the United States Constitution gives great authority to the states in the area of liquor. We believe that this is...is constitutional. Much of it hopefully will not be needed if Wisconsin moves forward. The matter that Senator Barkhausen has raised, we went through a hearing under the impression that this was a discretionary factor involved in the Secretary of State and the reissuance of the restricted license. I will prepare an amendment and give that to the House sponsor and we will see this back here I'm sure. So I ask for your support on Senate Bill 2165.

PRESIDENT:

The question is, shall Senate Bill 2165 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 2165 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading, Senate Bill 2166. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 2166.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator O'Daniel.

SENATOR O'DANIEL:

Mr. President and members of the Senate, Senate Bill 2166 creates the Illinois Youth Conservation Corps. and the Illinois Youth Recreation Corps. It authorizes summer employment of youths through these programs by the Department of Conservation and by local programs designed to provide summer recreational opportunities for children. I think this is a very good bill. You know, there's nothing that creates children more of a problem than idle time on their hand and I...I think this goes a long ways to address that issue.

PRESIDENT:

Discussion? Senator Holmberg.

SENATOR HOLMBERG:

...on another matter following this...this bill.

PRESIDENT:

Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President, Ladies and Gentlemen of the House. I think that it would be well to advise our members of a few things concerning this measure, and with all due respect to the very fine sponsors of the...of the bill, I do rise in opposition. The bill was heard in Labor and Commerce Committee and I would bring these things to your attention about the measure. It is the...the...conservation corps....the Illinois Conservation Corps. which originally the bill addressed and still does, although the title of the bill has changed by Senate Amendment No. 1, I believe, is part of the...the conservation corps. concept is part of the Build Illinois bill that we...that was passed by this Body, and the Conservation Corps. has...the Department Conservation Corps. which...came into being as a part of the Build Illi-

nois program has already received 1.75 million dollars. The Department of Conservation is hiring over six hundred sixteen- to eighteen-year-olds for summer work already. The department already has thirty-seven full-time workers who will supervise the workers during the...the young workers during the summer months, and the Conservation Corps, created by Build Illinois, was appropriated two hundred and fifty thousand dollars in grants to local government for similar type work at local levels. So I think it is fair to remind the Body that what we're doing here is...appears to be a duplicate of programs already in place. Sometimes I am inclined to feel that if we institute a program that has the germ of a good idea to it, we feel that more is better, so we institute...one program and then we overlay that with another one which duplicates the work, so we embroider on these programs as we go along. So I will suggest to you, ladies and gentlemen, that this program will involve cost that we're not in a position, I don't think, at this point, considering what we're already doing, to support...there's an interesting thing too; of course, originally there was a minimum wage exemption in the bill, that has been struck out so that disadvantaged youths all have to be paid minimum wage or over. And another interesting provision in this bill is that with a...with the putting on of the payroll of the disadvantaged youths, even the recreation program or in the Conservation Corps, no matter how many they may have or what work they do, in no way can...can that...that work result in a reduction of overtime work of regular employees. That seems to be part of the bill, so the cost is...there's no savings involved. It's...it's...it's all on the cost plus side of the ledger. So I simply cite these things so that you will give it some thought. I think the intention...I think it's well-intentioned but I would caution you against the expense, the duplication. It's a program, I think, that

really is unnecessary.

PRESIDENT:

Further discussion? Senator O'Daniel may close.

SENATOR O'DANIEL:

Yes, in...some response to Senator Hudson. You know, the Conservation Corps. was here long before Build Illinois came along and also it operates at the Governor's discretion, anyway, and the...the reason the...the amendment was put on so it wouldn't displace any full-time employees that work for the Department of Conservation. I think this is a good bill and I think we should be concerned about helping young people become productive citizens instead of wards of the State, and I would appreciate affirmative vote.

PRESIDENT:

The question is, shall Senate Bill 2166 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 37 Ayes, 18 Nays, none voting Present. Senate Bill 2166 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading, 2168, Senator Poshard. On the...Senator Lemke, for what purpose do you arise?

SENATOR LEMKE:

I've been informed by our staff that we have to take a...a vote on Senate Resolution 813, that it was...that the roll call was just on the bill, 2164.

PRESIDENT:

Who...who...by whom have you been informed? Everybody says everything is fine.

SENATOR LEMKE:

Well, the staff came up to me. Okay. That's...that's okay, fine.

PRESIDENT:

All right...stay loose. On the Order of Senate Bills 3rd Reading, Senate Bill 2168. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill...Senate Bill 2168.'

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Poshard.

SENATOR POSHARD:

Yes, thank you, Mr. President and Ladies and Gentlemen of the Senate. The intent of this bill is to recognize the efforts of teenagers who are working within the community to curb some of the problems faced by their peers, examples of programs in which these students may be working are the Students Against Drunk Drivers programs, other peer persuasion type programs. This bill would require the Citizens' Council on Children to administer an annual U-RATE recognition awards for teen...excellence program to recognize these youths for their involvement. I know of no opposition to this bill and I move for its passage.

PRESIDENT:

Any discussion? If not, the question is, shall Senate Bill 2168 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 2168 having received the required constitutional majority is declared passed. 2180, Senator Collins. On the Order of Senate Bills 3rd Reading, Senate Bill 2180. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 2180.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President and members of the Senate. 2180 is the same bill that we passed last year, the House and the Senate, and went to the Governor's Desk. It is an effort to address the serious problem of teen unemployment in the State of Illinois. What I've done this year is to...hopefully, to...an attempt to answer some of the concerns raised in reference to the bill in the Governor's Veto Message and from others that had some concern in committee is to take out the sections of the bill dealing with the central corps. areas, and...and originally we had...the bill was based under I think a Pennsylvania Statute that had a job corps. which they had central corps. areas located throughout the state, and so we took those sections out of the bill so that persons participating would not have to leave their place of residence for the training, and we left it up to the discretion of DCCA to establish rules, regulations and policies by which this program would be administered. Now, I do know that there was...some concern about this program was a major duplication of the existing Job Training and Partnership Act...programs under the Job Training Partnership Act but that is not true. This...this bill is really attempting to address a...a problem that for many people that would not necessarily be involved and seeking employment under the existing child...employment and training programs in the State of Illinois. I'll be happy to answer any questions; if not, I would ask for a favorable roll call.

PRESIDENT:

Any discussion? Senator Schaffer.

SENATOR SCHAFFER:

I was just wondering how much this program...new program was going to cost.

PRESIDENT:

Senator Collins.

SENATOR COLLINS:

Last...last year we had asked for an appropriation of three million dollars and that...that request will still be for this year.

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

Is the money in the budget?

PRESIDENT:

Senator Collins.

SENATOR COLLINS:

It's not in there but we intend to put it in there.

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

Well, I guess, I have two objections. One, I don't know how we're going to fund it, we're having a hard time now. I...I know that Senator Carroll and others are trying to cut ninety some million out of the existing budget and some of us feel that's probably not an imprudent activity. This is a three million dollar unbudgeted add-on that duplicates existing programs, including Prairie State 2000 which is aimed in this area, and the Conservation Corps. that are in the budget and appropriated. I won't argue that there isn't need. There's...may very well be need but I don't believe we have the money for this and I believe it is duplicatory and should be resisted. I urge a No vote.

PRESIDENT:

Further discussion? Senator Hudson.

SENATOR HUDSON:

Well, thank you, Mr. President. I rise again, as I did before, I hope with better results. Senator Schaffer, I

think, has hit the...hit the nail on the head but what I had to say before I must say again only in spades this time. This is a duplicative program and I think it would be well for everybody to understand what...what exactly we're already doing in this area. The Department of Employment Security is already involved, there's money there. DCCA is providing money in support services along these lines, Prairie State 2000 Authority received three million for job training. The Illinois Conservation Corps, under Build Illinois is providing 2.75 million for summer jobs for youths and it just seems to me, as Senator Schaffer has mentioned, that we're already essentially doing what Senator Collins wants done. The idea is not a bad idea certainly, but why layer upon layer? The taxpayers are eventually going to have the impact of this and there's one further point and I'll close, but this whole program which comes back like the tulips in our gardens every year, it is...it's a perennial and...Senator Collins has to be commended for her...her tenacity and her persistence, but it does replicate the old...replicate in some way the old CETA Program which didn't...which never did what it was supposed to do in its approach to job training and so forth, and here we go again and we wonder why the...why government continues to grow and our...governmental expense continues to grow and taxpayers continue to become increasingly irate about the things we do down here. So I don't think this should be a partisan matter here today. I think we ought to just think about it from the standpoint of sound fiscal policies here, do what has to be done, but let's not overdo it. I...I really, on both sides of the aisle, would suggest a No vote on this bill.

PRESIDENT:

Further discussion? Senator Collins may close.

SENATOR COLLINS:

Yes, thank you. Let me respond to the last statement of

sound fiscal policy. It would appear to me that sound fiscal policies of the State would be designed to reduce dependency of those persons who are currently dependent on government for their means of livelihood, because...and other social programs because that is where the bulk of the budget goes, and until we do that, then we going to continue to have a need to keep increasing taxes and increasing the State's budget. That's what this bill is all about; yes, we have a lot of programs but if they we're doing the job that this bill is...in the area that this bill is attempting to do, then we wouldn't still have the...the same high unemployment for the chronically employed for this category of people. We're talking about youth and most of these people have dropped out of school, not in any kind of job training programs and will never qualify for a job training programs because they don't...meet minimum standards for enrollment in those traditional type programs. So this bill is designed to address that issue and...in the area where I live on the west side of Chicago, we're still looking at somewhere about thirty percent unemployment in this category of people. Those people are dependent upon the...taxpayers to support them, daily or monthly. They receive their checks, their food stamps and their other allowances and other types of social services, in addition to that, those are the persons who usually end up into the penal institutions and that is why you have to build more prisons right now. It is crazy to talk about...sound fiscal policies as long as we tend to ignore that category of people and...and...and don't engage in programs and prioritize our spending to the point that it would address that whole issue so that these people can become self-reliance and self...supporting and not relying on government and, therefore,...and become productive citizens and taxpayers and, therefore, we can, in fact, reduce spending in the State of Illinois. I think this is a good idea

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and I'd ask for a favorable roll call.

PRESIDENT:

The question is, shall Senate Bill 2180 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 29 Ayes, 27 Nays, none voting Present. The sponsor requests that further consideration be postponed. So ordered. On the Order of Senate Bills 3rd Reading, Senate Bill 2185, Mr. Secretary.

SECRETARY:

Senate Bill 2185.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

Senate Bill 2185 as amended is the 1986 Revisory Act prepared by the Legislative Reference Bureau. The 1986 Revisory Act is consistent with previous revisory Acts and charts no new territory. Article I contains general provisions explaining the nature of the bill. Article II...page 2 through 1073 deals with public Acts of the '84 General Assembly. Three hundred and forty-seven sections were amended in 1985 by two or more public Acts. The changes made by the multiple amendments to each section are combined into a single version of each section. At the end of each section is a list of the public Acts that amended this...the section. Seventy-eight sections added in 1985 are...renumerated to achieve...numerical order within specific Act. The renumbering is shown by underscoring and striking the public Act sources of the section being renumbered are cited at the end of...of each section. I ask for adoption of this bill.

PRESIDENT:

Any discussion? If not, the question is, shall Senate Bill 2185 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 2185 having received the required constitutional majority is declared passed. Senator Barkhausen, 2190. On the Order of Senate Bills 3rd Reading, Senate Bill 2190. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 2190.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, Senate Bill 2190 is the first of a series of bills that will follow...coming out of the special Senate Task Force on Medicaid Fraud. Senate Bill 2190 basically provides for a expedited mechanism for various State code departments, particularly the Department of Public Aid, to provide notice to the Department of Registration and Education both in situations where the departments have reason to believe that a...a medical vendor of one kind or another poses an immediate danger to the public and also relevant to the Medicare context in situations where the department has reason to believe that the vendor is defrauding the Medicaid system. Know of no opposition to the bill, would be happy to answer any questions and would otherwise urge a favorable roll call.

PRESIDENT:

Any discussion? Senator Welch.

SENATOR WELCH:

I just have a question of the sponsor.

PRESIDENT:

Question of the sponsor. Senator Barkhausen indicates he'll yield, Senator Welch.

SENATOR WELCH:

Senator Barkhausen, in your...in your amendment to the bill on page 10, you make an exception...extend an exception to the Freedom of Information Act. Could you explain how you are extending the exception and the legislative intent of doing that?

PRESIDENT:

(Machine cutoff)...Barkhausen.

SENATOR BARKHAUSEN:

I think the answer to that is because it's a matter of ongoing investigation and the notice being provided by the departments...various departments to the Department of Registration and...and...and Education are simply allegations and not conclusive findings. And I think it's a feeling that if...if it's just a matter of an allegation which ends up being unfounded, that's not desirable to have that subject to public disclosure under the Freedom of Information Act.

PRESIDENT:

...further discussion? If not, the question is, shall Senate Bill 2190 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 2190 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading, Senate Bill 2191, Mr. Secretary.

SECRETARY:

Senate Bill 2191.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Welch.

END OF REEL

REEL #3

SENATOR WELCH:

Thank you, Mr. President. This bill is another in the package of bills designed to prevent any further fraud in the public aid recipients...in the State of Illinois. What this bill does is when the Department of Public Aid determines that a recipient is abusing his or her green card privileges and incurring excessively disproportionate expenses for medical services or goods, that medical assistant privilege may be restricted to a designator...designated provider. A periodic review would be held to determine if the usage of the green card has decreased to a statistically legitimate level which would then warrant the full restoration of privileges of the green card.

PRESIDENT:

Any discussion? If not, the question is, shall Senate Bill 2191 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 2191 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading, Senate Bill 2192, Senator Watson. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 2192.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. I...this is another one of those pieces of legislation involving Medicaid fraud and I...I think we'd be remiss if we didn't mention that this whole concept was initiated by Senator Prescott Bloom and the work that he did in the Chicago...undercover work with the Department of Public Aid. He is the...was our...more or less our spokesman on this committee when it began and, of course, his unfortunate and untimely death...resulted in a situation which we're going to carry on what he brought forth. So, I think that should be mentioned. Senate Bill 2192 is one in which we identify and try to put a halt to the corporate veil situation in which people who obtain benefits after termination, and we have a situation in which a corporation is established, let's say a drugstore, a pharmacy is established under one name and the corporate certificate is issued and the individual is then convicted of public aid fraud, goes across the street and establishes another drugstore under another name, another corporate entity. What we're trying to do is identify and put a halt to that type of a situation. This legislation is an effort to do so and I, again, know of no opposition but I'll be glad to answer any questions.

PRESIDENT:

Any discussion? If not, the question is, shall Senate Bill 2192 pass. Those in favor vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 2192 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading, Senate Bill 2193, Mr. Secretary.

SECRETARY:

Senate Bill 2193.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

Another one of the pieces of legislation dealing with Medicaid fraud and provider fraud. It's Senate Bill 2193 and this is a situation in which creates an offense for public aid wire fraud. It'll make a penalty of a Class IV felony and the situation is now that the department has to go into Federal Court, this will enable them to go in State court and make it more enforceable. Be glad to answer any questions; otherwise, ask for your vote.

PRESIDENT:

Discussion? Senator Hall.

SENATOR HALL:

Will the sponsor yield for a question?

PRESIDENT:

He indicates...

SENATOR HALL:

What is wire fraud?

PRESIDENT:

Senator Watson.

SENATOR WATSON:

It is the use of telephone, wire, radio or television.

PRESIDENT:

Senator Hall.

SENATOR HALL:

Television? How...how do you do that over television?

PRESIDENT:

Senator Watson.

SENATOR WATSON:

Well, in the form of advertising, possibly, erroneously over TV. This is more or less following the Federal guidelines in regard to wire fraud. This is pretty much their

language that we're implementing it...into ours.

PRESIDENT:

Further discussion? If not, the question is, shall Senate Bill 2193 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 2193 having received the required constitutional majority is declared passed. 2199...you wish to handle the...the next one, 2194? With leave of the Body, Senator Watson will handle 2194. On the Order of Senate Bills 3rd Reading, Senate Bill 2194, Mr. Secretary.

SECRETARY:

Senate Bill 2194.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. This establishes the same provisions that we just did for wire fraud for mail fraud...the use of U.S. mails or private mail, package or delivery of services or systems as part of a plan, scheme or design to obtain public aid benefits unlawfully. Same provisions as we just established for wire fraud, we want to do for mail fraud.

PRESIDENT:

Question is, shall Senate Bill 2194 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 2194 having received the required constitutional majority is declared

passed. Bottom of page 6, on the Order of Senate Bills 3rd Reading, Senate Bill 2199. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 2199.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate, this amends the Family Practice Residency Act and includes doctors of obstetrics or gynecology in the definition of "primary care physician," and it makes technical changes in the provision requirements for residency and scholarships. I don't know of any opponents to the bill.

PRESIDENT:

Is there any discussion? Any discussion? If not, the question is, shall Senate Bill 2199 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 2199 having received the required constitutional majority is declared passed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senate Bill 2200,...Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. As I'm sure everyone is aware, Senator Chew is not with us today. I would ask everyone to remember him in your prayers. He is not a well man. He has given me authority to handle 2200. In my judgment, it should be held and I would ask that it be held.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Okay. Page 7, 2202, Senator Topinka. Same motion? All right, on the Order of Senate Bills 3rd is Senate Bill 2202.

