

85TH GENERAL ASSEMBLY

REGULAR SESSION

May 11, 1988

PRESIDENT:

The hour of eleven having arrived, the Senate will please come to order. Will the members be at their desks and will our guests in the gallery please rise. Prayer this morning by the Reverend Mary Moore, Unitarian Church of Decatur, Decatur, Illinois. Reverend.

REVEREND MARY MOORE:

(Prayer given by Reverend Moore)

PRESIDENT:

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

SENATOR SMITH:

Thank you, Mr. President and members of the Senate. I move that the reading and approval of the Journals of Thursday, April 28th; Tuesday, May 3rd; Wednesday, May 4th; Thursday, May 5th; Friday, May 6th and Tuesday, May 10th, in the year 1988, be postponed pending arrival of the printed Journals.

PRESIDENT:

(Machine cutoff)...heard the motion as placed by Senator Smith. Is there any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and it is so ordered. Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

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

PRESIDENT:

State your point.

SENATOR GEO-KARIS:

This week we are celebrating the 100th anniversary of Abbott Laboratories which happens to be situated in my district and...we're celebrating their quality health care in Illinois around the world. The company was founded by Doctor

Wallace C. Abbott, a neighborhood physician in Ravenswood area of Chicago in...in 1888, where he began making drug products first for his own health care and...and his patients and later for use by other physicians; and this company founded by that young doctor now has approximately forty thousand employees in forty-one countries, approximately, nine thousand in Illinois, developing, producing and distributing thousands of products for the benefit of people worldwide. And whereas, Abbott has been a leader in the health care industry committed to developing cost effective products, technologies and services that improve health care worldwide. Some of the major innovations of Abbott Laboratories have been Nembutal, the classic drug for sedation; sodium pentothal, the largest selling intravenous...anesthetic in the world; erythrocin line of erythromycin antibiotics, perhaps the safest antibiotic in use today; Similac and Isomil, infant formula products; HTLV-III enzyme Immunoassay, the first test licensed in...the United States to screen blood and blood products for the presence of antibodies to the AIDS virus, and Ausria and Auszyme, diagnostic test for detecting Hepatitis B in blood to name a few. And, whereas, since the beginning of...of operations in...in Illinois in...1888, Abbott has greatly enhanced the quality of life for the people of Illinois and around the world and created a center of high technology, making an important contribution to a prosperous Illinois economy. Therefore, I am asking that we congratulate Abbott Laboratories today on its hundredth anniversary commitment to quality health care. I'm very proud to have them in our state and particularly in my County of Lake and, I ask that Robert...A. Schoellhorn, the...the chairman and chief executive...executive officer, whose name is spelled S-c-h-o-e-l-l-h-o-r-n, be commended with our best wishes for running a fine operation.

PRESIDENT:

(Machine cutoff)...reports.

SECRETARY:

Senator J. J. Joyce, chairman of the Committee on Executive, reports Senate Resolutions Noed. 461, 617, 755, 907 and 908 Do Adopt.

And Senate Joint Resolution Noed. 81, 93, 104, 117 and 120 Do Adopt.

House Joint Resolution 186 Do Adopt.

Senate Joint Resolution Noes. 114, 127, 128, 129 Do Adopt as Amended.

PRESIDENT:

Messages from the House.

SECRETARY:

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

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

House Bills 2981, 3099, 3100, 3108, 3109 and 3311. Passed the House May 10th. John F. O'Brien, Clerk of the House.

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

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

House Bill 720, together with the following amendment, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to Senate Bill 720.

PRESIDENT:

Secretary's Desk. Resolutions.

SECRETARY:

SB 1584
2nd Reading

Senate Resolution 1065 offered by Senator Savickas.

Senate Resolution 1066 offered by Senator Woodyard.

Senate Resolution 1067 offered by Senator Woodyard.

They're all congratulatory.

PRESIDENT:

Consent Calendar. All right. We will begin again on page 2 on the Calendar, on the Order of Senate Bills 2nd Reading. We are scheduled to join the House in Joint Session for the purpose of hearing Secretary Bennett shortly after the hour of noon. So at the appropriate time we will suspend what we're doing and go over to the House. In the meantime, we will forge ahead on Senate bills 2nd reading and when we return from the Joint Session at approximately two o'clock, we will just continue on the Calendar, finish 2nd and go right into 3rd reading. Senator Dudycz, for what purpose do you arise, sir?

SENATOR DUDYCYZ:

A point of personal privilege.

PRESIDENT:

State your point, please.

SENATOR DUDYCYZ:

Mr. President and Ladies and Gentlemen of the Senate, we have some special guests with us this afternoon. We have the seventh and eighth graders from my district from Messiah Lutheran School. They are here also with Mrs. Ganz, the principal, Mark Wicbolt and Mr. Louis Cushman. I'd like for them to be recognized, please.

PRESIDENT:

Will our guests please stand and be recognized. Welcome to Springfield. All right. We'll begin on top of page 2, 1167, Senator Netsch. 1557, Senator Holmberg. 1558. 1563. 1581, Senator Joyce. 1584, Senator Smith. On the Order of Senate Bills 2nd Reading, Madam Secretary, is Senate Bill 1584. Read the bill, please.

SB 1587
2nd Reading

SECRETARY:

(Machine cutoff)...Bill 1584.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDENT:

Any amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDENT:

3rd reading. 1587, Senator Smith. On the Order of Senate Bills 2nd Reading, the middle of page 2, ladies and gentlemen, is Senate Bill 1587. Read the bill, please, Madam Secretary.