SECRETARY:

Senate Bill 2202.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate, this bill rewrites the Medical Practice Act which is something that has not been done for seventy years and I think we've discussed it. I am free to answer questions at this time.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I am sure everyone is now well aware that this is an absolute, complete rewrite of the Medical Practice Act, in addition to which included in this technical rewrite, good doc, bad doc, all that stuff, is literally price fixing or collective bargaining for physicians which this Body turned down flat cold last year, rightfully so. All I'm suggesting...there may well be some really good recommendations in this bill, no quarrel; but a seventy-three page amendment having been laid on our desks less than a week ago, it seems to me we deserve better and better treatment. I will move you again, Mr. President, as I did the other day, to recommit Senate Bill 2202 as amended to the Committee on Insurance and Licensed Activities for its deliberation, and I will pledge to you as one who will be willing to support...an effort in the fall once the bill has been heard, once the provisions have been discussed, as is only right. We,

yesterday, passed out of here the creation of a Sunset Committee to review all the licensure, one of which, obviously, is the Medical Practice Act. We needn't headlong rush into this thing. Give us some time. Nobody is opposed. Just give us some time. Give us some courtesy. I would move to recommit.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Rock has moved to recommit Senate Bill 2202 to the Committee on License and Insurance. So, on the motion to recommit, discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, I would...disagree with that motion at this time. You know, originally...that we have had difficulty in trying to get the amendment to the Floor because it is extremely technical. The Department of Registration and Education has worked in conjunction with the Governor's task force on this and found the problems to be so severe in terms of what has happened in terms of the good doc, bad doc situation and the various problems that are out there and acting directly in light of what has come out of the Governor's Task Force on Medical Malpractice, not to mention and...this I can't explain at all, why the...the whole rewrite of the bill has not occurred since 1923 and when you stop and think how medicine has changed from...seventy years. I mean, we're...the other day we argued organ transplants and here we have things that go back to 1923. It is a very severe, an emergency situation and I don't think at this time since it has had task force input on this, which has been...which has had hearings on the situation, that the Department of Registration and Education which has been working on two years on this, plus the majority of the bill has not been changed from...from the original, there have been some additions and it definitely and most positively does not include price fixing. It does include a voluntary effort, which was men-

tioned first day out on this Floor and there's never been any effort to hide that front, to have doctors discuss fees but not on a mandatory nor...nor binding basis with their employers and the employers have every right to reject or not every listen if they...if they wish to. It is a strictly voluntary method, from the same group, especially from the left side of the aisle, that has brought us mandatory collective bargaining for teachers, policemen, firemen, public employees and just about anything else that can have...you know, mandatory collective bargaining. This is a voluntary effort and should not be confused with that nor does it have an impact on...preferred provider organizations. That stays intact. And I would like to see the bill discussed and put into effect and gotten on the Calendar and dealt with as a 3rd reading bill and I would oppose this motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. There are several...on the motion to recommit, there are several individuals who have indicated they want to speak. Senator Keats.

SENATOR KEATS:

(Machine cutoff)...on the motion, I would offer the President of the Senate a fair deal. If you would agree with us to send back any bill that comes out after June 25th that has not had committee hearings in this Chamber, I would vote to recommit this, but I have this feeling come June 25th, as I have for the nine years prior to this one, that I will occasionally see something that none of us ever saw before in our lives. Were it not for the fact that this bill will have House committee hearings and were it not for the fact there will probably be a Conference Committee on it, I would agree to recommit as...as should be done. But based upon normal performance, if you...

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Rock, for what purpose do you arise?

SENATOR KEATS:

...commit everything after that...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock, for what purpose do you arise?

SENATOR ROCK:

Well, I...I'm attempting to answer the gentleman's question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Oh.

SENATOR ROCK:

He admits that I'm right. Now, he's looking for some...kind of cop-out. You well know that what happens after June 25th is usually discussed widely in the media, for sure, this one snuck up on us. Even the media was caught unaware. Now, June 25th, 26th, 27th, July 1, everybody knows...no, don't use that. You know I'm right in your heart.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator...Senator Keats, I'm sorry for interrupting. Senator...Senator Keats.

SENATOR KEATS:

If you would listen to you, I only have a stone, not a heart. But I would say to you, you know in your heart that if you would agree to do it...from the 25th on, I would be with you. If I am being questionable, I merely say that I am being consistent, unlike some others. But I do say the press was aware of this, they had meetings that they've been talking about a year and the House will yet see it, but I'd still gladly will step back from my hypocrisy if you will be fair with us and send those ones too.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion on the motion to recommit? Senator Jones.

SENATOR JONES:

Yes, thank you, Mr...President and members of the Senate. This bill did...was...this bill was heard in the Senate Insurance Committee...and I rise to support the motion for one basic reason. The bill was only let out of committee with the sole purpose of dealing with the obsolete language on the Medical Practice Act, only. I believe the minority spokesman, Senator Rupp, had objected to the bill going out but we were assured they would only deal with cleaning up obsolete language in the bill, and I am one and I think other committee chairman should realize this one point is that when you let a bill out for one particular purpose and that purpose only, that that...the amendment will deal only with that particular provision which the sponsor said it would deal with, but if...from what I understand, the amendment goes even further than that, and since the amendment goes much further than that and the minority spokesman and myself...and he should rise to speak to this point, this bill should be recommitted because the...the word was not kept with the Body and is such that the amendment changes the actual intent of what the bill was supposed to do. So, I rise in support of the motion to recommit the bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right, further discussion on the motion to recommit? Senator Davidson.

SENATOR DAVIDSON:

I'll yield to Senator Rupp.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator DeAngelis. All right, Senator Davidson yielded to Senator Rupp. Rupp indicated he didn't...Senator Davidson.

SENATOR DAVIDSON:

Well, the only reason I yielded to Senator Rupp was that the chairman of the committee spoke directly to the minority spokesman on that committee and I thought he wanted to answer

that before I had my say; if not, I will have my say right now, Mr. Chairman...Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rupp, what is your pleasure?

SENATOR RUPP:

It doesn't make any difference when I answer it. I think in addition to the...what he...what Senator Jones said, it was also the task force report was going to be included in our examination of it. Isn't that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Oh, now we're getting into...Senator Jones.

SENATOR JONES:

We...we agreed that the bill would go out and you objected to the bill going out and...and I...and the sponsor indicated that it just would deal with the obsolete language in...in the Medical Practice Act. So, since that was the agreement as such, then if the amendment is going to change that, then any bill in the future that would be let out of the committee can only be amended in the committee, but...but when the...when the sponsor changes that and include other language in the bill and the amendment, then the word was not kept in good faith and I...I suggest that we support the...Senator Rock's motion to recommit the...the bill because the word was not kept with you and myself as it relate to this amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR DAVIDSON:

Mr. President and members of the Senate, I rise in opposition to the motion to recommit. This is a bill that came out of...what's been the task force has been working for a long time in relation to this, particularly the task force on medical disciplinary problems. This is one of the answers,

the only answer we have to be able to get at what we sent...passed and is now law under the Medical Malpractice Insurance last year was we said we would make available those individuals to the disciplinary board that are a chronic offender under the malpractice who...who apparently are not doing their job as they should, at least to the customary and usual standards in all of the three of the professions involved in this Act, and this is the only way by taking this bill and passing it and sending it on...for it to become law...way we have to be able to get at those offenders, and that, among many other things, the bill did need to be rewritten. I've dealt with this Medical Practice Act in my entire career as a chiropractic physician which is now thirty-three years, and I...I would urge all of you to resist the motion to recommit and let's pass this bill out of here on 3rd reading so we can get on to getting at living up to what we said last year when we passed the medical malpractice, those individuals who were a problem we would be able to get at and have the disciplinary board take action against.

PRESIDING OFFICER: (SENATOR DEHUZIO)

All right, we have at least three additional speakers. Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Again, it seems to me that not everyone is being fair about what this bill does at the moment, and that, I think, is absolutely essential. You've got no right to obfuscate what's going on here. It does not just incorporate the recommendations of the Governor's Task Force on Medical Discipline, which I gather are very extensive and fairly dramatic and probably ought to have some consideration, but at least there was some knowledge that that task force was at work. Instead, someone has taken the opportunity to do what we are directed by law to do next year

and that is rewrite the entire Medical Practice Act, and it's a question of there may be some good things in it, there may be things that ought to be done that are not done, there may be some bad things in that part of the Act, but it is insane, it is absolutely insane and a perversion of the legislative process to take that major responsibility and to do it in the guise of just sort of tacking it on to an amendment that is offered for the first time on 2nd reading and is so extensive, and because it is all new, you can't even tell what is new and what is not new. That is what we are talking about. There may well be good parts of this that will be pulled out in the rewrite of the Medical Practice Act, but we've got a right to look at them and spend some time thinking about not just whether they make sense but whether there ought to be other things done when the Medical Practice Act is rewritten. This is a perversion of the legislative process and it ought not to be allowed to continue.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Yeah, as a potential pervert, an inquiry of the Chair.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Yes, sir, state your inquiry.

SENATOR DeANGELIS:

How many votes does it take to recommit a bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

The motion to recommit will take thirty votes to prevail. Senator DeAngelis. Senator DeAngelis.

SENATOR DeANGELIS:

Is that your own ruling or is that the Rules of the Senate? I'm not...

PRESIDING OFFICER: (SENATOR DEMUZIO)

That...that...that is the...those...those are the Rules of the Senate but those are the same rules that I operate

under, so...Senator DeAngelis.

SENATOR DeANGELIS:

Well, I don't profess to be a parliamentarian, but I thought it took only a majority of those voting to recommit.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator...Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you, Mr. President. One thing I think the members ought to know and that is that this bill had no hearing at all in the committee. And for those of you that didn't hear me, I want to say it again, this bill has had no hearing. What happened was that the...

PRESIDING OFFICER: (SENATOR DEMUZIO)

...wait a minute. Senator...Senator Schuneman, hold...can we have some order, please. Can we take the staff conferences off the Floor. Can we have some order. Senator Schuneman.

SENATOR SCHUNEMAN:

...what happened was that the committee chairman and the minority spokesman had some kind of an agreement as to what...which bills were going to be put out on an Agreed Bill List. That day in...in the Insurance Committee, there were over ninety bills that were disposed of and those of us on the committee weren't too thrilled, Mr. Chairman, with some of the way it was handled, you know that, and we had a big hassle about it in committee; but this bill never had a committee hearing and I think if it's being used for some purpose now that the committee chairman and the spokesman did not agree to, then really maybe some agreements aren't being kept on it, and so we ought to consider that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Hall, on the motion to reconsider.

SENATOR HALL:

Thank you, Mr. President. Would the sponsor yield for a question? What's...what's the hurry, Senator Topinka? Here we are at the...well, I'll just...go ahead, I know how I'm going to vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? All right, Senator Rock...Senator Topinka, do you wish to speak on...on the motion?

SENATOR TOPINKA:

Only insofar as...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President, only insofar that it was our understanding in the Insurance Committee where we did indeed have ninety bills that day, allegedly all of them having a hearing...and I can remember Senator...Senator Schuneman and Senator Rupp both objecting rather vehemently that all those tort reform bills that were in there were not getting an adequate hearing. This bill here is probably getting a better hearing on the Floor than we are getting even in that committee. I would like to note too that the physical therapy people who did...a similar rewrite to this...are attempting to merely change the sunset date. So, we're playing pretty fast and loose with sunsets. This is pretty well...well and...and out there and publicized and I'm...as I say, I'm more than willing to answer questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, on the motion to recommit, Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. What I'm imagining is that...is if we had a situation right now where there was a proposal to do some disservice or some harm or some restriction to the medical people and that particular proposal had

not had a full hearing, even before the committee and on the floor, I don't think that I could do that to the medical society or anybody else; and so, for that matter, I am going to support this resolution because if I can't do it to it...to them, I...I have difficulty doing it for them and so I will vote for the motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Rock may close on the motion to recommit.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I think it's all been said. The fact of the matter is, this is a very, very heavyweight amendment. Nobody's had a chance to look at it and that's all we're asking. I urge an Aye vote on the motion to recommit.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Rock has moved to recommit Senate Bill 2202. Those in favor of the motion will vote Aye. Those opposed will vote Nay. The...the voting is open. The motion will require thirty affirmative votes. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On the motion...the motion to recommit fails. Senate Bill 2202, Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate, and thank you, very much, for allowing me to go forward with this and...and I do this because I think you have a very, very fine bill here, not because of my involvement but because of the involvement of many good people who have tried to address probably one of the single, biggest concerns that have been brought out of all the discussions that we've had for the past few years on medical malpractice. It is...it's a serious problem and according to the Department of Regis-

tration and Education is much more serious than, you know, we have thought; and because of the people who have come together to have put together this rewrite, which I stress again, has not been touched since 1923...there are things as old...just buggy whips in here and...that...that have just been cleaned out and added to this, have been forty-five provisions on medical discipline that are the hardest hitting I have ever seen in terms of what it does to bad docs to get them off the street, right on down to such things as subpoena powers right into the doctor's office, which I think is just something incredibly critical; communications networks between other departments so that when something goes wrong in one place, we can get it all together and go after the bad doc right away instead of going through the bureaucratic jumble that now exists. Because the bill is...is so old and has not been rewritten in such a long time and as people amend things onto it, it gets to be jagged, it gets to be a crazy quilt. This streamlines it and makes it work. There is also a provision in here that involves hospitals; before a bad doc could now get on to a hospital staff a hospital staff would...or a hospital would have to check to make sure that...that this person...that this doctor was...was not in some kind of arrears in...in being a bad doc...in...in being involved in malpractice or some other difficulty. It goes after things like the baby doc medical schools and their graduates. These have been given play over the airwaves and in the media because these...these are little one-horse operations putting out medical graduates that wouldn't know the difference between a...a liver and a nose, and they're out there, goes after them. It does have the provision that says that hospitals or employers would have to at least listen to their doctors in terms of fees and that works on two fronts. It works on the front now that we can't get at, of overcharges by doctors and there are those out there that are

doing that and, likewise, to put out doctors' concerns in terms of what their salary would be, especially now that more and more doctors are salaried employees. There is nothing binding about that discussion; if the employer wishes to walk away from it, it is over. There is nothing mandatory about it. It is not collective bargaining, and I stress again, it does not adversely affect the preferred provider organization which I advocate and would continue to do so. If there are any questions, I'd be happy to answer them.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, discussion? Senator Collins.

SENATOR COLLINS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates she will yield. Senator Collins.

SENATOR COLLINS:

Senator, I would just like to know, given the fact that you said that...that this Act has not been rewritten in the last thirty or forty years, I think you said...seventy...seventy years, I would like to know...and...and we have not had the time and the public hearings on it from you to go over each deletion and each change that you've made in the rewrite of the Medical Practice Act, chapter and section.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...Senator Topinka.

SENATOR TOPINKA:

All right, if I may...and I will try and do this as quickly as possible because it does get very, very involved. Do you want the page and line item as well? Page 3, line 13, "Now substantive change regard...pardon me...I'm sorry, oh, that...typographical error, sorry about that. Page 3, line 13, "No substantive change regarding confidentially...confidentiality of peer review records."

Page 5, line 12, "Gives Medical Examiners Committee authority to immediately...suspend conditional licenses when conditions have been violated." Page 6, line 20, "Cleans up medical education language to reflect current Department of Registration and Education practice and increases residency training requirements for graduates of other than U. S. or Canadian medical schools from one to three years." This is consistent with several other states. Page 6, line 34, "Requires that medical degrees conferred be recognized for licensure in the...jurisdiction in which it was attained." Page 7, line 23, "Requires as a condition for licensure that clinical clerkships be performed in compliance with the Hospital Licensing Act." Page 7, line 31, "Clarifies who qualifies for license to practice without drugs or operative surgery." It does not make a substantive change but reflects the ongoing interpretation of the Act. Page 12, line 3, "Gives Medical Examining Committee the authority to immediately suspend conditional temporary certificates for residency programs." Page 17, line...27, "Provides that all fees collected under the Act go into the Medical Fund as licensing fees and fines." The following changes are recommended by the Governor's Task Force on...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Just a minute, Senator. For what purpose Senator Sangmeister seek recognition?

SENATOR SANGMEISTER:

Let's move the previous question.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion by Senator Sangmeister. All those in favor indicate by saying Aye. Those opposed. The Ayes have it. There is one...two speakers that were on before...question was moved, that was Senator Davidson, Collins and Rock. Senator Collins.

SENATOR COLLINS:

I don't...I don't want to just know what you did, I want to know the difference between what was and what is now proposed, because, see, in this amendment there's no underlined...I don't know what's old language, what's new language, what's...I don't even know how to...to follow this to...to determine what you've done, and when you flip through talking about page 1, line this and that, nothing is underlined in here. I want to know a comparative analysis of the...of the new rewrite of the Medical Practice Act to the old Act.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Topinka.

SENATOR TOPINKA:

...yes, Senator Collins, what I'm reading are the changes. Anything I am not reading is the same.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Tell me what it was before you changed it also.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Topinka.

SENATOR TOPINKA:

If I have to read...I'll have to read the whole bill to you, if that would be the case and then tell you exactly where it stops and starts...I think this...this will probably do what you're trying to get at, ma'am.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

No, it will not get at unless you can tell us because we...there...there have been no hearings, there's no underlined language to determine what's old and what was stricken and what's new. In this amendment...and unless you tell us what it was, then tell us what it is, then we don't

know what it does.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Topinka.