SECRETARY:

Senate Bill 1587.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDENT:

Any amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDENT:

3rd reading. 1593, Senator Zito. 1599, Senator Joyce. 1600, Senator Jones. 1615, Senator Welch. 1622, Senator Topinka. Top of page 3, 1626, Senator D'Arco. 1634. 1642, Senator Smith. On the Order of Senate Bills 2nd Reading is Senate Bill 1642. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1642.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDENT:

Any amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDENT:

3rd reading. 1647. 1668, Senator Macdonald. On the Order of Senate Bills 2nd Reading is Senate Bill 1668. Read the bill, Madam Secretary, please.

SECRETARY:

Senate Bill 1668.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDENT:

Any amendments from the Floor?

SECRETARY:

Senator Macdonald offers Amendment No. 1.

PRESIDENT:

(Machine cutoff)...Macdonald on Amendment No. 1, please.

SENATOR MACDONALD:

Thank you, Mr. President. This amendment merely deletes the language of...of attempting to obtain in...in this particular bill it removes attempt language from this criminal penalty. So I would like to have this amendment put on, please.

PRESIDENT:

Senator Macdonald has moved the adoption of Amendment No. 1 to Senate Bill 1668. Is there any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Are there further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1669, Senator Macdonald. On the Order of Senate Bills 2nd Reading, Senate Bill 1669. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1669.

*SB 1800
2nd Reading*

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDENT:

Any amendments from the Floor?

SECRETARY:

Senator Macdonald offers Amendment No. 1.

PRESIDENT:

Senator Macdonald on Amendment No. 1.

SENATOR MACDONALD:

Thank you, Mr. President. This amendment merely excludes the state government from requirement of...prohibition of seeking social security number for identification.

PRESIDENT:

The question is the adoption of Amendment No. 1 to Senate Bill 1669. Senator Macdonald has moved its adoption. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1676. 1685. Middle of page 4, 1697. 1703, Senator Karpel. 1723, Senator Zito. Page 6...top of page 7, ladies and gentlemen. 1789, Senator Netsch. Senator Marovitz, 1793. 1794, Senator Demuzio. 1798, Senator Marovitz. No, okay. 1819, Senator Collins...all right. 1800, Madam Secretary. Middle of page 7, ladies and gentlemen, on the Order of Senate Bill 2nd Reading is Senate Bill 1800. Read the bill, please, Madam Secretary.

SECRETARY:

Senate Bill 1800.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDENT:

Any amendments from the Floor?

SECRETARY:

Senator Marovitz offers Amendment No. 1.

PRESIDENT:

Senator Marovitz on Amendment No. 1.

SENATOR MAROVITZ:

Thank you, very much, Mr. President. Amendment No. 1 is an amendment which was requested by the Judiciary Committee and most notably, Senator Hawkinson; and we are amending the bill to take out the eighteen-month notice provision in total, clarify that the notice provisions apply only to these particular IHDA contracts and limit fines for the failure to give notice or actual intent to prepay. I would ask for the adoption of this amendment.

PRESIDENT:

Senator Marovitz has moved the adoption of Amendment No. 1 to Senate Bill 1800. Discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDENT:

Sponsor indicates he will yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, I...I've just now been handed the amendment that...one question I would have is, does your amendment deal with the provision in the original bill that would require a twelve-month notice whether or not there was any intention to prepay?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

It's my understanding that the amendment says that the...when we took out the eighteen-month notice, that you would still have to give the twelve-month notice of the

*SB 1842
2nd Reading*

opportunity to prepay.

PRESIDENT:

Senator Hawkinson.

SENATOR HAWKINSON:

Was there any change in the penalty under that twelve-month notice in your amendment?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Yes, there was. It limited the fines for failure to give notice of...of...of actual intent and it only...only to intent.

PRESIDENT:

Further discussion? If not, Senator Marovitz has moved the adoption of Amendment No. 1 to Senate Bill 1800. If there's no further discussion, all in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries. The amendment is adopted. Are there further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1834, Senator Jones. 39, 40, 42, Senator Degnan, 1842. On the bottom of page 7, ladies and gentlemen, on the Order of Senate Bills 2nd Reading is Senate Bill 1842. Read the bill, Madam Secretary, please.

SECRETARY:

Senate Bill 1842.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Local Government offers one committee amendment.

PRESIDENT:

Senator Degnan on Committee Amendment No. 1.

SENATOR DEGNAN:

Thank you, Mr. President. 1842, Committee Amendment No. 1 deals with the civil service rules for the Metropolitan Sanitary District, changes the periods for which lists will remain in force to four years for laborers. It's recommended by the committee, makes other nonsubstantive changes. I'd move its passage.

PRESIDENT:

All right. Senator Degnan has moved the adoption of Committee Amendment No. 1 to Senate Bill 1842. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further committee amendments.

PRESIDENT:

Any amendments from the Floor?

SECRETARY:

Senator Dudycz offers Amendment No. 2.

PRESIDENT:

Senator Dudycz on Amendment No. 2.

SENATOR DUDYCZ:

Thank you, Mr. President. I would first ask leave to add Senator Lechowicz as a cosponsor of Amendment...Floor Amendment No. 1.

PRESIDENT:

All right. The gentleman has sought leave to add Senator Lechowicz as cosponsor on Amendment No. 2. Without objection, leave is granted. Now to the question. Amendment No. 2, Madam Secretary. Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. Amendment No. 2, Floor amendment, is clean-up legislation. It's identical to a provision which both Houses passed last year unanimously in Senate Bill 152, became Public Act 85-304 but was inadvertently placed in

the wrong section of Chapter 24, and I move we adopt Amendment No. 2.

PRESIDENT:

All right. Senator Dudycz has moved the adoption of Amendment No. 2 to Senate Bill 1842. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading...(machine cutoff)...page 8, 1843, Senator Degnan. On the Order of Senate Bills 2nd Reading, top of page 8, is Senate Bill 1843. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1843.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Local Government offers Amendment No. 1.