SENATOR TOPINKA:

I can give you some cross-referencing...I...I don't know if it's going to make much sense, but I will tell you...I can start it and if you want to go that route, but, again, I would suggest that what I'm reading would be a far more definitive way in...in saying what it does because that which is not here remains exactly the same.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Okay, you don't have to do it. The lady answered my question and also she gave the reason why we should not vote on this bill today because she doesn't know nor will we.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, as it is by Statute and Constitution, and if you're going to have a...possible conflict on a bill that's being passed that's going to affect you, you have to declare your conflict, and since this does change and remodel and rewrites the Act which governs the practice of which I'm licensed to practice under, I do declare I have a conflict. I am...want to say that I'm going to vote Yes on this bill. I would urge all of those of you to vote on this bill with a Yes. This is a very important thing that we have been working on. It gives a tool for the disciplinary boards to be able to get at the individuals who have been creating the bad image and not giving good care to the public so we can remove them from practice by...revocation of their license. Secondly, it indemnifies the members of the committees who have to sit in judgment of

their own professional people and as it should be and...they are the ones who know whether the person is doing good or bad care. This is a good bill and I urge all of you to vote for it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. The...I think that the opposition to this bill stems from the statements by the opponents that somehow there is the possibility of price fixing or an antitrust exemption in the bill. Now the sponsor says that's not the case. I have a real concern about it and I would like to direct a question to her after reciting what...what I understand to be the problem. Your local gas station guys can't get together and fix prices. They can't even get together and talk about prices. Every segment of our business community is subject to antitrust attack if they get together with their opponents or other providers of that service and talk about prices, but apparently there's a glitch or an opening in the Federal law that allows some exemptions, and those exemptions can occur when there is a special state law passed for the public good or some public purpose and that public purpose, as I understand it in this case, was the PPO and the HMO and all these other methods that we have...have legalized here to try to get at...at the rapidly escalating cost of medical care. Now the sponsor says that this is not an exemption to the antitrust, but I would refer to page 60 of the bill...of the amendment, line 8 and I'd like to ask a question about that.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Topinka.

SENATOR SCHUNEMAN:

Okay? That is Section 2.5 and it says, "Representatives of providers may get together and discuss various things

including but not limited to rates of payment for the provision of medical services." Now why...if...if you don't want to talk about rate schedules, why is that in there?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Topinka.

SENATOR TOPINKA:

I didn't say in my discussion that there would not necessarily be a discussion of rates, but the provider at no time had...is obligated at all to either listen, accept or...or get involved with this at all. It is just there as an option and...and certainly if they choose to do so, it is not a binding thing unless they chose to do so. The provider has full control just as they do now. What we are trying to encourage is some exchange of discussion and that is what this option does.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you, Mr. President. I...I think that answers my question. The bill allows doctors to get together and talk about prices. Now, you know, insurance agents can't do that; gas station owners can't do that, hardware store operators can't do...that, they're subject to prosecution under Federal antitrust laws and...and the question is whether or not at this late stage in the Session we ought to allow doctors to have that privilege, and on...it's on that basis that I'm going to vote against the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Topinka.

SENATOR TOPINKA:

In any type of a discussion such as that, we also get into either prices or rates or fees because it is the way to get at the problem of overcharging which right now we cannot get at. An overcharging, although I suppose you cannot call

it malpractice per se, is something that generates public complaint and this gives the State if...you know, or the provider the opportunity to get into that aspect of the discussion. Furthermore, it gives the doctors the ability to discuss more than price, it gives them the opportunity to discuss any aspect of the...of a contract...

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Schuneman, for what purpose do you arise?

SENATOR SCHUNEMAN:

Well, Mr. President, I...I didn't ask a question. She answered the question I asked. Is she...is the sponsor closing now?

PRESIDING OFFICER: (SENATOR DEMUZIO)

She indicates she is not. Senator...Senator Schuneman. All right, further discussion? Senator Rock.

SENATOR ROCK:

Well, thank you, Mr. President and Ladies and Gentlemen of the Senate. I just hope and truly I hope...I'm surprised, frankly, that Senator...Topinka wishes to proceed, but I just hope the roll call is essentially the same. This should not receive a majority affirmative vote from this Senate, not because it's bad, there are some provisions that are terrible, and this Senate, last year, gave five affirmative votes to a very substantive part of this proposal, five, and to be ramroded through here is just simply a mistake. I would hope that those who are reasonable and rational will vote No or not vote and let this go back to committee where it belongs.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Topinka may close. Oh, wait a minute, Senator Darrow. Senator Darrow.

SENATOR DARROW:

It's my understanding that the motion is Do Pass. I

would make a substitute motion that this bill be exempted from the rules and that hearings be conducted and in three weeks from now we hear this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Darrow has moved...to suspend the rules to allow Senate Bill 2202 to be exempted from the...from the rules for a period of...three weeks, is that...was that right, Senator...Senator Darrow? Any specific day? Senator Topinka, for what purpose do you arise?

SENATOR TOPINKA:

I move to Table that motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator...Senator Darrow has moved to suspend the rules to allow Senate Bill 2202 to...the...the deadline to be extended by three weeks. Senator Topinka has moved to Table. The move to Table is nondebatable. Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President, how many votes will this take to pass?

PRESIDING OFFICER: (SENATOR DEMUZIO)

In...in order to Table, it requires a majority of those voting on the question. All right, on the motion of Senator Darrow to...all right...the motion is to Table Senator Darrow's motion to extend the deadline for Senate Bill 2202, so those in favor of Senator Topinka's motion to Table Senator Darrow's motion will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the...the Ayes are 19, the Nays are 30. The motion fails. Senator Darrow, on your motion to extend the deadline. Senator Darrow.

SENATOR DARROW:

The arguments have been that there has not been time...sufficient time for adequate hearings or debate on

this matter...and there's some validity to that. However, we don't want to put this bill in committee and tube it forever and ever; therefore, I suggested that we extend the deadline for three weeks and, hopefully, committee hearings can be held or some more input put into this position and that was the basis of my amendment...or my motion, and I would again ask that the appropriate rule be waived for the extension of the deadline as it pertains to Senate Bill 2202.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, you've heard the motion as posed by Senator Darrow to extend the deadline. Discussion? If not, the question is,...Senator Davidson.

SENATOR DAVIDSON:

...Mr. President, I speak opposition to that motion. This is a replay of what we just went through a while ago and it just a different form, 'cause three weeks for this bill to get out of here if this would prevail is not going to allow any time for this bill to be heard or...be subject to the deadline over in the House and, consequently, this...this motion is the same motion that Senator Rock made in...in different form to tie this bill up, and I would urge everybody to vote against this motion.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well,...would point out that the motion is not debatable in...in...Senator Topinka. All right, the motion of Senator Darrow is to...to suspend the rules to allow Senate Bill...dealing with the deadlines, Senate Bill...2202 to be heard...brought back before the Senate in...in a three-week period. So, on the motion to suspend the rules to afford the extension of the deadline on Senate Bill 2202, those in favor will...will vote Aye. Those opposed will vote Nay. The voting is open. It will take...thirty affirmative votes. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that motion, the Ayes

are 31, the Nays are 23, none voting Present. The rules are suspended. Senator Topinka.

SENATOR TOPINKA:

Can I have a verification of that vote, please?

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Topinka has asked for a verification. Senator Topinka, of the affirmative roll? Senator Topinka, of the...Senator Topinka, are you wishing to verify the affirmative roll?

SENATOR TOPINKA:

The...the affirmative roll...or the...yeah, the affirmative votes, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. All members will be in their seats. Senate Topinka has asked for a verification and the...the Secretary will read the affirmative votes.

ACTING SECRETARY: (MR. FERNANDES)

The following voted in the affirmative: Berman, Carroll, Collins, D'Arco, Darrow, Degnan, Demuzio, Etheredge, Hall, Holmberg, Jones, Jeremiah Joyce, Jerome Joyce, Lechowicz, Leitch, Lemke, Luft, Maitland, Marovitz, Nedza, Netsch, Newhouse, O'Daniel, Rupp, Sangmeister, Savickas, Schuneman, Smith, Vadalabene, Welch, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka, do you question the presence of any member on the...voted in the affirmative?

SENATOR TOPINKA:

Is Senator Jeremiah Joyce here?

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR TOPINKA:

Senator D'Arco.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco on the Floor? He is on the Floor.

SENATOR TOPINKA:

Senator Marovitz, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz on the Floor? Senator Marovitz is in...just arrived on the Floor. Senator, do you question the presence of anyone else?

SENATOR TOPINKA:

Senator Savickas.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas is standing right here in front of you, waving to you. All right, Senator...

SENATOR TOPINKA:

That'll be all. Thank you, sir.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. All right, on that...on that question, the Ayes are 30, the Nays are 23, none voting Present. The motion of...of Senator Darrow's is...is approved. On the Order of Senate Bills 3rd Reading, page 7, is Senate Bill 2204, Senator Dudycz. All right, on the Order of Senate Bills 3rd Reading is Senate Bill 2204, Mr. Secretary.

SECRETARY:

Senate Bill 2204.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCYZ:

Thank you, Mr. President. While we are in this fine spirit of cooperation, we'll proceed with 2204 which is an administration bill that was requested by the Department of Registration and Education. As you know, the Private Detective Act was rewritten in 1983 and this bill is an attempt to solve some of the administrative problems that have arisen

since then. Now the bill as amended does the following. It deletes service of process as an exclusive function of the detectives and security contractors. It deletes the statutory requirement for general comprehensive liability insurance. It allows for a continuation of agency operation after loss of licensee in charge. It specifies the process for hiring and registering employees who have not previously obtained a permanent employee registration card from the department. It deletes the requirement that an employer must be notified when all employee fingerprints checks show a record. It deletes the requirement that the department routinely issue temporary registration cards to employees who have not been...fingerprinted. It raises license fees and adds other administrative fees which have been agreed to by the industry. It revises current requirements for basic twenty-hour training and specifies that such training shall be certified by the employer, and it provides for automatic revocation of a license among...upon proof of conviction of a felony. I'll be more than happy to answer questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Marovitz.

SENATOR MAROVITZ:

Thank you...thank you, Mr. President and members of the Senate. You are deleting a requirement that the department notify the employer if an employee's fingerprints don't clear the fingerprint check. So if that fingerprint check comes back and shows a criminal record, you are deleting the requirement that the employer be notified. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCZ:

Senator Marovitz, the bill deletes the requirement that the department notifies the employer if an employee's fingerprints don't clear the fingerprint check. The depart-

ment notifies the employee if his...if his fingerprints don't clear since the department has no way of knowing who the employer is when the employee applies to the department for the card and they do not have to identify the employer in order to get...a card from the department.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Well, your amendment, Amendment No. 2, allows...an agency to employ a person without a registration card...without a registration card under certain circumstances; if the application for card is submitted, if the agency exercises due diligence and if the agency maintains a separate roster of pending applications. Well, under that circumstances...under that set of circumstances where a person can be employed without a registration card, how can you then delete the requirement that under that set of circumstances that employer is not notified that there's been a...a...that there's been a criminal background check and that the results have shown that there is a...that there is a...a problem with the...individual's criminal background?

PRESIDING OFFICER: (SENATOR DEHUZIO)

All right, can we have some order, please. If we can have some order, we can just move with dispatch here. Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. This is for a period of only ninety days and when the employee fills out the application, the employer's name or address is not on there, so the department does not have any way of identifying who the employer is or will be.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

During that ninety-day period, if the check has been made and if they find that there's a criminal background, that employer should be notified under that set of circumstances. Why would you delete that if there's been a check, if they find there's a criminal background and they know about it, why shouldn't they have to notify them during this ninety-day period?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Dudycz.

SENATOR DUDYCZ:

The...my handler...tells me that since they do not know who the employer is, they have no way of notifying them.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Marovitz.

SENATOR MAROVITZ:

...I...with all due respect, that answer is not accurate because in the set of examples that I gave you, they do know who the employer is. Under that example that I gave you where you...the agency is allowed to employ a person without a registration card if an application for card is submitted, the agency exercised due diligence and they maintain a separate roster of pending applications, they know who the employer is. So, what you're saying is, we know who the employer is, we know that the person has a criminal background, but we're not going to notify the employer that he has a criminal background. That doesn't make any sense.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Dudycz.

SENATOR DUDYCZ:

No, Senator Marovitz, what I'm saying is that the employee knows who his employer is, the department records do not show on the application who the employee...who the employer is.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Marovitz.

SENATOR MAROVITZ:

...under the set of circumstances that I gave you, the...the department does know who the employer is, under that set of circumstances. The second part of the bill, which I think everybody in the Chamber ought to listen to, this is...you know, a couple of years ago...a couple of years ago we passed a bill having to do with machine guns and the press picked it up and we were all very embarrassed about what we passed. There's a very important provision in this bill which deals with the safety and security of the people who elect us here that's being taken out of this, and that is the requirement that there be...liability insurance for those people covered under this Act. Right now, today, there is a requirement for liability insurance for people under this Act, those people who care guns. Those people who carry guns have to have liability insurance today. You are taking that requirement out of this bill, and I think that impacts greatly on the health, welfare and safety of the people that elect us here; and I want to tell you something, I think this is going to come back to haunt us, those who vote Yes on this bill...this could be one of those bills that was like the machine gun bill and if you really want to protect the...the safety of people, you ought to maintain the fact that they have to carry liability insurance. They have it today, why would you take that requirement which guarantees the safety of people away from those people?

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I think one thing the Body ought to be aware of here is that this is a rewrite, and like many rewrites, never perfect. The issue has to really be are we better off doing nothing than taking something albeit a

bit imperfect and move it forward. Senator Marovitz, you talked about the machine gun potential of this bill. There is some machine gun potential without any. Let me give you one example. Under current law, if an employer has an emergency, an act of God or an earthquake, requiring security services, he is going to have a tough time getting people if we don't change what exists in law today; and if you want to talk about a potential machine gun situation, God forbid that something like that happens and we find out that the person couldn't do anything because the good old State of Illinois said you can't. I think we ought to move this bill along and try to work out some of the differences, but I don't think we ought to turn around and destroy something completely because we don't like one paragraph or two paragraphs. I don't know of...of too many situations here in Springfield where I have voted for a bill that I was totally and completely happy about, but if I felt it did something a little bit better than what currently existed, I would vote for it and I would ask the Body to do the same thing on this one.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, further discussion? Senator Marovitz, for a second time.

SENATOR MAROVITZ:

Well, I...I hate to...to rise again a second time, but on...for...on two points. Number one, on page 3 of your amendment...page 3, line 8, you talk about the maintenance of a separate roster of the names of all such employees whose applications are currently pending with the department and submits such roster to the department on a monthly basis. So there you have the department knows who the employees are. They know who the employees are. It's right in your own amendment and still you're saying, we know who the employees are, we know they have a criminal background but we're not going to let that employing agency know that these people

have a criminal background, that's number one. Number two, Senator DeAngelis addressed a problem that, well, not every bill is perfect. You're talking about allowing people to have guns and no liability insurance, a requirement that they have today. Now, this was brought to the attention of the sponsor one week ago. Subsequent to that, another amendment was drafted. All they had to do was correct that problem by the subsequent amendment that they put in and that we adopted and then we'd have maybe not a perfect bill but a bill that doesn't...that alleviates that problem which impacts on public safety. Today, in emergency situations, the people are able to handle it, they have liability insurance and there has been no danger to the public exhibited by any of these examples. This bill is not only not a perfect bill, I think it's a bill that creates...creates havoc and is dangerous to the public welfare and safety, and it could have been corrected by an amendment over the last week. It wasn't corrected. That...leads me to believe that the sponsors of the bill and the department don't want to correct this problem at all, and to let this bill out of here knowing that we're not going to correct this problem and we're going to let people have these guns and not have liability insurance, let me tell you something, that's a dangerous situation and not one that the voters throughout this State are going to appreciate.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Well, just the fact that my name was mentioned in debate. You know, yesterday we passed a bill that you could put a kid's eye out and there's no liability let alone liability insurance. Now, in this bill it doesn't say you don't have liability, it says you don't have liability insurance, and I really resent someone with a cavalier attitude of...saying it's okay to put a nine-year-old kid's eye out and nobody has

any liability and don't carry any insurance...yes, Senator Marovitz, you voted for the bill, 55 to nothing that passed, and today we're concerned because they don't have insurance. I'm going to tell you, there's still liability even if there isn't insurance.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, ladies and gentlemen, at...at this rate, we have two full pages to go. We will be here till midnight. Senator Dudycz may close.

SENATOR DUDYCYZ:

Thank you, Mr. President. Senator Marovitz, Senator...DeAngelis was correct when he said that what we're trying to do...I'm going to rephrase it, but what we're trying to do is trying to unscrew what you guys screwed up three years ago. The department regulates thirty-six professionals with thirty Acts. To answer your question on the insurance, every profession has its tools and its equipment. Where the private detective has his gun, the doctor has his scalpel and the barber, he has his shears and the pharmacist has his drugs and so on. An argument can be made that the misuse or abuse of his gun can result in death. The same argument can be made for a doctor's mistakes in the operating room or a barber's scissors or his razor, they also may result in death. Even the architect or the engineer, if he misuses or abuses the tools of his trade, a faulty design, that may result in death. Remember the Rosemont Horizon tragedy a few years ago. Of the thirty-six professions regulated, only the embalmer is unable to kill his client. But unlike the private detectives, the others do not have the Department of Registration and Education imposing insurance requirements on them; and yet, who can say that all similar businesses they all need the same insurance irregardless of their size or the number of their employees? Should the private detective obtain the same insurance that an alarm

company has? I think not. Senator Marovitz, maybe we should make insurance monitoring a requirement of the Department of Registration and Education, but if we do, then let's do it across the board for all of them; but until we do, I suggest we bring the private security profession in line with all the rest under regulation of the Department of Registration and Education, and I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 2204 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open...Kenny...Mr. Secretary. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 30, the Nays are 22, 3 voting Present. Senate Bill 2204 having received the required constitutional majority is declared passed. Senator Marovitz, for what purpose do you arise?

SENATOR MAROVITZ:

Request a verification.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right, Senator Marovitz has requested a verification of the affirmative roll call. Mr. Secretary, would you read those who voted in the affirmative. The members will be in your seats.

SECRETARY:

The following voted in the affirmative: Barkhausen, Davidson, DeAngelis, Donahue, Dudycz, Dunn, Etheredge, Fawell, Friedland, Geo-Karis, Hudson, Jeremiah Joyce, Karpiel, Keats, Kustra, Leitch, Macdonald, Mahar, Maitland, Nedza, Philip, Rigney, Rupp, Schaffer, Schuneman, Sommer, Topinka, Watson, Weaver, Woodyard.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR MAROVITZ:

Senator Weaver.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver on the Floor? Senator Weaver is at the back of the Democratic Chamber.

SENATOR HAROVITZ:

Senator...Senator Dunn.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dunn is in his seat.

SENATOR HAROVITZ:

Senator Jeremiah Joyce.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jeremiah Joyce on the Floor? Senator Jeremiah Joyce on the Floor? Strike his name. Senator Marovitz, is that...all right. On that...on that roll call, there...on the verified roll call, there are 29 Ayes, 22 Nays, 3 voting Present. Senate Bill 2204 having failed to receive the required constitutional majority is declared lost. Senate Bill 2207, Senator Macdonald. On the Order of Senate Bills 3rd Reading is Senate Bill 2207, Mr. Secretary.

SECRETARY:

Senate Bill 2207.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President and members of the Senate. Senate Bill 2207 would amend the Environmental Protection Act to authorize the expedited pass-through of Federal regulations related to the industrial waste water pretreatment program. If Illinois does not get the approval for the pretreatment program, the Federal agency is authorized to withhold Federal grants and other elements of the State's water pollution program. It could also withdraw from Illi-

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nois authority to operate the national pollution discharge elimination system. We've...we put an amendment on the...this bill to satisfy the Municipal League and a further one to satisfy the Pollution Control Board, went out of committee...with a unanimous vote and I would ask for your approval of Senate Bill 2207.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Discussion? If not, the question is, shall Senate Bill 2207 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. Senate Bill 2207 having received the required constitutional majority is declared passed. 2210. On the Order of Senate Bills 3rd Reading is Senate Bill 2210, Mr. Secretary.

SECRETARY:

Senate Bill 2210.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. I would like the Chamber to recognize my advisor is with me, the Minority Leader of the House of Representatives. He's always welcome in this Chamber.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

As the House Minority Leader. Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 2210 is the sixteen-wheeler. It's a vehicle for the unemployment insurance agreement which I understand yesterday, from the Office of the Governor and

from the head of the AFL-CIO, was, in fact, effectuated. The language is being drafted. Currently, Senator Collins and Senator Keats and all concerned will receive copies of the language. In the meantime, we have to move the vehicle over to the House and I would ask a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 2210 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, 1 voting Present. Senate Bill 2210 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 2211, Mr. Secretary.

SECRETARY:

Senate Bill 2211.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. This bill amends the Act to change the time limit for Pollution Control Board action on nonfederal variances and permit appeals from ninety to a hundred and twenty days consistent with various Federal programs. Reason for seeking consistency in the time limits for variances and permit concern in the meeting of ninety-day deadline in itself and the administration problem caused by the inconsistencies between ninety and a hundred...twenty-day deadlines for State and Federal programs. This was also an agreed bill on the list and I ask for your approval.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

2211 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are...54, the Nays are none, none voting Present. Senate Bill 2211 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 2231, Mr. Secretary.

END OF REEL

REEL #4

SECRETARY:

(Machine cutoff)...2231.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. 2231 and the next two bills have been the basis for ongoing discussions with a number of State agencies and...and the Federal Government regarding the problem of lake shore erosion on the north side of Chicago up through Evanston and the north shore. These bills will probably not be in this shape when they emerge from the House, but they are the basis upon which ongoing discussions are being used for cooperation between the city, the State, and the Federal Government regarding our serious problem of lake shore erosion. I have discussed this with the minority spokesman on the Environment Committee as well as the Chair, and we would ask that these bills be voted out...from this Body to continue our discussions...addressing this problem.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. I'd just like to...to make one question of the sponsor, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicate...indicates he will yield. Senator Donahue.

SENATOR DONAHUE:

As you just stated that these three bills will probably not be back in this same shape, can we have some assurance

from you that if we do not work out a solution that these won't be passed out of the House as they are?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

They will...they will either not emerge from the House or they will have some amendments. You will see them before they would leave.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Keats.

SENATOR KEATS:

A question of the sponsor. My district has the largest amount of privately owned shore land. As you're aware, most people in my area and the other areas around us, kiddingly, would just as soon not have any assistance. May we rest with assurance on your good faith that if you wish to deal with the problem there in Chicago or...whatever, that you'd not be fooling with north of that city limit, please?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

No. You and I have discussed this and I recognize the concerns of your constituents which are substantially different than my constituents' problems and we will not be impeding upon your people's prerogatives.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield to a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield.

SENATOR GEO-KARIS:

Is this...is this similar to the coastal zone management bill that we defeated in the past which affects the shore

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line not only of Chicago but goes all the way to the shore line at the...northern line of the State? I mean, this gives the Department of Transportation what authority? I don't have a copy of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Senator, this is not the coastal zone management bill. What we have been...what we have been discussing is essentially how we can...involve the State in the problem that exists essentially from Bryn Mawr Avenue on the north up through the Evanston, Chicago, boundary regarding the unique problems of that erosion. It is not a...a vehicle in any means to reinstate the lake shore problems that the coastal zone management legislation had.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Then I have your assurance that it is nothing like the control factors where the State would...overlap every municipality that was on the shore line, is that right?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

You're correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 2231 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are none, 1 voting Present. Senate Bill 2231 having received the required constitutional majority is declared passed. Senate bills 3rd reading is Senate Bill 2232, Mr. Secretary.

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3rd Reading

SECRETARY:

Senate Bill 2232.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

WAND-TV has requested permission to videotape. Is permission granted? Leave is granted. Senator Berman.

SENATOR BERMAN:

This is part of the same package and same explanation of the...as the previous bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 2232 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 50, the Nays are none, 1 voting Present. Senate Bill 2232 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 2233, Mr. Secretary.

SECRETARY:

Senate Bill 2233.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Same explanation, it's the third bill of a three-bill package.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 2233 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 50...51, the Nays are none, 1

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voting Present. Senate Bill 2233 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 2255, Mr. Secretary.

SECRETARY:

Senate Bill 2255.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Poshard.

SENATOR POSHARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill is an attempt to help the rural areas of Illinois in addressing some very pressing problems which affect the economy of those areas. The main thrust of the bill is to give a new focus and direction for rural economic development in a period of change and transition. Mr. President, it's estimated that nearly one-third of Illinois farmers have not and will not continue to survive in agriculture. Many agriculture related businesses have closed or had their work place reduced permanently throughout the State, indeed, throughout the entire midwest. Rural manufacturing firms which once dotted the rural landscape ten years ago are gone or are leaving. For example, garment, textile and shoe manufacturing once provided employment for thousands in small rural communities, many of those are now gone. We have established a debt restructuring loan program, and rightly so, because many farmers needed it just to stay in business, but we have to face reality. Even with these loans many farmers will not survive. This bill provides a different focus, a different direction for the farm community. It promotes an entrepreneurial farm economy by emphasizing crop diversification and vertical integration loans, supporting industries which would process agricultural products grown in

Illinois, turning them into value added commodities. It would focus on the need to address serious infrastructure problems in rural communities which make it impossible for these communities to pursue industries which may locate there and makes it extremely difficult for the transportation of agricultural products to market. It would promote coal and other natural resource exploration and marketing, it would encourage energy conservation and the development of alternative energy systems projects. It would help retrain through the University of Illinois extension service displaced farmers and other agriculture related workers for different job possibilities and job opportunities. It would promote the concept of regional jail facilities and provide incentives to those counties who would build such a facility saving local taxpayers millions of dollars. It addresses the need for a new emphasis upon agriculture education in our schools, recognizing new needs for educating our youth in a transitional agriculture economy. It leaves the sales tax portion of the Motor Fuel Tax in the county where it is generated to be spent at the discretion of local authorities in upgrading a severely deteriorating county and township road system. Mr. President, this is a comprehensive bill addressing many problems of the rural economy, but more important than any particular provision of the bill, it represents a decided change and addition to our approach, broadening our scope of assistance to include more than just a loan program and promoting a diversified entrepreneurial farm economy. I think it's a good bill, and I...I would ask for a positive response to the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Joyce.

SENATOR JEROME JOYCE:

Yes, thank you, Mr. President. I rise in strong support of this. I think that in the time that we're in right now

and the changing of rural America, this is something that very definitely needs to be addressed. We have...we're all aware of the plight of the farmer, but we are also seeing that same plight come down upon anyone in rural Illinois as well as the rest of the country, and this will make Illinois a...a leader...in the midwest, and it's something that very definitely needs to be done, and I would urge everyone's support.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I, too, rise in support of this legislation. There are a couple of things that...I do question in regard to some of the weatherization and...the alternative energy sources, but for the most part, I do support this legislation and hope it passes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Newhouse.

SENATOR NEWHOUSE:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

State your point.

SENATOR NEWHOUSE:

I'd like to recognize the class from the Beasley School in my district, they're up in the gallery directly behind me. I wonder if we'd ask them to rise and be recognized.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Would they rise and be recognized. Is there further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Very briefly, and Mr. President, Ladies and Gentlemen of...the Senate, there's no doubt that the need is there in

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downstate counties. I thoroughly support the passage of this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? If not, Senator Poshard may close.

SENATOR POSHARD:

Well, thank you, Mr. President. I would just ask for a positive roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 2255 pass. Those in favor will vote...oh, wait, before we...just for the record, this bill would increase the general obligation bond authorization for the purpose of rural economic development and, thus, pursuant to Article IX, Section 9B of the Illinois' Constitution will require thirty-six affirmative votes for passage. The question is, shall Senate Bill 2255 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are 1, none voting Present. Senate Bill 2255 having received the constitutional majority is declared passed. Senate Bill 2263, Senator Luft. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 2263.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. I think this bill has probably...probably been debated more than any bill this Session. What I will do is simply tell you what subject matter is incorporated in the bill; if there's any questions, I will try to operate...I'll tell you what's not in here, it's quicker. We abolish joint and several liability, we adopt a

modified comparative fault system, we put limitations on punitive damages, in Illinois Product Liability Act, we address contingent fees for attorneys; we adopted an amendment on frivolous suits, we adopted an amendment on contribution of worker's compensation, collateral source, we froze the premiums at 1984 levels on insurance and that's what we did. If there's any questions, I will try to answer; if not, I would ask to proceed with a roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

There discussion? Senator Darrow.

SENATOR DARROW:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Two days ago I stood on this Senate Floor and voted for an amendment to this legislation. I've since considered that vote, I have talked to my constituents and I regret having voted the way I did, and that amendment was a severability amendment offered by Senator Schuneman. I wish that I would have voted to adopt that severability provision, because part of this bill may be unconstitutional. Other votes I cast that day I have no regret over. I will tell you this, that today I am going to vote against this bill, Senate Bill 2263, and it's not the old political trick, vote one way on the amendments and another way on the bill. Reason for that is, that the votes I cast with regard to joint and several liability, the vote I cast with regard to punitive damages, I plan to continue to vote the same way. But other provisions such as comparative negligence, products liability, collateral source, those provisions I feel are too damaging to the defendant, they take away too much, they are unfair. And based on that, I feel that this legislation should not be passed. This was a good piece of legislation, it accomplished its purpose. Roll calls were taken, we had to account where we were so that the negotiators could go back to the negotiating table, this has been accomplished.

But I feel if we pass this bill, it will only cause more havoc, it may cause...some of our constituents not to be able to obtain insurance,...it will definitely harm some of our constituents. I, therefore, will be voting No, and I would solicit other negative votes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Well, I rise in support of this legislation. We all know that the insurance crisis is real; it's real for our businesses and it's real for our units of government. It's affecting each and every one of our constituents either directly or indirectly. We can't place the blame on any one entity, but the fact is that there is a serious problem with our legal system or tort system, if you will. I have some statistics that I'd like to relate to you in regard to railroads which I think tell a pretty clear story. The railroads are self-insured, and these statistics are from the years 1979 to 1984. Accidents per track mile are down ten percent, accidents involving employees are down thirty-one percent, car loading accident claims are down fifteen percent, and grade crossing accidents are down forty-five percent. Despite the fact that the accidents are down, claims paid for personal injuries in crossing accidents are up eighty-three percent during that same period. The claims are substantially higher because of the tort system or legal system that has in recent years encouraged the frivolous suits, these have produced these high damage awards. This legislation is not an assault on the legal system, it's an assault on the abuses of the system. I have strong support for this legislation, I would move for its passage.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. As Senator Luft said, we had long, long debate on this, some four or five hours the other day, and I'm sure every member knows what's in here. As to the severability clause, I simply want to put into the record, Mr. President, as I did the other day, that there is a general severability clause in Illinois Statute now, and so we did not persist in trying to get that...that amendment adopted to the bill because we feel that we can rely on that general clause. I would hope that the members who supported these individual issues at the amendment stage would not now take the position that they've done their job, because I think as far as we are concerned, we haven't done anything unless we pass a bill. To show your support for an issue by writing a letter to somebody or by voting for an amendment and then voting against the bill doesn't really accomplish very much. So, I would urge the members to support this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Well, Mr. President, I...I've spoken with several members over here and there's at least one, Senator Luft informs me there's not everything in this bill that he likes and there certainly isn't everything in this bill that I like, but I think just to keep the process going that I'm going to support this because I imagine that we'll have a different bill by the time it comes back on June the 30th.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

Many things in this bill are very unconscionable towards the injured party, and if this bill was going to be the final thing, I'd probably vote No. But...but since the House has

refused to act and there's no bill before us or will be before us in June, this is the only ball game to try to do something to reform insurance in this State. I think that we are being dubbed and I think business and labor is being dubbed against each other again by the insurance industry who are going to collect the large profits. I am going to vote for this bill only on the condition since the House has refused to do anything, we will probably have this back in June and we'll have a final product and try to do something that's equitable to both sides, not just to one. Therefore, I'll vote for the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I just want to address one issue that Senator Schuneman raised, and I would suggest for the record that the general severability clause that's in the Statutes would not apply in this particular case because it is the specific action of the Legislature in discarding and...and voting down a specific severability clause which was offered in an amendment purpose...in an amendment form that it is our intention of this Body that there not...that the general severability clause in the other parts of the Illinois Revised Statutes, not apply to this...to this bill. And that, therefore, either the...the...if any one part of this bill is determined to be unconstitutional that the entire bill fail, and that was the action taken as interpreted by me and I think that that is what the record should reflect. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jones.

SENATOR JONES:

Yes, thank you, Mr. President, and prior to speaking on this subject matter, I would like to take the opportunity to

recognize the students from the Brennan Elementary School in Chicago and their teachers John Jones and Mary Jo Muse. Let's give them all a nice Senate welcome.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Will they rise and be recognized.

SENATOR JONES:

Thank you, Mr. President. And addressing Senate Bill 2263, unfortunately, I was not here to hear all the debate that took place on this issue; however, I intend to vote Present on the legislation because I do not want the...the impression to be given that the Senate...approves all the measures that have been incorporated in 2263. We heard a lot of testimony, we know that...this is not the final product as such, but to vote Yes and just send it over to the House and that vote may be interpreted that we support the entire concept that is in this bill. So, I intend to vote Present on the bill, and hopefully...if it does get over to the next Chamber, we will still have an opportunity to work on this very serious matter that is affecting the people of the State of Illinois.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? If not...if not, Senator...Senator Barkhausen.

SENATOR BARKHAUSEN:

Yes, Mr. President and members, I think...it's important to try to respond to Senator Berman's point about the severability provision. I'm aware of the action that this Body took the other day when that severability amendment was presented. However, in the absence of specific language expressing legislative intent that severability not apply, that I think we should be aware and we would want any court certainly to be aware, as I'm sure attorneys before any court would point out, the language in Chapter I, Section 1032 entitled "Severability" which says, if I may beg your indul-

gence for just a quick minute, that if a provision is ruled invalid, and here I quote, "Such invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid application or provision, and to this end the provisions of each Act enacted after the effective date of this amendment are severable unless otherwise provided by the Act." Well, there is no language in the bill before us which expresses a legislative intent...specific legislative intent that the severability provisions not apply and, therefore, they clearly would apply regardless of what the previous speaker has said on the subject; and, of course, he's not the sponsor of the bill and that would have even less impact on legislative intent.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I apologize for rising a second time, but I think that the record on the amendment that Senator Schuneman offered and was defeated was very specific because the debate on that amendment indicated and the vote confirmed that it was the intention of this Body that if, for example, one part of this is invalid that the entire bill can...could not be given effect without the invalid application or provision, in the section that Senator Barkhausen has just read. It was specifically stated in debate on that amendment that it was the intention of a majority of people voting on this...in this Body that the entire bill including the tort changes and the rollback of premiums was to be viewed as a total bill. Now we...we are just debating for the record here, and...I'm not sure that this is all...isn't going to be moot anyway, but I think that it's important for the record if this winds up in court on this bill that it be very clear that we did indicate in accordance with Section 1032 of Chapter I of the Illinois

Revised Statutes that it was our intention that the bill be taken as a whole.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...all the arguments that have stated are...that this bill will be coming back. Senator Luft, do you wish to close?