PRESIDENT:

Senator Degnan on Committee Amendment No. 1.

SENATOR DEGNAN:

Thank you, Mr. President. Senate Bill 1843 deals with the issuance of construction bonds for the Metropolitan Sanitary District. Committee Amendment No. 1 extends the sunset date for the issuance of those construction bonds from December of '91 to December of '96.

PRESIDENT:

Discussion? Any discussion? If not, Senator Degnan has moved the adoption of Committee Amendment No. 1 to Senate Bill 1843. All in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Are there further amendments?

SECRETARY:

No further committee amendments.

PRESIDENT:

Any amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDENT:

3rd reading. 1860, Senator Welch. Senator Barkhausen, 1868. 1873, Senator Jones. 75, Senator Mahar, 1875. On the Order of Senate Bills 2nd Reading, bottom of page 8, is Senate Bill 1875. Read the bill, Madam Secretary, please.

SECRETARY:

Senate Bill 1875.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Energy offers one committee amendment.

PRESIDENT:

Senator Mahar on Committee Amendment No. 1.

SENATOR MAHAR:

Thank you, Mr. President. Currently utilities that fail to pay or underpay their estimated...quarterly utility tax pay a fine monthly. The amendment would make that fine due daily.

PRESIDENT:

Senator Mahar has moved the adoption of Committee Amendment No. 1 to Senate Bill 1875. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Are there further amendments?

SECRETARY:

No further committee amendments.

PRESIDENT:

Any amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDENT:

3rd reading. 1888, Senator Karpziel. Senator Karpziel, I

can't even see you. Yes, no, yes. On the Order of Senate Bills 2nd Reading, Senate Bill 1888. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1888.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDENT:

Any amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDENT:

3rd reading. Top of page 9, Senator Welch, 1913. Senator Severns, 1914. Senator Jerome Joyce, 1915. Senator Holmberg, 1926. Top of page 9, Senator Schaffer, 1937. Senator Madigan, 1943, yes. On the Order of Senate Bills 2nd Reading, the middle of page 9, is Senate Bill 1943. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1943.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Public Health, Welfare and Corrections offers one committee amendment.

PRESIDENT:

Senator Madigan on Committee Amendment No. 1.

SENATOR MADIGAN:

Thank you, Mr. President. I would like to move to Table Committee Amendment No. 1.

PRESIDENT:

All right. The Senator has moved to Table Committee Amendment No. 1 to Senate Bill 1943. Is there any discussion? If not, all in favor of the motion to Table indicate by saying Aye. All opposed. The Ayes have it. The motion carries. Amendment No. 1 is Tabled. Are there further

amendments?

SECRETARY:

No further committee amendments.

PRESIDENT:

Any amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDENT:

Senator Madigan.

SENATOR MADIGAN:

Mr. President, I would like leave to bring this bill back to 2nd reading at a point...for an amendment that's a Floor amendment that's being prepared.

PRESIDENT:

All right. The gentleman seeks leave of the Body to return this bill at a later date for the purpose of an amendment. Without objection, leave is granted. Senator Demuzio. Oh, okay. 1956, Senator Davidson. On the Order of Senate Bills 2nd Reading is Senate Bill 1956. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1956.

(Secretary reads title of bill)

2nd reading of the bill. Committee on Transportation offers one committee amendment.

PRESIDENT:

Senator Davidson on Committee Amendment No. 1.

SENATOR DAVIDSON:

Mr. President and members of the Committee, the committee amendment changed the date '88 to '89 'cause the federal government changed...what we're working to meet with...for the highway funding and also makes an immediate effective date. Move the adoption of Committee Amendment No. 1.

PRESIDENT:

Senator Davidson has moved the adoption of Committee Amendment No. 1 to Senate Bill 1956. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further committee amendments.

PRESIDENT:

Any amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDENT:

3rd reading. 1972, Senator Holmberg. On the Order of Senate Bills 2nd Reading is Senate Bill 1972. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1972.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDENT:

Any amendments from the Floor?

SECRETARY:

Senator Holmberg offers Amendment No. 1.

PRESIDENT:

Senator Holmberg on Amendment No. 1.

SENATOR HOLMBERG:

Thank you, Mr. President. Amendment No. 1 is basically technical. It adds corrections asked for by the Executive Committee and the basic change is an effective date of January 1st, 1989.

PRESIDENT:

All right. Senator Holmberg has moved the adoption of Amendment No. 1 to Senate Bill 1972. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1987. 90. On the Order of Senate Bills
2nd Reading is Senate Bill 1990, 1-9-9-0. Madam Secretary,
read the bill, please.

SECRETARY:

Senate Bill 1990.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDENT:

Any amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDENT:

3rd reading. 1996, Senator Marovitz. 2002, Senator
Netsch. 2003, Senator Watson. 2009, Senator Luft. Top of
page 10, ...(machine cutoff)...Demuzio.

PRESIDING OFFICER: (SENATOR DEMUZIO)

(Machine cutoff)...page 10, 2010, Senator Geo-Karis.
2012, Senator Donahue. 2014, Senator Topinka. 2030, Senator
Etheredge, there's a fiscal note. 2035, Senator Poshard. On
the Order of Senate Bills 2nd Reading, middle...middle of
page 10, is Senate Bill 2-0-3-5, Madam Secretary.

SECRETARY:

Senate Bill 2035.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY:

Senator Topinka offers Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President, this is an agreed amendment between the Department of Conservation and the Village of Lyons to transfer a historic property known as Hoffman Tower from the jurisdiction of the state to the locals, and everybody has agreed and it's noncontroversial.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Topinka has moved the adoption of Amendment No. 1 to Senate Bill 2035. Those in favor will indicate by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. 2040, Senator Savickas. 2042, Senator Woodyard. 2043, Senator D'Arco. 2050, Senator Schuneman. 2052, Senator Jones. Senator Jones. 2066, Senator Kustra. Senator Kustra. (Machine cutoff)...page 11, 2096, Senator Philip. 2110, Senator Schuneman. 2115, Senator Berman. On the Order of Senate Bills 2nd Reading, top of page 11, is 2115, Madam Secretary.