SENATOR LUFT:

No...thank you, Mr. President, we could just move on with the roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats, for what purpose do you arise?

SENATOR KEATS:

You've been ignoring the light for some time. There are several technical points, and I want to stress, from what Senator Berman is saying, I appreciate his comments. If you read the Rybar decision, which is basically one of the ones we're having to deal with, the one I read from the other day, the Supreme Court very clearly said in the 5 to 2 majority opinion that legislative intent...inaction...inaction does not...signify intent. The Supreme Court very clearly, in writing, no question about it, in six cases said, inaction by the Legislature does not signify intent. What we are in reality doing is attempting to override court problems. The problem is not caused by the Legislature, the problem is caused by the court, and may they realize it is our intent to clean up the mess they have made.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Well, unless you fellows want to go through another four hours and every member wants to get up and speak their piece again, we'll never get out of here today. Obviously, the intent of this is coming back for discussion after the House action, if the House does it. Does anyone else want to speak on it? Senator Schuneman.

SENATOR SCHUNEMAN:

Well, Mr. President, I...I need to speak because of the double shot that was given by Senator Berman. The...I was the...I was the sponsor of the amendment, and in my remarks on that amendment the record will clearly show that when objection was raised, I made the point that we were relying upon the general Statute, and the record should show that.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Well, now we have Senator Carroll, Sangmeister, Joyce, Netsch, Joyce, Degnan, Lechowicz, Zito and Marovitz that wish to speak on this. Now does anyone else want to play around with this? Senator Zito. Senator Zito. Senator Zito.

SENATOR ZITO:

I'll yield to my colleague who's making a point, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...Nedza.

SENATOR NEDZA:

Thank you, Mr. President. The sponsor of the bill had already closed and asked for a roll call of the remarks. Is the Chair going to continue to allow everybody to speak after he has...now is he going to have another opportunity...

PRESIDING OFFICER: (SENATOR SAVICKAS)

I tried to offer a...yelling Senator to my left, Senator Keats, who wanted to get his input into this discussion, so it's for the record. The question is, shall Senate Bill 2263 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 44, the Nays are 7, 2 voting Present. Senate Bill 2263 having received the constitutional majority is declared passed. Senate Bill 2265, Senator Luft.

SECRETARY:

Senate Bill 2265.

(Secretary reads title of bill)

*SB 2271
3rd Reading*

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Senate Bill 2265 deals with cancellation notices, it deals with property and casualty insurance. Currently, a fifteen days notice of cancellation is required during the first six months of a policy in effect and thirty days after that. This bill requires fifteen days notice in the first two months and sixty days after that. Also, currently, thirty days notice of nonrenewal is required but no specific notice is required for a premium increase. This bill does not...increase the nonrenewal notice but does require thirty days notice for premium increase of fifty percent. It allows coverage to remain effective until replaced and allows insured to collect earned premiums for extension period at lower rates. I'd ask for a favorable roll call.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall 2265 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, no Nays, none voting Present. Senate Bill 2265 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading, Senate Bill 2271. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 2271.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Savickas.

SENATOR SAVICKAS:

*AB 2263
Sen. Welch's vote*

Yes, Mr. President and members of the Senate, Senate Bill 2271 mandates that four out of the nine members of the Public Health Advisory Board have been affiliated or have HMO experience. The purpose of it is to have someone on the board that knows what the health maintenance organizations are about. The director of the Department of Public Health appoints these members. There is a question on the termination date, and if there is a problem with this, I'm sure they'll amend it in the House and send it back. It's very simple and that's...that's...

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 2271 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, none voting Present. Senate Bill 2271 having received the required constitutional majority is declared passed. Senator Welch, for what purpose do you arise, sir?

SENATOR WELCH:

Mr. President, on 2263 my switch didn't work and I wish to be recorded as voting Yes.

PRESIDENT:

The record will so reflect. On the Order of Senate Bills 3rd Reading, bottom of page 7, Senate Bill 2273. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 2273.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. This is a bill worked out

between the...Illinois Department of Insurance and the Farm Mutual Insurance organizations in the State. It creates the Farm Mutual Insurance Act of 1985. It repeals the old Farm District Mutual Insurance Act which has not been updated for many, many years. I think there is no opposition to the bill that I know about. It has nothing to do with our current tort liability problems. I would urge adoption of the bill, be willing to answer any questions.

PRESIDENT:

Any discussion? If not, the question is, shall Senate Bill 2273 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, no Nays, none voting Present. Senate Bill 2273 having received the required constitutional majority is declared passed. Top of page 8, on the Order of Senate Bills 3rd Reading, Senate Bill 2275. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 2275.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. Senate Bill 2275 provides that pursuant to a liquidation proceeding the director of insurance may permit holders of claims made policies to exercise a right to purchase an extended discovery period coverage with respect to such policies, includes a claim presented during an extended discovery period on a claims made policy within the scope of a covered claim. I ask for...affirmative vote.

PRESIDENT:

Any discussion? If not, the question is, shall Senate

Bill 2275 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, none voting Present. Senate Bill 2275 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading, top of page 8, is Senate Bill 2276, Mr. Secretary.

SECRETARY:

Senate Bill 2276.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, Senate Bill 2276 is another administration bill from the Department of Insurance which also is noncontroversial. It does two things; it requires those who wish to incorporate as an insurance company deposit a hundred thousand dollars which is currently a fifty thousand dollar requirement in cash or securities with the director in order to be able to incorporate. Secondly, it allows members of boards of directors of mutual companies to meet by conference telephone. I urge a favorable roll call.

PRESIDENT:

Any discussion? If not, the question is, shall Senate Bill 2276 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, none voting Present. Senate Bill 2276 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading, Senate Bill 2277. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 2277.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Rupp.

SENATOR RUPP:

Mr. President, Senate Bill 2277 adds a new section to the Insurance Code and requires all insurance companies to furnish loss information to the first named insured upon written request or to be accompanied automatically with any notice of cancellation or nonrenewal. I ask a favorable vote.

PRESIDENT:

Any discussion? If not, the question is, shall Senate Bill 2277 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, none voting Present. Senate Bill 2277 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading, Senate Bill 2278. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 2278.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Rupp.

SENATOR RUPP:

Mr. President, Senate Bill 2278 adds a new section to the Insurance Code that requires property and casualty insurance companies to notify the director of insurance thirty days in advance prior to the wholesale cancellation or nonrenewal of policies which will result in a substantial reduction of a

particular line of business for these companies. That does not mean if they were going to cancel just my policy, they have to give me that, but if they are going into and...planning on going out of an entire class of business. Ask a favorable vote.

PRESIDENT:

Any discussion? If not, the question is, shall Senate Bill 2278 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 2278 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading, Senate Bill 2279. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 2279.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Topinka.

SENATOR TOPINKA:

Yes, this bill basically amends the...the Vision Service Code and it's...it does something which I think is kind of unique. Last year we passed some bills on this, and because in the order of the way they were signed, one unfortunately repealed some of the provisions of the other. And in order to get that all back into form, this is what this does. Also, we have an amendment on here by Senator Jones and I'm not a hundred percent sure what this is and he's not on the Floor, but I'll give it my best shot. It would require that the majority of practitioners, optometrists in Illinois who are eligible or would be...would have...agreed to become participating practitioners in the...in a vision service

plan.

PRESIDENT:

Any discussion? If not, the question is, shall Senate Bill 2279 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 2279 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading, Senate Bill 2280. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 2280.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. This is the Department of Insurance bill dealing with the notice of cancellation and notice of large premium increase by an insurance company. This bill provides that if an insurance company wants to raise the premium more than fifty percent, they've got to give a sixty-day notice to the policyholder. The insurance companies are still opposed to this bill. They maintain that they can't give that kind of a notice. We think that it ought to be somewhere around that sixty-day period and we're proceeding with the bill...and I would urge your adoption.

PRESIDENT:

Any discussion? If not, the question is, shall Senate Bill 2280 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting

Present. Senate Bill 2280 having received the required constitutional majority is declared passed. 2282. On the Order of Senate Bills 3rd Reading, Senate Bill 2282. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 2282.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. This bill makes four changes in the FOID Act. The first one is it changes the definition of mental hospital, changes...the word "currently valid" instead of "previously," exempts tranquilizer guns used by veterinarians; and finally, it allows them to use excess money for...to upgrade facilities in the processing program. Appreciate a favorable roll call.

PRESIDENT:

Any discussion? If not, the question is, shall Senate Bill 2282 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, none voting Present. Senate Bill 2282 having received the required constitutional majority is declared passed. Senator Kustra, 2289. On the Order of Senate Bills 3rd Reading, Senate Bill 2289. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 2289.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. This is a Department of Revenue clean-up bill. It does four or five things. It repeals the income tax deduction for gang crime control contributions, it expands the definition of unitary, it extends the corporate extension period for filing of taxes from six to seven months, and it deals with the enterprise zone tax credit for partners in Subchapter S corporations. There's also some other technical changes. The only opposition to the bill that I am aware of has been worked out. Senator Marovitz had some concern about the gang crime control deduction being withdrawn, and DCCA has agreed not to oppose an attempt to put some funding into that program when the DCCA bill gets over here from the House. I know of no opposition and I urge for its adoption.

PRESIDENT:

Any discussion? Senator Marovitz.

SENATOR MAROVITZ:

Thank you, Mr. President, just to clarify. Last year we passed the gang crime package here and we had some very tough sanctions, sticks against kids who sell drugs and bring weapons into the schools. We also provided a...a carrot, some programmatic assistance, one of which was a grant program for programs in the community aimed at preventing gang crime and one was a business deduction for businesses that make contributions to gang crime...prevention programs. The...this would delete that business deduction and it has been agreed to as long as there is some funding for the grant program which never was funded. I think we have some agreement now that some funding will be put into the DCCA bill to allow grants for antigang programs. This has been discussed with the chairman of appropriations, with people from the Governor's Office and with DCCA, and with that agreement, I would support the legislation.

SB 2292
3rd Reading

PRESIDENT:

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Senator Kustra has certainly accurately represented what is in the bill. The most controversial provision was the one that Senator Marovitz has just referred to. I would like to just point out one thing, that in one provision which does slightly redefine unitary to permit a group of interrelated businesses who are entirely members of businesses in...within the State of Illinois, that is, who do business within the State of Illinois, are henceforward to be allowed to be considered as a unitary business. That is a change in law, it will probably have some effect...negative effect on revenue, probably very modest or we hope fairly modest. In any event, it certainly makes sense because it treats more...if you accept the basic unitary concept, it...it treats fairly Illinois businesses and does not extend the privilege, if it is one, only to those who are from out of State. So I think it is a justified provision in any event.

PRESIDENT:

Further discussion? Further discussion? If not, the question is, shall Senate Bill 2289 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 2289 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading, Senate Bill 2292. With leave of the Body, Senator Rupp will handle that for Senator Karpel and myself. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 2292.

SB 2292
3rd Reading

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Rupp.

SENATOR RUPP:

Thank you, Mr. President. This bill creates the Habitual Child Sex Offender Registration Act and requires a person convicted two or more times for sexual assault to a victim under eighteen to register with local law enforcement agencies upon release from prison or probation. The offenders have thirty days to register, if they intend to reside in that area for more than thirty days. The registration information is confidential and it's not to be made public, and to back that up there was a...amendment...Amendment No. 1 was just a technical amendment. Amendment No. 2 imposed a penalty of a Class B misdemeanor, six months and up to five hundred dollars fine for anyone dispersing registration information to unauthorized persons. I ask for a...an affirmative vote.

PRESIDENT:

Discussion? If not, the question is, shall Senate Bill 2292 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question there are 55 Ayes, no Nays, none voting Present. Senate Bill 2292 having receive the required constitutional majority is declared passed. Senator Geo-Karis, on the Order of Senate Bills 3rd Reading, Senate Bill 2293. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 2293.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

SB 2294
3rd reading

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, this bill...last year the General Assembly extended the Statute of Limitations for child pornography by an additional three years. Senate Bill 2293 similarly extends the Statute of Limitation for other sex crimes against children including indecent...solicitation of a child, soliciting of...of a juvenile prostitute and et cetera. And this...extension is expanded to the following offenses when the victim is under eighteen years of age; criminal sexual assault, aggravated criminal sexual assault, criminal sexual abuse and aggravated criminal sexual abuse. Now this...the current...also the current penalty for indecent solicitation of a child is a Class A misdemeanor which is inconsistent with penalties for other sex crimes against children and this bill raises it to a Class 4 felony. And it also...let's see,...well, there's some other things in it and I think you all know the bill because there were...some amendments made, and I ask for a favorable vote from this Assembly unless you have any questions.

PRESIDENT:

Any discussion? If not, the question is, shall Senate Bill 2293 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, none voting Present. Senate Bill 2293 having received the required constitutional majority is declared passed. Senator Lechowicz, on the Order of Senate Bills 3rd Reading, Senate Bill 2294. Bottom of page 8 on the Calendar. All right. With leave of the Body, Senator Lechowicz will handle this for Senator Karpiel. On the Order of Senate Bills 3rd Reading, Senate Bill 2294. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 2294.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. The Calendar is in error, it should be Senator Marovitz.

PRESIDENT:

All right. Senator Lechowicz yields to Senator Marovitz. Senator Marovitz.

SENATOR MAROVITZ:

(Machine cutoff)...you, very much, Mr. President and members of the Senate. This is also the last bill in the kids' package. It creates the offense of unlawful custodial interference, it makes it a...child abduction to attempt to lure a child into a motor vehicle in a...for unlawful purpose. The new offense is directed toward incidents where the custodial parent deprives a noncustodial parent of the right to visitation. Peace officers are authorized to issue...for violators to notice...to appear in court. We worked this out so that there is an expedited civil remedy, worked this out with Senator Karpel and the department so they can get into court quickly...to expedite this serious problem of visitation. I think its a good bill and would ask for your support.

PRESIDENT:

Discussion? Senator Donahue.

SENATOR DONAHUE:

Real quick. Thank you, Mr. President. There is an amendment on there that I know Doris was very concerned about, has that...been taken care of? Okay. I do...we just wanted to check.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

The amendment is on the bill and was an agreed amendment. We took off the...the criminal penalty and made it a...expedited civil process. She agreed to that, the State Police agreed to that, everybody agreed to that.

PRESIDENT:

All right. Question is, shall Senate Bill 2294 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, no Nays, none Voting Present. Senate Bill 2294 having received the required constitutional majority is declared passed. Top of page 9, on the Order of Senate Bills 3rd Reading, with leave of the Body, Senator Demuzio will handle these. Senate Bill 2300. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 2300.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Thank...thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 2300 like...unlike its companion to...next is a bill that I think is virtually...controversy free. The...2300 would establish the Illinois Bank Education Foundation to provide for continuing education for professional training for an examination of employees of the commissioner's office, would create a five-member board of trustees to oversee the foundation, would create the Illinois Bank Examiner's Education Fund. I don't know of no

known...controversy in this...this particular piece of legislation. I would ask for your support.

PRESIDENT:

Discussion? If not, the question is, shall Senate Bill 2300 pass. Those in favor will vote Aye. Opposed vote Naye. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. Senate Bill 2300 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading, Senate Bill 2301. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 2301.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. 2301 is...is the companion...appropriation bill to 2300. It, frankly, creates the...the Illinois Bank Examiner's Education Foundation and provides for that continuing appropriation solely for the continuing education and professional training activities...in the mechanism that we already passed in 2300. There's been some concern that has been expressed I know by some members virtue to the fact that this is, in fact, will be a continuing appropriation without...coming to the General Assembly for a specific...authorization and for a specific appropriation. That has met with some objections, but perhaps by passing this bill over to the House, there can be some continuing negotiations between the appropriations' chiefs as to how we should proceed with funding the mechanism established in 2300; and at this time, I would ask for the support of the Senate to continue that process.

PRESIDENT:

Any discussion? If not, the question is, shall Senate Bill 2301 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, no Nays, none...1 voting Present. Senate Bill 2301 having received the required constitutional majority is declared passed. If I can have your attention, we'll turn back to page 2. We have turned the corner, we have remaining, page 2, page 3, and the top of page 4,...and then we'll be...free again, Lord. 916, Senator Lemke. On the Order of Senate Bills 3rd Reading, the middle of page 2, is Senate Bill 916. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 916.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

What this does...bill does, is amends the Code of Civil Procedure relating to Acts that created a new Illinois Foreclosure Act. This is...a product of the Illinois State Bar Association's mortgage committee that they have worked on for four years. Our staff has started working on this for over a year and a half, and they have come up with a bill that I've been told by experts in...in the mortgage foreclosure bill which...be the model Act in the country that the other states are looking to...to adopt what we have written. The other...there's another provision that's wanted in regards to an answer to a foreclosures in high...high areas of unemployment cause such as Republic Steel and Caterpillar where they lay off two, three thousand people and they have no way of

getting help to...assist them in...in their mortgages and so forth. But I think this is a bill that's very good. We have worked and worked hard...on this bill and I think it's a...a bill that's...much needed in this State to remedy the situations of mortgage foreclosure. It'll also, with this bill, make our mortgages competible with...nationally so we can discount the mortgages off and have more mortgage money come into the State of Illinois. I ask for a favorable adoption.

PRESIDENT:

Discussion? Senator Fawell.

SENATOR FAWELL:

Will the sponsor yield for a question?

PRESIDENT:

Indicates he'll yield, Senator Fawell.

SENATOR FAWELL:

Has...have all the objections been worked out now, have you...the last I heard the banks and savings and loans still had a lot of questions about this...has that been resolved?