SECRETARY:

Senate Bill 2115.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. 2116, Senator Kustra. 2123, Senator Barkhausen. 2124, Senator Poshard. 2127. Page 12, 2161, Senator Marovitz. 2167, Senator Marovitz. 2181, Senator Schuneman. 2185, Senator Berman. Oh, wait a minute, Senator

Berman...Senator Schuneman, did you wish to have your bill called? All right. Senate Bill 2181, Madam Secretary.

SECRETARY:

Senate Bill 2181.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY:

Senator Schuneman offers Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank...thank you, Mr. President. This is a bill intended to encourage the formation of some...consolidated school districts and, in effect, what the amendment does is allow for a referendum at which time the question will be put on the consolidation issue and also the issue of the manner in which school board members will be elected. The committee of ten will have an opportunity to state on the proposition that the board members may be elected by district. The committee of ten may also, of course, opt to have members elected at large. I urge adoption of the amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Schuneman has adopted Amendment No...moved the adoption of Amendment No. 1 to Senate Bill 2181. Is there discussion? If not, those in favor will indicate by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. 2185,...2199, Senator Maitland. 2218, Senator Jones. 2235, Senator Schaffer. Is there leave to

have Senator Welch handle Senate Bill 2238? Leave is granted. On the Order of Senate Bills 2nd Reading is...is Senate Bill 2238, Madam Secretary.

SECRETARY:

Senate Bill 2238.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. 2241. 2256. Page 13, 2257. 2258, Senator Barkhausen. 2261, Senator Kustra. Senator Kustra. 2262, Senator Karpziel. On the Order of Senate Bills 2nd Reading is Senate Bill 2262, Madam Secretary.

SECRETARY:

Senate Bill 2262.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Amendments from the Floor?

SECRETARY:

Senator...Hawkinson offers Amendment No. 1.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Amendment No. 1 provides that the fluoride requirements of the U.S. EPA would be the...the standard for communities in Illinois and that the Illinois requirements be no...no stricter than the U.S. requirements. I believe this is a friendly amendment to the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Hawkinson has moved adoption of

SB 1634
2nd Reading

Amendment No. 1 to Senate Bill 2262. Is there discussion? If not, those in favor will indicate by saying Aye. Opposed Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. 2271, Senator Weaver...Senate bills 2nd reading is Senate Bill 2271, Madam Secretary. Senator Carroll. 2271, page 13. (Machine cutoff)...out of the record. With leave of the Body, Senator Vadalabene...(machine cutoff)...leave of the Body to return to Senate Bill 1634, as I recall. 1634 is on page 3. With leave of the Body, we will...we'll move to the Order of Senate Bills 2nd Reading, page 3, Senate Bill 1634. Madam Secretary, read the bill.

SECRETARY:

Senate Bill 1634.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Transportation offers one committee amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. This amendment limits the bill to two physical problems that causes these drivers to be disqualified, diabetes and lack of visual acuity. Drivers disqualified for other physical reasons are not exempted. This amendment has been agreed to by IDOT and the sponsors of two similar bills, Senator Tom Dunn and Senator Karpel, and I move for this adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Vadalabene has moved the adoption of Committee Amendment No. 1 to Senate Bill 1634. Is there

discussion? If not, those in favor will indicate by saying Aye. Opposed Nay. The Ayes have it. Committee...Committee Amendment No. 1 is adopted. Further committee amendments?

SECRETARY:

No further committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading...(machine cutoff)...on that same page, with leave of the Body, 1647. Senator Poshard has requested that we move that bill. Senate bills 2nd reading is Senate Bill 1647, Madam Secretary. Senator Poshard, there's been a request for a fiscal note with respect to 1647. So, take it out of the record...(machine cutoff)...Poshard on 1676. Senate Bill 1676, Madam Secretary. Read that bill.

SECRETARY:

Senate Bill...1676.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Any amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Page 8, with leave of the Body, we'll go to the...with leave of the Body, we'll go to the Order of...on page 8,...(machine cutoff)...leave of the Body, we'll go to the...page 8, Senator del Valle, 1856,...you request to have that bill moved? On the Order of Senate Bills 2nd Reading is Senate Bill 1856, Madam Secretary.

SECRETARY:

Senate Bill 1856.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Amendments from the Floor?

SECRETARY:

No Floor amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd reading. Ladies and gentlemen, we have now successfully gone through the Order of 2nd Reading, Senate Bills. Senator Rock has indicated that at twelve-fifteen there will be the House-Senate Joint Session to hear Secretary Bennett. If I can have your attention, please. Can we have some order, please? In addition to hearing Secretary Bennett's remarks, the House and Senate will also remain in the Joint Session for a tribute to former Governor Ogilvie. That will take place also today in the House Chamber immediately following Secretary Bennett's remarks. Senator Davidson, for what purpose do you arise?

SENATOR DAVIDSON:

For announcement. While you're waiting to get instructions from President Rock, I want to remind all members of the Senate and their secretaries who are listening to remind those who have tickets for the Governor's Prayer Breakfast in the morning, it's seven-thirty at the Holiday Inn East with Ditka as the speaker, and just be advised that this is your last invitation to be there on time.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President. I would move that the Senate stand in recess until the hour of two o'clock. We are asked by the House to join them to hear the address by Secretary Bennett in about five minutes, and then there will be a Joint Session memorial for Governor Ogilvie, and then we will

reconvene here at two o'clock and we will...begin on the Order of Senate Bills 3rd Reading. So we...roll calls this afternoon. If I would ask everybody please to join me at the Well of the House, we'll go over and make our presence felt.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. The Senate will stand in Recess till the hour of two o'clock.

RECESS

AFTER RECESS

PRESIDENT:

The Senate will come to order. With leave of the Body, we'll move to page 20 on the Calendar; and, again, I would remind the members that if, indeed, they are requested by a House member to sponsor that House member's legislation, please let the Secretary or the Assistant Secretary know so it can be properly noted. House bills 1st reading, Madam Secretary.

SECRETARY:

House Bill 2981 offered by Senator Berman.

(Secretary reads title of bill)

House Bill 3099 offered...offered by Senator Mahar.

(Secretary reads title of bill)

House Bill 3284.

(Secretary reads title of bill)

House Bill 3415 offered by Senator Donahue.

(Secretary reads title of bill)

House Bill 3455 offered by Senator Collins.

(Secretary reads title of bill)

House Bill 3587 offered by Senator Davidson.

(Secretary reads title of bill)

1st reading of the bills.

PRESIDENT:

Okay. The House bills will be reported to the Rules Committee. Senator Severns, for what purpose do you arise?

SENATOR SEVERNS:

Thank you, Mr. President. A point of personal privilege.

PRESIDENT:

State your point.

SENATOR SEVERNS:

It's my pleasure today to have joining us in both the visitors' and president's galleries, the Stonington High School students. I'd like to have the Senate join us in welcoming them.

PRESIDENT:

Will our guests please rise and be recognized. Welcome to Springfield. On the Order of...page 13 on the Calendar, on the Order of Senate Bills 3rd Reading is Senate Bill 1529. Senator Dunn, 1532. (Machine cutoff)...Lechowicz, 1592. Senator Jacobs, 1603. (Machine cutoff)...Madam Secretary, on the Order of Senate Bills 3rd Reading is Senate Bill 1603. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1603.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Senate Bill 1603 has been requested by the Illinois Credit Union League, and as amended this bill will permit credit unions which serve predominantly low income members to receive savings from low income nonmembers. The bill also permits credit unions to serve as custodians for...IRA's, permits loans received by credit union members to be cosigned by nonmembers and removes the prohibition against directors and officers of a credit union league for...from being cosigners and guarantors of loans to credit union members.

The changes proposed by this...bill merely place Illinois chartered credit unions on the same footing as federally chartered credit unions, and would ask for your support.

PRESIDENT:

Any discussion? Any discussion? If not, the question is, shall Senate Bill 1603 pass. Those in favor will vote Aye. Opposed will 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, there are 54 Ayes, no Nays, none voting Present. Senate Bill 1603 having received the required constitutional majority is declared passed. Senator Fawell, 1609. Senator Hawkinson, 1611. On the Order of Senate Bills 3rd Reading is Senate Bill 1611. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1611.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Senate Bill 1611 amends Public Act 84-667, of which I was a cosponsor, involving grandparent visitation rights. This bill does not affect the right of grandparents to have visitation in...in the limited setting of that law which is when the natural parents are deceased and there has been an adoption by a close relative. However, experience with that law has shown me in my district, and I'm sure in others, that there have been a few cases where grandparents have forced the adoptive parents into court even though visitation was not being denied. What this...this bill does is to set up a threshold so that an allegation must be made that visitation is presently being denied before the adoptive parents can be forced into court, and then the stan-

dard of proof as it is in...in all of these kinds of cases is that the best interest of the child will be the standard by which it will be judged. The bill has been amended, passed out on the agreed bill list and is now supported by the ISBA.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 1611 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 1611 having received the required constitutional majority is declared passed. 1612, Senator Hawkinson. On the Order of Senate Bills 3rd Reading is Senate Bill 1612. Madam Secretary, read the bill, please.

SECRETARY:

Senate Bill 1612.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. This bill would repeal paragraphs 2401 through 2404 of Chapter 23 which provides for psychiatric examinations of persons charged with sexual crimes against children. The suggestion comes from a state's attorney in my district and was supported in committee by the Illinois Prosecutors Appellate Council. The reason for the repeal is that the criminal law already provides for psychiatric exams in these cases in Chapter 38, paragraph 104-11, which is the fitness for trial provision, and also in Chapter 38, paragraph 6-2, where a defense can raise a...the insanity defense and request a psychiatric exam. And, also under current law...other law Chapter 38 paragraph 105-3, the court

must appoint two psychiatrists to examine the defendant under current law and this provision is...duplicates the provisions in Chapter 38 and is unnecessary and has caused some confusions. I know of no opposition; again, it passed out of committee on the agreed bill list and I would ask for your support.

PRESIDENT:

Any discussion? Is there any discussion? If not, the question is, shall Senate Bill 1612 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, 1 Nay, none voting Present. Senate Bill 1612 having received the required constitutional majority is declared passed. The Chair has had a request from Senators Lechowicz and Dudycz to get back to 1592. They are visiting with...we were all across, I'm sure you know who they're...with whom they're visiting. So, without objection, leave is granted. 1625, Senator Karpiel. 1633, Senator Vadalabene. Top of page 14, on the Order of Senate Bills 3rd Reading is Senate Bill 1633. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1633.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank...thank you, Mr. President and members of the Senate. Senate Bill 1633 is being introduced to clarify that it is the county recorder's responsibility to select the computer office. He is also responsible for selecting...selection of the...the vendor to maintain this system. These duties were not clearly spelled out in the original

legislation providing for the use of computerized records in the recorder's office, and I would appreciate a favorable vote.

PRESIDENT:

Any discussion? Any discussion? If not, the question is, shall Senate Bill 1633 pass. Those in favor will vote Aye. 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 55 Ayes, no Nays, none voting Present. Senate Bill 1633 having received the required constitutional majority is declared passed. 1671, Senator Jones. On the Order of Senate Bills 3rd Reading is Senate Bill 1671. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1671.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Jones.