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

The provision they have objection to is the...last part of the bill which deals with assistance in mortgage foreclosure...we...in counseling. We have tried to remedy that situation with Senator Geo-Karis and I. We talked to several of the savings and loan people which I consider one of the prominent area...savings and loan people in my area, Clyde Savings, and they have no...they said that...their objection was to DCCA handling the program and they preferred somebody with financial backing to handle this program. Senator Geo-Karis offered that amendment to take care of those objections, and they said they could live with that part of the bill because the first part of the bill is...the best thing for them which will make their mortgages better saleable and

discountable in the national market.

PRESIDENT:

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you Mr...Mr. President. A couple of questions of the sponsor.

PRESIDENT:

Sponsor indicates he'll yield, Senator DeAngelis.

SENATOR DeANGELIS:

...Committee Amendment No. 2, did that not substantially change the original bill?

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

Committee...Committee...Committee Amendment No. 2 is the whole bill because what it was is a product...we originally...when the bill came in in our committee, there was many objectionable clauses such as...as cutting the redemption period down to three months, so what we did in committee action is, we struck everything after the enacting clause and came up with a new amendment which is...which was an amendment that they put together, the staff...of a...of a...of the bill which incorporates and cleans up a lot of the objectionable languages that were in there by Fannie May. I've got a letter here dated April 29th from the Fannie May who...who is the largest Federal national mortgage buyer, they agree with the bill. They think it's...it's a good bill and they said that more Illinois mortgages will be bought by them because of this bill, and that's what we're aiming at.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

How does this affect FHA loans and Farm Home Administration loans?

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

According to the staff, it doesn't in any way affect federally...Federal FHA loans.

PRESIDENT:

Senator...

SENATOR LEMKE:

...the Federal Government handles those.

PRESIDENT:

...Senator DeAngelis.

SENATOR DeANGELIS:

Well, I know we're probably prohibited, but the biggest single problem in my district is the constant boarding up of FHA homes that were mortgages issued by FHA. Now, the last thing in the world that a lender wants to do is to foreclose. Under this bill, are they forced into foreclosure?

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

Their options remain just like their contract is. And just in answer to...if you want something as far as the Federal...on page 76 you...in lines 27 to 29, "The mortgage does not secure a loan made by or insured by the United States Federal Housing Administration or Farm Home Administration." This is an exception to this bill because the Federal Government has their own provisions to help on foreclosure.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Well, you know, quite often we pass bills that pretend to help the consumer when in reality they harm them. For instance, Senator Netsch had a bill a couple of years ago on repossessions of automobiles or installment loan reposses-

sions that turned out to be worse than what the banking practice was because it forced the bank to take action at a certain time, and what I am concerned about here is that in the process of trying to help people, we're going to force lending institutions to take actions that they normally might not take to protect their own interests. And I have not read the bill, but I see a lot of objections there, and normally...objectors would not...financial people would not object to somebody who is paying off somebody else's loan because they would still have the loan active. And I'm trying to figure out what the heck the objection is.

PRESIDENT:

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. I have two questions of the sponsor.

PRESIDENT:

Sponsor indicates he'll yield, Senator Lechowicz.

SENATOR LECHOWICZ:

I'd like to know if...in Senate Bill 916, are we imposing a de facto stand foreclosure requiring extensive notice to the borrower in establishing a Statewide network of counseling offices for borrowers? That's question number one.

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

The only provision on the...the person that's making the mortgage, the person with the money in foreclosing, is, in...if you look in the analysis, counseling a relief provisions imposing...only one obligation and that's to give counseling notices that there's...there's...there's mortgage foreclosure counseling available by the State. That is the only provision in there. That they do...they do now, they send out a letter when they foreclose, they send out a letter

telling them they're going to foreclose. This will only add an additional paragraph in there that there is...there is State...counseling available...in...in case of foreclosures. This is the only requirement of the...of the savings and loans or the banks.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. My second question, would this create a State assistance program that would provide publicly funded mortgage payments for up to three years?

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

Yes, only for a small group of people. We're talking about a group of people such as in the Caterpillar incident or in the Republic Steel incident or an incidence where there's a layoff in that particular town because of a...in economic condition. That is the only...area where this...where the...where...where this provision provides. It's a very limited, small area, and I think it's part of us in economic development when an industry does leave to help everybody, because not only do the consumers suffer, so does the mortgage company when they have to foreclose on a thousand mortgages in that town because of lack of payments. I think we, as a State, should assist those financial institutions to recover from this program. And this does not cost them anything, the money that...that is financing this is coming out of the tax that Illinois puts on unemployment benefits. And I think it's a...a good bill.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. Based upon that response, I

would like to know whether the...then do the Illinois bankers want to create this contractual relationship between the State and a lender? Are they in favor of this bill as amended?

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

If you would look at page 69, lines 23 to 27, "Nothing in this...part 18 shall preclude a mortgage from accelerating the maturity of the indebtedness secured by a mortgage seeking any other remedy authorized by the mortgage or realizing or any security not subject to the mortgage." This makes...any financial institution not obligated under this...provision.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Doesn't answer my question though, Mr. President. My question was, does the Illinois Banking Association want a contractual relationship between the State and the lender? Are they...are they in favor of Senate Bill 916 as amended?

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

I cannot speak for the Illinois Bankers' Association. If you, Mr. Lechowicz, wants to speak for the Illinois Bankers' Association, I would say do that. But I am speaking for a bill that we have worked on and tried to work out problems for. I do not know what the Illinois bankers' position is, it's very simple, they haven't come forth till the last minute, they have not participated in the negotiations. What do I know what they want, they haven't...our staff on both sides of the aisles have worked and worked and worked, drafted this bill,...eighty-two pages, worked with the law-

yers that worked...that foreclose mortgage for these financial institutions. This is their product. This is the lawyers for the banks and the savings and loans project. Now, would the lawyers for insurance companies that defend them would write a bill that would hurt insurance companies? I say not. This bill...I would say, by their lawyers, is their bill and it's to their benefit to have this bill.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I just...this is a new type of relationship being contractual...between contractual people and lenders, and that's the reason why I raised the question. According to the information I received, unfortunately, amendments that they were seeking were not addressed and for that reason they are opposed to Senate Bill 916 as it appeared on the floor a couple of days ago. I know the bill was brought back...on a second recall and three or four amendments were added, and I question whether there were...were there grievances addressed by those amendments. And if the answer is no, I'd like for you to say it is no. If they didn't respond, I'd like to be restated as...as they didn't respond. And if they're...if they're against the bill, it should be stated they're against the bill or for the bill or no position on the bill, that's all I'm asking.

PRESIDENT:

Senator Lemke.

SENATOR LEMKE:

I really don't know their position, but I know Senator Geo-Karis had...had a meeting with some of the mortgage for the savings and loan people the night...and she offered the amendment which they had suggested. So I assume that this met some of their...their objections. I have not heard any

other objections. The bill was called back for amendments, there was no...other amendments offered except the four that we put on there. So, I don't know...what their position is.

PRESIDENT:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this bill was a bill that was jointly sponsored by Senator Lemke and the late Senator Bloom. We had extensive hearings on it, we made...extensive amendments. I might tell you that I did meet with some of the folks from the savings and loans institutions the other night, their main objection was they did not want DCCA to be handling any loans involved in this bill, they'd rather have Financial Institutions, and I did put the amendment on to provide that it would the Department of Financial Institutions to do so rather than DCCA, 'cause they felt that Financial Institution's Department had more experience. I might tell you that this bill here...the homeowners under this bill who are facing foreclosure are provided financial assistance up to three years. Only...homeowners have defaulted through no fault of their own are eligible. And I might tell you also that the...if the mortgage payments are delinquent, the mortgage company must send a notice prepared by the Financial Institutions to the homeowner listing local credit counseling agencies. This notice must be sent at least thirty-five days prior to the filing of a foreclosure action. If the candidate doesn't want to do anything about counseling, the...the mortgagee who holds the mortgage can go ahead with their foreclosure. This is a very good bill and it was ironed out after many, many hearings, and I...I...I support it and I ask your...to support...the support of the whole Senate. It's a...a conscionable bill, it does not take anything away from the mortgagees, the ones who give the loans; in fact, it's a help

to them 'cause they can go right ahead with their mortgage foreclosure if after thirty-five days nothing is done.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Congressman DeAngelis.

SENATOR DeANGELIS:

Well, I apologize for rising the second time, but the sponsor has done very little to clear the confusion. And I don't think he ought to get indignant about questions 'cause...there are those of us who are trying to support this bill, and to get rightously indignant, I don't think is quite appropriate. I have two questions of the sponsor, if he chooses to respond.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke, you do not have to respond. Senator Lemke.

SENATOR LEMKE:

I will respond to any question, but if Mr...says I'm getting indignant, I can't understand why, you know, unless he's trying to make me the fool, like he always tries to do.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Well, he's...he's got a campaign going for Congress, Senator. Senator DeAngelis.

SENATOR DeANGELIS:

Senator Lemke, does this in any way affect the secondary market for mortgages?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

I'm...I'm reading...I'm going by the basis of a letter from Fannie May, which is the secondary market, they support the bill. They are the largest buyers of...of...of discount mortgages in the country and in the State of Illinois. I think it's in your staff analysis if you want to see the letter, it's right here...so...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeAngelis:

My second question is, where is the money coming from for this program?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

We have an amendment, if you look at it, I think it was Amendment No. 3 or 4, which came from the Department of Revenue which removed their objections to this position...to their...and explained the department's position. Where the money is coming from is...is...is a special revolving fund from taxes. Originally, it was coming from a tax on unemployment compensation benefits. Illinois is one of the few taxes...few states that tax unemployed workers, okay? So this money is the...we had twenty-two million dollars out of unemployed benefits, this program is going to cost five million dollars out of that twenty-two million. I mean, in...in the way the Department of Revenue, they didn't want to not set up a special account so they put the...the amendment on that they suggested to create this revolving fund.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Oh wait...all right, that helps, 'cause I thought it was still coming from the unemployment. The letter that...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR DeANGELIS:

...the letter that you...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

Another...explanation. This money that we loan to pay off this mortgages...the State has a lien...a secondary lien, and they get their money back when the guy starts working and everything...or the building is...is sold. So they have a lien, they're not actually loosing. This is similar to what we did in Chrysler. We took a lien on their property, and we're guarantor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, it's not quite similar 'cause we never lent the money to Chrysler. The letter that you...that I just saw, Senator Lemke, is dated April 29th, which is prior to the amendment. And I think a lot of the confusion on this bill arises on the fact that the amendment became the bill. Now this letter stated April 29th, when the bill was amended, which was the first question I asked you, which completely rewrote the bill, I'm going to ask my question again. Does this bill affect the secondary mortgage market?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke.

SENATOR LEMKE:

No, it does not, and that letter you had is the...the amendment, the eighty-two...page amendment that we had, Mr. List had submitted that to the Fannie May people and that's the approval of that amendment...of the bill. That's what I'm told by Jeff List, I'm told by my staff, and...I would accept it as the truth.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR LEMKE:

I think this is good bill and I think it's something we need in this State and I think we should help in these tight

situations. And I think it will also make our mortgages a model in any place as far as foreclosures. I know the states of Iowa and Missouri and other places are looking to copy what we have...drafted here. I ask for a roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 916 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 35, the Nays are 17, 2 voting Present. Senate Bill 916 having received the constitutional majority is declared passed. Senate Bill...Senator Lemke, for what purpose do you arise?

SENATOR LEMKE:

I think it's not many times in the Senate that we thank people, but I think we should thank and...and praise both staffs from the Senate Judiciary...Steve Morrill and Mr. Wallin, that have worked hard to come up with this solution and work out this compromise. So, I...I think it's great for us to do. I also, at this time, make a motion to reconsider.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Lemke moves to reconsider. Senator Geo-Karis moves to lay that motion on the Table. Those in favor indicate by saying Aye. Those opposed. The Ayes have it. The motion carries. Senator DeAngelis.

SENATOR DeANGELIS:

Well, just on a...a measure of personal privilege.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Well, wait...what kind of measures, Senator?

SENATOR DeANGELIS:

Well, I think that a bill like this...sure it's written up by lawyers, but a bill like this ought to go to Financial Institutions...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...

SENATOR DeANGELIS:

...and I think it would sure clear up a lot of these questions.

PRESIDING OFFICER: (SENATOR SAVICKAS)

...Senator, we do have other business here. Senator Barkhausen, Senate Bill 1488. Read the bill, Mr Secretary.

END OF REEL

REEL #5

SECRETARY:

Senate Bill 1488.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members of the Senate, Senate Bill 1488 is similar to...in part similar to Senator Joyce's Senate Bill 2165 that we considered a little while ago, although his bill does more things than this one does. Like Senator Joyce's bill, although no specific mention was made of it at the time, my...my bill is solely in response to an Illinois Supreme Court decision of...of last fall Wimmer versus Koenigseder which...in which the court found that there was no duty owed to a plaintiff who was...who was killed in Illinois after the driver of the car in which she was a passenger had been drinking in Wisconsin. Part of the reasoning for the court's decision was a finding that there was no legislative intent that the Illinois Dram Shop Act have...extraterritorial impact in the State of Wisconsin. In addition to amending the Illinois Dram Shop Act in order to provide evidence of such intent, the bill also amends the long-arm provisions of the Civil Practice Act in order to provide an intent on our part that these long-arm provisions be given application in a...in a situation of the kind that arose in the Koenigseder case. Be happy to answer any of the questions, otherwise, would urge a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Discussion? If not, the question

is, shall Senate Bill 1488 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. Senate Bill 1488 having received the constitutional majority is declared passed. Senate Bill 1491, Senator Rock. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1491.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1491 is an amendment to the Abused and Neglected Child Reporting Act and, essentially, what it does, it installs as persons under the definition responsible for child's...the child's welfare, school employees, child-care facility employees and volunteers in both of those institutions. What has happened and the reason for this bill, the bill was prompted by the fact that there was a difference of opinion between the State Board of Education, the Attorney General, the Senate President and the Department of Children and Family Services as to whether or not school employees were to be subject to the Child Abuse and Reporting Act in terms of...a...a criminal prosecution that was happening in the County of Cook. I felt they were covered, the department felt they were covered, the Attorney General felt they were covered, the State Board of Education, frankly, did not and so the department had been reluctant to act. This bill was introduced with the full approbation of the department. There have been various amendments. I know of no objection with the sole objection being from the department director;

currently, he's a little concerned about the necessity for formal versus informal investigation. I don't consider that a...a handicap to this bill. I think it's long overdue and I would urge a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1491 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 1491 having received the constitutional majority is declared passed. Senate Bill 1529, Senator Collins. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1529.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President and members of the Senate. Senate Bill 1529 will give you another opportunity to do something to try and assist young girls who get pregnant to go on with their education so that they can go on to become self-reliant and not end up on welfare and their children for the rest of that child's life. This bill does not deal with sex education at all and let me tell you why the necessity of this bill. Several years ago we passed and it was signed into law a bill that said that any girl who gets pregnant and have a baby prior to the compulsory age...school attendance age of sixteen must, in fact,...must attend school; if not, they would be subject to the truancy laws unless...unless they could, in fact, justify from their doctor some physical, mental...I mean, emotional reason why she would not be able

to attend school. Now let me tell you the problem with that. In many areas where we do not have infant child-care facilities...free-standing infant child-care...facilities and in areas where day-care homes cannot meet the license requirement, then there is no way for this...for the girl who does not have the support systems at home or in the community to comply with that law that we passed and it is now public Act. What this bill does is very simple. It is limited to only...only those schools already existing for pregnant girls and let me tell you a little about that. There are many girls who's...who is able to continue in the public school system while pregnant and even after pregnant, but there are some girls with other complicated problems who cannot for whatever reason cope into the regular school setting. So these schools are as an alternative to that and that is where the lab schools would be. It is not indefinite, it just says at least one semester after, the girl has the baby, and let me tell you why that's important. Because currently now that girl must return back to that school, but if she does not have anyplace to leave this infant child, that cannot happen, and once this girl which is in that high risk category who will probably never continue her education and will always end up on public aid and will probably have another baby in order to increase her income, and that child will end up on welfare and the cycle continues from generation to generation. So all I'm asking that we experimental with...experiment with the lab schools for these girls and for labs and they already exist in schools, and I would be happy to answer any questions; if not, I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there any discussion? Senator Schaffer.

SENATOR SCHAFFER:

Since this bill has been amended, I'm not sure exactly

what the costs for this program are and who would be picking them up. Could you enlighten me on that...one of the questions?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

What...what we did, we amended the bill so it could be very clear that the...the board could, in fact, develop rules and...and guidelines by which the districts can, in fact, request direct payments from public aid eligible students from the Department of Public Aid. In other words, these girls already qualify if they are public aid eligible for child-care allowances, and those allowances will either be paid directly to the school districts in which these schools are located or through the girl's...I mean, grant. And it also provides for a sliding fee scale for those girls who's not public aid eligible but should, in fact, be paying for some cost of the care; otherwise, we'll be paying for cost of this care.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further...Senator Schaffer.

SENATOR SCHAFFER:

Pardon me, I'm being hit from both...how much money was it going to cost?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR SCHAFFER:

I didn't hear a dollar figure, I missed that.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

The fiscal note was on the title...when it was under the title...one...I mean, Title Twenty and it did not have a definite amount because they couldn't determine how much.

First of all, you'd have to know how many children you're talking about, how many was eligible and so on.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer.

SENATOR SCHAFFER:

Well, apparently, it's somewhere between zero and infinity. My...next question is what prohibits a school district from establishing this program right now on its own?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

I'm not aware of anything that would prohibit them from doing it at this point.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer.

SENATOR SCHAFFER:

Well, I think that, in fact, is where the bottom line is. I made a decision a number of years ago that we just mandate too darn much stuff here. We have a program here that we have no idea what it would cost and would only get school districts reimbursed for public aid qualified clients and, presumably, there are some...if you'll pardon me for sounding cosmopolitan, there probably are some people...young ladies and...with this type of problem who aren't on public aid. I don't think everybody who has this kind of problem is on public aid. I'm reliably informed a substantial number of them aren't on public aid. If it's a good idea, and it very well may be a good idea, then I would suggest to you that the public in the area that wants this done should prevail upon their local school district to establish this program and to find a funding mechanism. I don't think we should be inflicting these programs on the school districts. I think...the...the power should flow in the other direction. The locals should go to the school districts and say this is

a substantial problem in our community; therefore, a program of this nature or something similar to it should be adopted. Clearly, there are districts in this State where this is a major problem and those districts should respond by appropriate means; in other districts, it may or may not be, we don't need to mandate this thing. We don't know how much it would cost and I, frankly, think it's an idea that is...probably has merit but should be done on the local level, not from on high, from all of us great thinkers in Springfield.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Collins may close.

SENATOR COLLINS:

Let me just briefly respond to his...his concern. First of all, this bill as amended does apply to those persons who are not public aid recipients, who would ordinarily be paying for child care and they would pay for the cost of this care, under the bill as it is amended now. The State board is not mandating anything, it would be just establishing guidelines for those districts who currently operate schools for pregnant girls so that they can have an infant lab school and a curriculum.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 1529 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 22, the Nays are 28, none voting Present. Senate Bill 1529 having failed to receive a...a constitutional majority is declared lost. Senate Bill 1576, Senator Kustra. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1576.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President, members of the Senate. This is a bill...this bill and the bill that follows is a bill that is designed to address a problem which, I guess, in some part results from another law we passed a few years ago which imposes criminal liability on parents who have underage drinking parties at their homes. Apparently, what's happened is that...at least some of these parents have discouraged their children from having those kinds of parties in their homes and now at least in...in my area and some other areas around Chicago, those parties are being conducted at local hotels and motels. Last year in my community one underage youngster was killed after leaving one of those parties sometime in the middle of the night, obviously, intoxicated, took three with him who were badly injured. What this bill does is impose a criminal liability on an adult who would knowingly rent a room for the purpose of unlawful drinking by minors. This bill was suggested to me by the hotels and motels who we contacted and the community groups who tried to find a way to deal with the problem and...and deliver a message. I'm confident that this will play a small role anyway in discouraging parents, in some cases, and older brothers and sisters and...and others from helping their...their sons and daughters and friends, whoever they are, find these rooms, signing them up and then of...of course, later on having to deal with the problems which result. As I said, this has the support of the Hotel and Motel Association in Illinois, it also has the support of the Statewide PTA. I know of no opposition to the bill. Senator Joyce joins me in sponsoring it and has suggested a couple of amendments, one of which will require the hotels and motels to provide a notice...post a notice so that people will know when

they...sign up for a room that there is such a requirement now. And, secondly, the contract which an individual will sign also must contain the language stating that this is now the law. Both of those suggestions have been accepted by the hotel and motel people. I would be more than happy to answer any questions. 1576 is the bill that deals with criminal liability, the bill that follows deals with civil liability.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Fawell.

SENATOR FAWELL:

Thank you, very much. I, too, have received a phone call from the priests at Immaculate Conception in Elmhurst who told me they were doing...they were having exactly the same problem. I was the original sponsor of the...of the original bill that made it a criminal offense for the...civil offense for the...the parents and it has seemed to work. I think this, too, will work and I would suggest your Aye vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 1576 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. Senate Bill 1576 having received the constitutional majority is declared passed. Senate Bill 1577, Senator Kustra. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1577.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President. This is again the same bill.

This just extends dram shop liability to the same adults that we've covered with the criminal liability, and I would ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1577 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 1577 having received the constitutional majority is declared passed. Senate Bill 1602, Senator Rock. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1602.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. As amended according to the Senate guidelines, Senate Bill 1602 appropriates 42.6 million dollars for the Board of Higher Education FY '87 operation and, of course, the grants. I know of no objection. I would solicit a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there...the question is, shall Senate Bill 1602 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Take...take the record. On that question, the Ayes are 53, the Nays are none, none voting Present. Senate Bill 1602 having received the constitutional majority is declared passed. Senate Bill 1629, Senator Lemke. Senator Lemke. Senator Lemke. Senator Lemke.

SENATOR LEMKE:

My button isn't on. At this time, I'd like to make a motion to have this bill held on the Calendar till the fall. I understand there's some objections in downstate Illinois about registration. We want to hold some hearings this summer and see if we can come up with a...amendment to kind of satisfy everybody in the State of Illinois. I think it's a good piece of legislation. I commend the Tribune for pushing this legislation. I think we should not let this idea die and I think we should carry on through the summer and have some hearings, and see if we can come up with a...a remedy to this serious problem in the State of Illinois.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Is there objection? If not, the motion carries. On Senate Bill 1698, Senator Demuzio. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1698.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

This is the appropriation for the Comptroller. As amended, it appropriates 48.4 million, a reduction of 4.8 million below the introduced level but still an increase of 9.9 million or twenty-nine percent over the Fiscal Year '86 budget. Would ask for your approval.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1698 pass. Those in favor...vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. Senate Bill 1698 having received the constitutional majority is declared

passed. Senate Bill 1716, Senator Schuneman. Senate Bill 1741, Senator Philip. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1741.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1741 as amended is the appropriation for Build Illinois, three committee amendments...Floor amendments, a total of three hundred and sixty-eight million four hundred and nine. Happy to answer any questions and ask you for a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Marovitz.

SENATOR MAROVITZ:

I...I really don't remember, is this the one that we cut out a lot of that money from the city? Is this the bill that we did that? I...I'm not asking for an explanation but...we did that yesterday and was this the bill that we did it to? I think it was...Senator Schaffer's amendment, as a matter of fact. Twenty million, I think it was.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Philip.

SENATOR PHILIP:

I believe that is in Senate Bill 1743, the next bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 1741 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 51, the Nays are none, none voting Present. Senate Bill 1741 having received the constitutional

majority is declared passed. Senate Bill 1743, Senator Philip. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1743.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1743 as amended is also Build Illinois, two committee amendments, two Floor amendments, a total of two hundred and eighty-eight million one. Happy to answer any questions and ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1743 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 51, the Nays are none, 2 voting Present. Senate Bill 1743 having received the constitutional majority is declared passed. Senate Bill 1748, Senator Sommer. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1748.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sommer.

SENATOR SOMMER:

Mr. President and members, this is the budget for the Department of Central Management Services. It's reduced to about three and a half million dollars.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1748 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 1748 having received the constitutional majority is declared passed. Senate Bill 1753, Senator Karpel. Senator Sommer is going to handle that bill? On 1753, read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1753.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Sommer.

SENATOR SOMMER:

Thank you, Mr. President and members. This is the budget for the Environmental Protection Agency. The various guidelines were applied to the agency itself. Some projects were added in the project area.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall Senate Bill 1753 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. Senate Bill 1753 having received the constitutional majority is declared passed. Senate Bill 1763, Senator Sommer. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1763.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

SB 1834
3rd Reading

Senator Sommer.

SENATOR SOMMER:

Mr. President and members, this is the budget for new construction for the next year of anything that's not highways, I suppose; and, in addition, various members have added...added and subtracted as they saw it...saw fit, and it's early...it'll go to the House and they'll do some more and it won't be finalized until a Conference Committee in late June.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall Senate Bill 1763 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are none, none...I voting Present. Senate Bill 1763 having received the constitutional majority is declared passed.

PRESIDENT:

Senator Holmberg, 1832. 1834, Senator Maitland. On the Order of Senate Bills 3rd Reading, bottom of page 3, is Senate Bill 1834. Read the bill, Mr. Secretary.

SECRETARY:

Senate Bill 1834.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Thank you, very much, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1834 as amended addresses some concerns that I had with respect to the Open Meetings Act. The bill, as you may recall, was the subject of some debate in committee, and I continued to work after committee with the Illinois Press Association, with the Illinois...Municipal League, with DCCA and others, and I think that we have

arrived at some language that will allow for, I believe, a tightening up of the Open Meetings Act with respect to economic development. Without question, the way the Act is written now, I think it causes many to go behind the scenes and do some negotiation or at least some discussion on economic development; for example, when an entrepreneur is interested in coming into a community, he will to circumvent the Open Meetings Act, I believe, go to the Chamber of Commerce, the city manager, the mayor and discuss a concept in that community and then the mayor will call the various council people and discuss it, all to keep it, I believe, away from the media and allow for this concept to be discussed. It seems to me much better to allow those interested parties to sit down in a closed meeting in full view of everyone, they wouldn't know that it was going on, to talk about this concept and that's what we're trying to do here. I believe city officials would feel better about it. I believe the media would feel better about it, and I believe the taxpayers, the people who are really being affected would...would feel better about it. I appreciate very much the assistance of the Illinois Press Association on this issue. I have talked at length with the Illinois News Broadcasters' Association, Bill Miller, who all of you know. They do not support this position, but I do appreciate their involvement in this; and I believe this is the best possible package that we could arrive at, and I would solicit your support.

PRESIDENT:

Discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President, will the sponsor yield for some questions?

PRESIDENT:

Sponsor indicates he'll yield, Senator Topinka.

SENATOR TOPINKA:

Yes, I'd like to commend Senator Maitland for doing the outstanding job he always does in trying to bring about a consensus, but just to get a little bit of legislative intent on this, if...if you don't mind and we've discussed this, if I could ask you a few questions. Now, under the amended bill, governmental bodies could hold closed meetings as long as the discussions were preliminary in nature. Now, could you tell me what preliminary in nature means?

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Senator, I believe when individuals come into a community, they may not always know exactly whether the community even wants them to be there. They may be...may have been attracted to the community for a particular reason, but they don't know how interested the community might be in...in finding a location for them, and it's best, it seems to me, just to talk with them and find out if they even want them in the community. And this is what we mean by preliminary nature, discuss a concept only.

PRESIDENT:

Senator Topinka.

SENATOR TOPINKA:

So, that I'm clear now, the discussions would go no further than...than like generalities such as the assets of a community which would be something like good water supply, good schools, good transportation facilities and things like that. All right? They...they wouldn't include any specific incentives or offers by the corporate body to the business entity of providing any specific incentive offers or tax breaks by that governmental body, is that correct?

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

That is correct, except to say that the entrepreneur may ask the community, the mayor, the city council is there a blighted area where we might...or where you might desire to establish a TIF or an enterprise zone. Now, those are things that are already in place but...so you're not really discussing new incentives, they're already incentives in place there.

PRESIDENT:

Senator Topinka.

SENATOR TOPINKA:

There would be no discussions among members of the governmental body on making any land purchases on behalf of the business entities. Is that correct?

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

That is correct and that's one of the purposes of this bill.

PRESIDENT:

Senator Topinka.

SENATOR TOPINKA:

Likewise, there would be no informal votes taken among members of the corporate body on what incentives or offers that would be made to the business...entity? Is that correct?

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

That is correct.

PRESIDENT:

Senator Topinka.

SENATOR TOPINKA:

Would the corporate body have to conform to other provi-

sions of the Open Meetings Act, such as giving advance notice to the media of such meetings and keeping written minutes of the closed meeting?

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Senator, it is my understanding that there are no minutes kept in...in the closed meeting, and I...I would stand corrected if I am wrong but I don't believe...believe that there is.

PRESIDENT:

Senator Topinka.

SENATOR TOPINKA:

Then the bill is not intended to allow a public body to discuss any possible transactions or deliberate any public action but merely to provide a forum to a business entity for initial discussions on community assets. Is that correct?

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

That is absolutely correct.

PRESIDENT:

Senator Topinka.

SENATOR TOPINKA:

And this is not a question of legislative intent, it's...it's just, I suppose, something that confuses me having come out of a...of a press background. I...when we're talking about Open Meetings Act, which is so relevant to...both municipalities and the press, I'm at a loss to understand why the Illinois Press Association agrees with you and the Illinois Broadcasters' Association disagrees with you and the Associated Press disagrees with you. I would think that they would all be coming in at...with one feeling on this because the media is the media the media. What was the

problem?

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

I'm...I'm not really sure, Senator Topinka, except to say that the Illinois Press Association came to me very early on and worked with me on...on the changes to the bill. The News Broadcasters' Association didn't even call me...until after they made their position known at a...at a conference in northern Illinois a few short weeks ago and; it's my understanding, that the AP just a day or so took action against it but no one...none of those two agencies had...had come to me prior to the bill.

PRESIDENT:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr...Mr. President, Ladies and Gentlemen of the Senate, I'm a municipal attorney and I think this is a very good bill because these preliminary discussions are necessary; otherwise, you're not going to help economic condition of your areas if you don't have these preliminary discussions in closed session, 'cause it might involve...relating to properties. So if it does that and people hear, ah, ha, they're going to there, the property prices will be jumping up. I think this is a very good bill and I speak for it.

PRESIDENT:

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I was troubled by the bill in committee and I think was the only one who did not vote for it. I concede, Senator Maitland, that both your Amendment No. 3 which I believe is now on the bill and this statement of legislative intent helps a good deal. But let me express why I will still be voting No although not an outraged No,

and that is that I am troubled most of all by the earliest part of the exception that you are drawing here, "That portion of meetings of the corporate authorities of a municipality where economic development proposals and proposed location or relocation of a business entity are discussed," and then you go on into the qualifications that you've put on it. The...what worries me is the enormous breadth of the expression "economic development" which as we know in this Body now covers virtually everything under the sun, and the fact that it is separate and the proposed location or relocation of a business entity, which it seems to me could also be extremely broad in terms of what its coverage would be, so that even with the qualifications you have put on, I...I am troubled that we are opening a major gap in an area where I think, more than in many other areas, the public does need some protection through access to early stages of...of negotiation. So, for that reason, I will be voting No.

PRESIDENT:

Further discussion? Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and members. Senator Maitland, I don't mean to rise and take the time of the Body but I'd like to ask you a question if...I understand what you're trying to accomplish and for that I commend you, but aren't these negotiations...if...if we want to attempt this rather than open it up to a public meeting which I think the residents need some input, shouldn't these preliminary meetings probably be held with city planners, city managers, maybe some...some officials on the zoning board or the planning boards? Why...why aren't these...what prohibits these preliminary meetings from going on now?

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Two responses, Senator...Zito. First of all, you got to understand that those...those are all taking place now. The mayor, the city manager, obviously, will always contact these people because these are the planners of...of the community and they are involved now outside...outside the media, outside the...the meeting anyway. What we're saying is that in this closed meeting, those people too can be brought into that meeting to advise, again, on a preliminary basis, whether or not this is even a feasible action to take.

PRESIDENT:

Senator Zito.

SENATOR ZITO:

...I'm sorry, Senator, but I just fail to see the need for the bill then. If...if, in fact, these preliminary negotiations are going to go on with the city manager or the city planner and then that city manager or city planner is going to report to the entire board or the mayor in day-to-day correspondence at the...at the village hall or the city hall, what's the need for the entrepreneur who has met with them privately and then that individual giving a report back to the mayor or the board? What's the need then for the legislation?

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Senator, you brought in the planners, there's nothing to say that that couldn't continue to take place outside. What I am saying and the purpose of the...of...of the amended bill is to...is to make sure that you include all of the elected officials in this...in this preliminary planning. Right now, they're excluded because they're going outside of...of the purview of the bill and...and...and...and making discussion...having these discussions on concept.

PRESIDENT:

Senator Zito.

SENATOR ZITO:

Well, just to the bill then, Mr. President. I...I can understand what Senator Maitland is trying to accomplish but several communities in my district honestly have been burnt by...the residents have by this exact process where entrepreneurs had come in...and one, in fact, was Senate Bill 1925 which I introduced which had to do with the hazardous waste site that came in, and there were some negotiations going on with the city manager and the city planner and...and the entrepreneur had met with several officials and, all of a sudden, the residents of the community have found themselves not involved in the negotiation, that I, honestly, think they should have been involved in and...and I'm going to vote Present. I understand your position but I...I just think this is the wrong approach.

PRESIDENT:

Further discussion? Senator Leitch.

SENATOR LEITCH:

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

PRESIDENT:

Sponsor indicates he'll yield, Senator Leitch.

SENATOR LEITCH:

What is the definition of economic development as it pertains to this bill?

PRESIDENT:

Senator Maitland.

SENATOR MAITLAND:

Well, thank you, Mr. President. I would assume that...and I hadn't...obviously, hadn't thought about this question; economic development, I would assume, means as it addresses itself to an entrepreneur who is coming into the community, the...the discussion, the...desire on...on his

part to...to bring into the community some kind of business entity that will...will improve the economic climate of that community, will...will...will help the...the...the community economically.

PRESIDENT:

Senator Leitch.

SENATOR LEITCH:

Would this strictly be limited to private enterprise? All manner of public enterprise and schemes and ideas are...are described as economic development and, I, too, am concerned about the breadth of that definition.

PRESIDENT:

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. I have one question for the sponsor.

PRESIDENT:

Sponsor indicates he'll yield, Senator Dudycz.

SENATOR DUDYCZ:

Senator Maitland, will this bill allow the Mayor of Chicago and the Chicago City Council to meet behind closed doors?

PRESIDENT:

Probably never happen, John...Senator Maitland.