SENATOR JONES:

Thank you, Mr. President, members of the Senate. Senate Bill 1671 is the rewrite of the Clinical Social Workers Practice Act and to include any practitioner who does not by title represent himself by engaged in the practice of clinical...social work. It expands grounds for disciplinary action to include child abuse. This is an agreed bill by those who work in the profession. I ask for a favorable vote.

PRESIDENT:

Any discussion? Discussion? If not, the question is, shall Senate Bill 1671 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, 1 Nay, 2 voting

*SB 1702
3rd Reading*

Present. Senate Bill 1671 having received the required constitutional majority is declared passed. 1672, Senator Savickas. 1673, Senator Etheredge. 1701, Senator O'Daniel. 1702, Senator Jones. On the Order of Senate Bills 3rd Reading is Senate Bill 1702. Read the bill, Madam Secretary.
SECRETARY:

Senate Bill 1702.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Jones.

SENATOR JONES:

Thank you, Mr. President and members of the Senate. Senate Bill 1702, a JCAR bill and what it does in essence is...prohibit the Department of State Police from withholding information because of noncompliance with the...confidentiality provision. The other information as...in the bill has been deleted by an amendment. This is all the bill deals with, the confidentiality background checks. I ask for a favorable vote.

PRESIDENT:

Any discussion? Discussion? If not, the question is, shall Senate Bill 1702 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? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. Senate Bill 1702 having received the required constitutional majority is declared passed. 04, Senator Woodyard. On the Order of Senate Bills 3rd Reading is Senate Bill 1704. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1704.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President and members of the Senate. 1704 is also another JCAR bill requested by our staff to codify the destruction or...or...or how certain records would be disposed of based on a Supreme Court decision. That's basically what the bill does. I know of no opposition to it and would ask for your favorable support.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall Senate Bill 1704 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 1704 having received the required constitutional majority is declared passed. 06, Senator Woodyard. On the Order of Senate Bills 3rd Reading is Senate Bill 1706. Madam Secretary, read the bill, please.

SECRETARY:

Senate Bill 1706.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Woodyard, I'm sorry.

SENATOR WOODYARD:

Thank you, Mr. President and members of the Senate. Senate Bill 1706 is also another in the package of JCAR legislation. It seems that one part of this bill we inadvertently had left out the...definition of domicile of what is known as a serviceman in the 1987 Revenue Act. This simply codifies what we are doing now, changes nothing, has no change in taxes or anything else. The second part of the bill deals with what the Department of Revenue is presently

doing in certification of...of lists of supervisor of assessment people, and I know of no objection to the bill.

PRESIDENT:

Discussion? Is there any discussion? If not, the question is, shall Senate Bill 1706 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. Senate Bill...1706 having received the required constitutional majority is declared passed. Senator Jones, 07. On the Order of Senate Bills 3rd Reading is Senate Bill 1707. Read the bill, Madam Secretary, please.

SECRETARY:

...Senate Bill 1707.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Jones.

SENATOR JONES:

Thank you, Mr. President and members of the Senate. Senate Bill 1707 requires the Department of Rehabilitative Services to...to promulgate rules as it relate to child care services in the Department of Rehabilitative Service, Central Management Services and amends the Illinois Consortium for Educational Opportunity Act to require the...consortium board to adopt rules to determine whether an applicant is...applicant is available for a...a grant to be offered by this board. This is another JCAR bill as it relates to rules and regs. and I ask for a favorable vote.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall Senate Bill 1707 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...what hap-
pened...the board went blank. Will it print out?
Take...take the record. Well, ladies and gentlemen, we have
a slight malfunction of the machine. The question is, shall
Senate Bill 1707 pass. Those in favor will again vote Aye.
Opposed vote Nay. The voting is open. Have all voted who
wish? Have all voted who wish? Have all voted who wish?
Take the record. On that question, there are 58 Ayes, no
Nays, none voting Present. Senate Bill 1707 having received
the required constitutional majority is declared passed.
Senator Schuneman, for what purpose do you arise, sir?

SENATOR SCHUNEMAN:

For purposes of an introduction, Mr. President. In the
visitor's gallery on the Republican side is a group of stu-
dents, faculty members and parents from the Mount Merency
School at Rock Falls, Illinois, and I would like them to be
recognized by the Senate.

PRESIDENT:

Will our guests from Rock Falls please stand and be
recognized. Welcome to Springfield. 09, Senator Jones. On
the Order of Senate Bills 3rd Reading is Senate Bill 1709.
Read the bill, Madam Secretary, please.

SECRETARY:

Senate Bill 1709.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Jones.

SENATOR JONES:

Thank you, Mr. President and members of the Senate.
Senate Bill 1709, another JCAR bill. It changes from a
majority to seven the number of members required of the
committee to file a prohibition against a...of any agency in

its rule making. This bill is designed to permit a small minority from forcing the...the committee not to file a prohibition. I ask for a favorable vote.

PRESIDENT:

Discussion? Is there any discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, Mr. President, my...I know...I know we had this in committee and I, too, served on the Joint Committee on Administrative Rules as part of my experience here. This is...you know, really a tremendous departure from the three-fifths majority that we have now. And...have you had many problems that have ensued as a result of not being able to obtain a three-fifths vote, that we are now moving this to a majority?

PRESIDENT:

Senator Jones.

SENATOR JONES:

There's...there's only been...during the history of the JCAR, there has only been about four or five times that they have filed the objection. However, last year, a small minority which is four...four out of twelve members...could have prohibited us from filing the...the motion necessary against any particular agency. It will still give...this will require seven, which is more than half, necessary for us to file. So it would raise from four to five the number required to...obstruct us from filing.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

I...I don't have any difficulty with...with what...what we are...what you're doing but I just think everybody ought to be aware of the fact that we're moving that from a three-fifths to a...to a simple majority...

PRESIDENT:

Senator Jones.

SENATOR JONES:

No, it is not a simple majority. Seven out of twelve it would require, so it's not a simple majority.

PRESIDENT:

Further discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDENT:

Sponsor indicates he'll yield, Senator Fawell.

SENATOR FAWELL:

I gather what we're trying to do is if...if an agency says there's an emergency rule and they put it out, then...and JCAR doesn't like it, JCAR can step in and say no...if they have eight votes that say, no...I mean, seven votes that say no?

PRESIDENT:

Senator Jones.

SENATOR JONES:

No, that is not the case with JCAR to step in to say no. The members of the committee felt that...and all of us that do an effective job, we could not permit a minority member...a minority number of members who are appointed to that commission to obstruct the committee from working. As it stands right now, some...it's not so much the number of seven or the three-fifths as the law...currently stands...only four members can prevent us from filing their objection to the rule making of that particular agency. So...if we feel the rules do not carry out what the legislative intent for those rules are and we wanted to stop them, then four members of the committee...can prevent...the commission from operating. So it's not that we will willy-nilly stop an agency from filing its rules.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

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

PRESIDENT:

Sponsor indicates he'll yield, Senator Welch.

SENATOR WELCH:

Senator Jones, you're familiar with the Schneiderman Report which the Governor instituted, and in that report Attorney Schneiderman said that one of the biggest drawbacks to the State of Illinois adopting environmental laws is the proliferation of rule reviewing committees. Now, isn't this particular committee one of the groups cited by that report, and won't this bill make it more difficult to get any rules enacted in the State of Illinois?

PRESIDENT:

Senator Jones.

SENATOR JONES:

No, this does not in no way impact on the ability of an agency to file its rule making, no way making it any difficult. JACR is a branch of...a arm of this legislative Body, and if we pass legislation and an agency do not adhere to the intent of the law...and attempt to legislate by its rules, then it is...it is the prerogative of that particular committee to object to those rules.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

That may be true, but the problem is, it takes JCAR so long to object to anything that it takes eighteen months to adopt federal regulations that...that we have to adopt. That's why Illinois has one of the worst environmental track records in the nation as far as following new rule making in...in the United States.

PRESIDENT:

Senator Jones.

SENATOR JONES:

No...in response to that, Senator, it...it doesn't take JCAR eighteen months. When we request information from a particular agency, it takes the agency maybe eight months...eighteen months to afford that information. We...when we sit there on JCAR, we're representing you. We're trying to carry out the intent of the law passed by this legislative body. What happens all too often is various agencies try to legislate by rule making and try to...to implement in their rules something that is not within the context of the legislation that we passed.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

Well, my point, Senator Jones, is this. I don't object to the Legislature having an arm reviewing rules. What I do object to is the delay that's inherent in the JCAR process and this provision is going to make it even more delay prone in my opinion. Thank you.

PRESIDENT:

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you. Question of the sponsor.

PRESIDENT:

He indicates he'll yield, Senator Berman.

SENATOR BERMAN:

As I...I'm trying to understand what this...what the bill does. Right now, it requires a simple majority to vote a prohibition on an agency issuing rules, is...is that...and...and what you want to do is instead of a simple majority, you want to make it an absolute majority, seven of the twelve. Is that what your bill does?

PRESIDENT:

Senator Jones.

SENATOR JONES:

No. What...what this bill does is this. An agency can file his rules where...but if we wanted to object to their filing of...those rules, we need three-fifths of the members of the committee; in other words, then, only four members of the committee could block the commission from objecting to the agency filing these rules. If we lower it to seven then the bottom number will rise to five, and if we want to prohibit the agency from filing rules which we know those rules are not within the scope of the legislation that we pass, then we will not be able to do it because we need three-fifths and...and the agencies sometime lobby the legislators, they can lobby four members of the...JCAR Committee and prohibit them from filing their objection.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Then just...just nod if what I'm saying. This bill would put greater power in JCAR to in...in riding herd over the agencies, is that correct?

PRESIDENT:

Senator Jones.

SENATOR JONES:

Yeah.

SENATOR BERMAN:

Okay, on the bill.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. There was some confusion. The reason I go into this is I served on JCAR for many years. I stand in support of the bill. I was going to oppose it but I...now that it's explained, I stand in support. This bill

reduces the number of votes necessary to bar or prohibit rule making by a state agency. This strengthens the legislative strength, the legislative oversight over executive branch agencies. If you think the Legislature should exercise the muscle that we intended when we created JCAR, vote Yes. I'm going to vote Yes.

PRESIDENT:

Further discussion? Senator Hall.

END OF REEL

REEL #2

SENATOR HALL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I just came on JCAR since this Session and I was shocked to find out how many of these agencies...and we simply ask them this, if you want to do this, why not get a bill introduced? They want to do it by their own. In other words, they do not wish to come under the legislative process. Many of them, we've had to tell them, well, look, if you want to be a legislator, if you want to do these things. It's really shocking to me to find out how many of these directors...been advised, well, we don't need to do this, we do it by our rules, the...of our rules. Is it so hard for you to come in? That's what JCAR is for. The Legislature...you have said it absolutely right, Senator Berman, it is unbelievable. And we got some agencies here that every thing...you say simply, get a bill introduced and fail to do everything to avoid it. This is good legislation and I certainly support it.

PRESIDENT:

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

SENATOR JONES:

All I'd like to say, Mr. President and members of the Senate, that this bill strengthens the legislative branch of government. If agencies want to pass laws, they should come to us for it and not go to the rule making process and try to make laws for the people of the State of Illinois. This is a good bill, I ask for a favorable vote.