SENATOR MAITLAND:

...thank...thank you, Mr. President...if...if they are discussing...if they are discussing issues contained in 1834 in the preliminary...in the preliminary way in which we discussed in that bill, yes, it could.

PRESIDENT:

Senator Dudycz.

SENATOR DUDYCZ:

Well, I'm sorry, Senator, I must join Senator Zito in voting Present in that case.

PRESIDENT:

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

SENATOR MAITLAND:

Only to say...Mr. President, thank you, very much. Only to say that...that this is an attempt really to...to bring together in an orderly form what all...already is going on behind closed doors without anybody knowing what's going on. I believe this is a taxpayers' bill. I believe this tightens up the Open Meetings Act and I would appreciate your support.

PRESIDENT:

The question is, shall Senate Bill 1834 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 28 Ayes, 11 Nays, 12 voting Present. Senate Bill 1834 having failed to receive the required constitutional majority is declared lost. Senator DeAngelis, for what purpose do you seek recognition?

SENATOR DeANGELIS:

Just a point of personal privilege. Today we have among our Body someone celebrating a birthday, a birthday which he does not wish to disclose, but I am informed by statisticians that he is older than perhaps eighty percent of the clients he services, Senator Stan Weaver, dear loved senior member.

PRESIDENT:

Happy birthday, Senator Weaver. Senator Sangmeister, for what purpose do you arise?

SENATOR SANGMEISTER:

Just rather rapidly, I've been advised that there will be an Executive Committee meeting next week and I need to waive the appropriate rule for posting because there isn't sufficient time in order to hold that meeting and I so move that that rule be waived.

SB 263
e.e.r.
PRESIDENT:

All right. Senator Sangmeister has moved to suspend the rules to waive the...appropriate rule for posting requirement so that the...his committee can meet next Wednesday. Is leave granted? Leave is granted. So ordered. Now, if you'll walk through with me, 1935 was held; 1954, the sponsor requests that it be held; 1972,...2057, 2086 and 2088 were all held at the request of the sponsor, as I understand it. We have two remaining items of business. If you will...the Governor's Office has requested that we move to the Order of Conference Committee Reports, top of page 22. There's a Conference Committee report on Senate Bill 263 that is some of...is of some importance and some necessity and some emergency to the administration. Then if the sponsors desire, we will go to the Order of Consideration Postponed. Senator Davidson has a...a resolution to set up a committee to write the arguments pro and con for his Constitutional Amendment. We have some housekeeping and that should be it. All right, with leave of the Body, we'll move to the Order...page 22 on the Calendar. Conference Committee report on Senate Bill 263, Mr. Secretary.

SECRETARY:

First Conference Committee report on Senate Bill 263.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. Conference Committee report on Senate Bill 263 does three specific things. It's in relationship to the Illinois Farm Development Authority, know of no opposition. Specifies in the law that interest rates will be adjusted annually which was the intent of the old original legislation, so this is a technical change which is being required by the Farm Development Authority's legal counsel. Secondly, it extends...allows the IFDA to extend the fourteen

HB 1925
2nd Reading

month liquidation period on collateral for lenders in the case of bankruptcies or extenuating circumstances. This was a major concern to the respect of lenders in Illinois. And, thirdly, the current Illinois law does not exempt the guaranteed portion of this loan from the State's bank lending limit, and for small rural banks, it's essential that the State guarantee be exempt from their lending limits so that they can service their larger customers. The Commissioner of Banks Office has recommended the...the third portion of the...the change and that is the extending of the limit...lending limit and, it seems to me, that there is no opposition to the Conference Committee report as...as I know it and I would ask for its adoption.

PRESIDENT:

Any discussion? If not, the question is, shall the Senate adopt the Conference Committee report on Senate Bill 263. 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 50 Ayes, no Nays, none voting Present. The Senate does adopt the Conference Committee report on Senate Bill 263 and the bill having received the required constitutional majority is declared passed. All right, ladies and gentlemen, with leave of the Body, we'll move to the Order of Consideration Postponed. As I understand it, there are only four bills; 1475, 1925, 1974 and 2180. If the sponsors wish to proceed, we will proceed; otherwise, we will wrap up our business. On the Order of Consideration Postponed, Senate Bill 1475. Senate Bill 1925, Senator Zito. On the Order of Consideration Postponed is Senate Bill 1925. Read the bill, Mr. Secretary.

SECRETARY:

(Machine cutoff)...Bill 1925.
(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and members. I appreciate your patience with 1925. We have met throughout the latter part of the day yesterday and this morning. I think we have ironed out the differences now of 1925 and would ask for a favorable roll call.

PRESIDENT:

Any discussion? Senator Welch.

SENATOR WELCH:

Yes, Senator Zito has promised to amend this bill when it gets to the House to eliminate the word "zoning" from the restrictions and, therefore, I would urge affirmative vote.

PRESIDENT:

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. All I know is we appropriated a million three hundred thousand dollars to the Illinois Pollution Control Board to review such critical matters as...are contained in Senate Bill 1925. That one word change will not change my vote on this matter. I know that the issues are complex. I believe that the understanding of 1925 is a good faith effort but, unfortunately, it was not a good faith effort reviewed by the Illinois Pollution Control Board and, for that reason, I will still be opposed to 1925 in its present form. Either you're going to let these issues be addressed by the respective bodies that we give the money to to...and their expertise or we can start deciding every and...each issue here on this Floor. I, for one, believe that government works best with the expertise that's available to it that is not contained in 1925 and I'll be voting No.

PRESIDENT:

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

I was going to say I think the bill was good and I think that the change that has been suggested should reassure my downstate brethren that those of us from the collar counties and the Cook County suburbs are not trying to inflict anything on them. As I said, it really didn't have a lot of impact in...at least my area. I think the bill still contains some very important safeguards in the relationship between a local area, local people and the Pollution Control Board when we start siting these things. Those people that have had this problem in their district and the sitings know of the deficiencies that exist in the current law. I'm not saying this is perfect, there are some of us that might go actually a little further in a few areas, but I think it's a reasonable compromise and should be allowed to go forward.

PRESIDENT:

Further discussion? Senator Rigney.

SENATOR RIGNEY:

Question of the sponsor.

PRESIDENT:

Sponsor indicates he'll yield, Senator Rigney.

SENATOR RIGNEY:

Might it be that the process of recovering methane gas inasmuch as it is ignitable, could that be looked upon, therefore, as being hazardous and...covered by this bill?

PRESIDENT:

Senator Zito.

SENATOR ZITO:

Senator, it is not, and I understand that that has been circulated this morning by one of the groups that stand in opposition to this. That is absolutely not the case and let me...let me just further, Senator Rigney, if I can, explain

to you what had happened. When we...when we discussed this legislation with the group that has indicated that information to you, we removed probably seventy to seventy-five percent of the sting from this bill and took it out at their bequest and then they said that we would remain neutral. Now when they realize that we probably at postponed consideration stage can pass this piece of legislation, they're circulating facts that honestly are not true. That...your...in answer to your question, no.

PRESIDENT:

Senator Rigney.

SENATOR RIGNEY:

Well, what is it about the bill now that will specifically allow for this?

PRESIDENT:

Senator Zito.

SENATOR ZITO:

Well, the thrust of the bill now says that we will not locate a hazardous waste facility within one thousand feet of a residential dwelling, as it will read after we take out the word "zoning"... "zoned."

PRESIDENT:

Senator Rigney.

SENATOR RIGNEY:

What about the one that's out there already?

PRESIDENT:

Senator Zito.

SENATOR ZITO:

It is not retroactive, it's only new construction.

PRESIDENT:

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

SENATOR DONAHUE:

Thank you, Mr. President. Just a question...

PRESIDENT:

Sponsor indicates he'll yield, Senator Donahue.

SENATOR DONAHUE:

Are you...by doing that, Senator Zito, are we not going back to an amendment that we defeated here?

PRESIDENT:

Senator...

SENATOR DONAHUE:

I mean, Senator Welch's amendment?

PRESIDENT:

Senator Zito.

SENATOR ZITO:

We really compromised on a compromise, Senator. We...the...Senator Welch's amendment changed the word "zoning" but he also said five hundred feet. I requested that it remain at a thousand to make it more...more stringent and we agreed on that, so that's been agreed and worked out. We're going to remove the word "zoning" because I understand that downstate counties don't have that terminology, but we wanted to keep the thousand foot residential dwelling. So that's what we have agreed to.

PRESIDENT:

Senator Donahue.

SENATOR DONAHUE:

So we will, in fact, have another opportunity to address this issue if it's amended in the House, it will come back?

PRESIDENT:

Senator Zito.

SENATOR ZITO:

Yes, it needs to be amended in the...in the House and that's what we agreed to.

PRESIDENT:

Further discussion? Senator Collins. Senator Zito, you wish to close?

SENATOR ZITO:

Only to tell you that we did in good faith negotiate, there's still some people that are unhappy but the thrust is to Senator Lechowicz's comments as well. I know that the Illinois Pollution Control Board and the EPA and other agencies are discharged with the responsibility of doing this and, yes, we do pay them State money but let's think about where we get the money. It's the taxpayers and, for that reason and for this bill, we want to continue to make sure that local control is given in all hazardous waste sites, and I ask for your affirmative vote.

PRESIDENT:

The question is, shall Senate Bill 1925 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 29, the Nays are 16, 1 voting Present. Senate Bill 1925 having failed to receive the required constitutional majority is declared lost. Senator Poshard...apparently hold. Senator Collins, hold. Senator Davidson, for what purpose do you seek recognition?

SENATOR DAVIDSON:

Mr. President, I seek to have the Executive Committee discharge from Senate Joint Resolution...I don't know whether it's 161 or 162, they didn't give me the correct number yet, in relation to the committee which...

PRESIDENT:

Well, hold it...hold it, it's not...it's not read in yet. My fault, we'll...we'll get there. The adjournment resolution will call for us to return to Springfield on Wednesday at one o'clock, Wednesday...next Wednesday at one o'clock, I hope everybody has a nice weekend. Committee reports.

SECRETARY:

Senator Savickas, chairman of Assignment of Bills Committee, assigns the following bills to committee:

House Bill 3181 to Elementary and Secondary Education; Executive - House Bills 2544, 2552, 2573, 2839, 2873, 3230, 3474 and 3632; Insurance, Pensions and Licensed Activities - House Bill 3378; Local Government - House Bill 2630; Public Health, Welfare and Corrections - House Bill...Bills 2644, 3477, 3520; Revenue Committee - House Bills 1321, 24, 35...or 27, 35 and Transportation Committee - 3479 and 3506.

PRESIDENT:

Senator Jones, for what purpose do you seek recognition?

SENATOR JONES:

The purpose of an announcement, Mr. President. The Senate Insurance Committee will meet on Wednesday, May 28th at 9:00 a.m. to deal with subject matter, the rewrite of the Medical Practice Act. I suggest that all members who want to appear before that committee to deal with this all-important subject to be there, notification will be sent out. Again, we will meet at 9:00 a.m., Wednesday morning, Room 400 and all person interested, I would suggest that you be there to testify.

PRESIDENT:

Senator Marovitz, for what purpose do you arise?

SENATOR MAROVITZ:

Thank you, Mr. President. I'd like to be listed as a hyphenated sponsor on the following Senate Bills: Senate Bill 1049, 1634 and 2019 and the following House Bills also, hyphenated sponsor, 2477, 3300, 3573, 3477 and 2891. Thank you, Mr. President.

PRESIDENT:

Congratulations, you've just written your brochure. The gentleman seeks leave to be added as a cosponsor...shown as cosponsor. Is leave granted?...Senator Marovitz, will you provide the Secretary with that list so we can properly journalize it? Leave is granted. Senator Vadalabene, for what purpose do you arise?

SENATOR VADALARENE:

Yes, thank you, Mr. President. For a purpose of an announcement. I have the suggested address for Memorial Day, I ordered sixty-five of these and I have sixty left and they're going like hot cakes.

PRESIDENT:

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

SENATOR GEO-KARIS:

Two things...Mr. President and Ladies and Gentlemen of the Senate, I would like to add as an immediate cosponsor to Senate Bill...to House Bills 3001 and 3002, Senator Emil Jones, and I also would like to withdraw my name as sponsor of Senate Bill...I mean,...House Bill 3006 and substitute in my place, Senator Woodyard. 3006, substitute Mr. Woodyard.

PRESIDENT:

All right. The lady seeks leave to substitute Senator Woodyard as chief sponsor of Senate Bill...House Bill 3006 and seeks to...add Senator Jones as the hyphenated cosponsor on House Bills 3001 and 3002. Without objection, leave is granted. Senator Fawell, for what purpose do you arise?

SENATOR FAWELL:

Thank you, very much, Mr. President. I would like to place Senator Laura Donahue as the lead sponsor of 2988; right now, I am.

PRESIDENT:

House bill?

SENATOR FAWELL:

I'm sorry, House Bill 2988.

PRESIDENT:

House Bill 2988, the lady seeks leave to substitute Senator Donahue as the chief sponsor. Is leave granted? Leave is granted. Senator Hudson, for what purpose do you arise?

SENATOR HUDSON:

...thank you, Mr. President. I would like the record to

show that I meant to vote Yes but inadvertently voted No on Senate Bill 2076.

PRESIDENT:

2076, the record will so reflect. Senator...

SENATOR HUDSON:

...and one...another thing, Mr. President. On Senate Bill 2162, I did not get to my switch; had I, which I meant to do, I would of voted Yes.

PRESIDENT:

I think you ought to chastise your seatmate. The record will so reflect. Senator Etheredge, for what purpose do you arise?

SENATOR ETHEREDGE:

Mr. President, I seek leave to make changes in the sponsorship of two House bills, the first one being House Bill 3000, I would like to drop...be deleted as the principal sponsor and I would like to have Senator Donahue shown as the principal sponsor of that bill.

PRESIDENT:

All right. The gentleman seeks leave to...to...substitute Senator Donahue as the chief sponsor on House Bill 3000. Without objection, leave is granted. Senator Etheredge.

SENATOR ETHEREDGE:

On House Bill 2987, I seek leave to add Senator Geo-Karis as a hyphenated cosponsor.

PRESIDENT:

All right. The gentleman seeks leave to add Senator Geo-Karis on House Bill 2987 as cosponsor. Is leave granted? Leave is granted. All right, Mr. Secretary, we're ready. Messages from the House.

SECRETARY:

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

Mr. President - I'm directed to inform the Senate

the House of Representatives has passed bills with the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

House Bills 500, 1332, 1675, 1676, 2044, 2279, 2596, 2601, 2693, 2734, 2796, 2866, 2868, 2885, 2958, 2969, 2971, 3017, 3018, 3046, 3059, 3061, 3074, 3075, 3080, 3081, 3141, 3145, 3175, 3187, 3346, 3412, 3476, 3484, 3521, 3525, 3527, 3530, 3543, 3548, 3587, 3588, 1477, 2409, 2537, 2612, 2688, 2784, 2977, 2993, 3015, 3093, 3165, 3205, 3214, 3228, 3251, 3253, 3263, 3351 and 3482.

PRESIDENT:

Resolutions, Mr. Secretary.

SECRETARY:

Senate Joint Resolution 161 offered by Senator Davidson.

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, I'd move that the rules be suspended for immediate consideration for Senate Joint Resolution 161. This has to do with creating the committee which writes the pros and cons for the Constitutional Amendment on the bail bond which we have now ready to go to the voters on November the 4th.

PRESIDENT:

All right. Senator Davidson has moved to suspend the appropriate rule for the immediate consideration and adoption of Senate Joint Resolution 161. All in favor of the motion to suspend indicate by saying Aye. All opposed. The Ayes have it. The...the rules are suspended. Senator Davidson now moves the adoption of Senate Joint Resolution 161. All in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. Further resolutions, Mr. Secretary?

SECRETARY:

The following resolutions are all congratulatory.

Senate Resolution 940, by Senators...Senator Dudycz and all Senators.

941, 942, 943, 944, 945, 946, 947, by Senator Jones.

948, by Senator Lechowicz and all members.

949, by Senator Savickas.

950, by Senator Barkhausen.

951, by Senator Barkhausen.

952, by Senator Barkhausen.

953, 954, 955, 956, 957, 958, 959, 960 and 961, by Senator Jones.

PRESIDENT:

Consent Calendar. All right, resolutions, Mr. Secretary. Senator Poshard, I hope, will handle the...adjournment resolution.

SECRETARY:

Senate Joint Resolution 162 offered by Senator Poshard.
(Secretary reads SJR 162)

PRESIDENT:

All right. Senator...it's Senate Joint, Mr...yeah, thank you. Senator Poshard has moved to suspend the rules for the immediate...consideration and adoption of Senate Joint Resolution 162. It is the adjournment resolution. It calls for us to return to Springfield next Wednesday at the hour of one o'clock. All in favor of the motion to suspend indicate by saying Aye. All opposed. The Ayes have it. The rules are suspended. Senator Poshard now moves the adoption of Senate Joint Resolution 162. All in favor indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. Mr. Secretary, any objections been filed to the Resolutions Consent Calendar?

SECRETARY:

No objections have been filed, Mr. President.

PRESIDENT:

All right, with leave of the Body, we'll also add Senate Resolutions 940 through 961, and Senator Poshard will move the adoption of the Resolutions Consent Calendar. All in favor indicate by saying Aye. All opposed. The Ayes have it. The resolutions are adopted. All right, no further business to come before the Senate? If not, Senator Topinka moves that pursuant to the adjournment resolution the Senate stand adjourn until next Wednesday, the 28th day of May, at the hour of one o'clock. The Senate stands adjourned. Have a nice weekend everybody.

STATE OF ILLINOIS
84TH GENERAL ASSEMBLY
SENATE
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