PRESIDENT:

The question is, shall Senate Bill 1709 pass. Those in

SB 1592
3rd Reading

favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 45 Ayes, 12 Nays, none voting Present. Senate Bill 1709 having received the required constitutional majority is declared passed. A little earlier, with leave, we skipped over 1592 with the assurance that when Senator Lechowicz and Dudycz returned that we would get back to it. If you turn to page 13 on the Calendar, 1-5-9-2. On the Order of Senate Bills 3rd Reading is Senate Bill 1592. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1592.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1592 would establish a Home Equity Assurance Program to be utilized by the City of Chicago upon the adoption of a referendum by the voters of a territory within the City of Chicago. Calls for a creation of a nine-member commission to administer such programs. The commission members shall be appointed by the mayor with city council approval. Seven of the nine commission members have to be nominated by community groups. It imposes a maximum property tax rate of .12 percent on all residential property up to six dwellings, units, who are part and parcel who want to participate in this program. It details the procedure for application to the program and collection of benefits. It preempts home rule to the extent that only this Act may be utilized to establish a program. Also...this morning's Sun Times, they came out and editorially endorsed this concept as

they have since 1987. As you know, there have been a number of groups...goes on the referendum in the City of Chicago in eleven wards. This was adopted overwhelmingly by the people in...within our community to establish a plan that is similar to which is established in Oak Park. The amended version not only improves that concept, but after four serious meetings between interested parties, both by the real estate industry, the people within the City of Chicago, a compromise version has been adopted and that was done in Amendment No. 1. And I would hope that this Body after reviewing this legislation would strongly endorse the concept that is contained in Senate Bill 1552 and give the opportunity to the people within the city of...1592, to give the people within the...opportunity within the people of the City of Chicago to express their sentiment by...by referendum in participating in the Home Equity Program. I'll be more than happy to answer any questions that are contained in Senate Bill 1592.

PRESIDENT:

Discussion? Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I stand in strong support of Senate Bill 1592. This bill is supported also by the Save Our Neighborhood-Save Our City Coalition from Chicago whom are the primary architects of this legislation. These people have been working on home equity for over...for over eleven years. The procedures and guidelines of the Home Equity Assurance Act have been held up to the scrutiny of a series of home equity summits held at the State of Illinois Center. We have had aldermen, Representatives and Senators who are involved in these negotiations and a variety of interest groups were involved, including the Urban League, the Catholic Conference, various real estate groups and the NAACP. I believe that this is very good legislation worthy of bipartisan support.

PRESIDENT:

Further discussion? Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. I rise in strong opposition to this bill. This bill is seen in the community in the City of Chicago as a bill that is racist in...in...in...in its contents. And some of the questions that I'd like to raise...raise in the minds of some of my colleagues here is...is when is...when is government...when do the government enter into a free...enterprise system or to guarantee private investments? To date, our government has not guaranteed the private investment of individuals. Our government does not guarantee jobs, stock investments or even the housing in itself. It is my opinion that this changes the basic premises of the free enterprise system that underlines our various societies to please the fears of a few small...a segment of our population. If this is good legislation, then let's make it for the entire State of Illinois or let's institute it for the entire City of Chicago, not just sections of the City of Chicago. Let's open it up for all to benefit by it, if this is good legislation. We have bringing and we are bring into Springfield fears, we bring into Springfield something that never should be here, we're bringing into a legislative body the worst elements of legislation that I can imagine. I urge a No vote on this.

PRESIDENT:

Further discussion? Senator Alexander.

SENATOR ALEXANDER:

Mr. President and to members of the Senate, and with due respect and high regard for my colleagues who are sponsors of this bill, may I address a question that arises in my mind concerning this piece of legislation?

PRESIDENT:

Sponsor indicates he will yield.

SENATOR ALEXANDER:

And either sponsor may answer. I would like to know what would happen if this legislation passes and there is a massive selling of homes at one time. Would there be adequate revenue or monies in the...in the fund to sustain this proposition?

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

First of all, this is like an insurance policy. In order to participate a person has to subscribe, pay a fee to have his home assessed and in turn is assessed on a yearly basis a fee. In order...then you have to have a qualified buyer willing to buy your home and you have to be in the program for five years before you would be protected to the full extent of Senate Bill 1592. Now let me just...address...I hope that answers your question, Senator Alexander, because...

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

What you should do is really look at the amended version and that's what I tried to explain it. There was a...after a four comprehensive days of meetings, an amended version was adapted. There is no taint of racism in this amended...at all. We tried to encompass the entire City of Chicago. If every ward in the City of Chicago wants to participate, they may. It's nothing that is manufactured that's making it mandatory, it's participatory democracy.

PRESIDENT:

Senator Alexander.

SENATOR ALEXANDER:

...thank you. If I'm understanding you correctly, Senator Lechowicz, that you're telling me that there would be,

you did not say guarantees, after a five-year program, that there would be enough money to sustain the payment if someone would want to sell their home...say half of the area wants to sell. If that would happen, who would be obligated to pay this equity? You know, insurance companies go bankrupt, but who would be eligible to pay or be the person to make these payments?

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Whoever would be the underwriter.

PRESIDENT:

Senator Alexander.

SENATOR ALEXANDER:

May I ask again, who would be the underwriter in this instance?

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. That would be up to the commission. In fact, if you...you recall, if you read the amended version, the commission may also suspend until there's enough money in the fund to make sure that all the people who have applied for it would be satisfied.

PRESIDENT:

Senator Alexander.

SENATOR ALEXANDER:

Does this bill permit those who buy into this program to issue bonds without referendum, raise taxes without referendum, in the City of Chicago for that particular district, or would it be citywide that these revenues or bonds be issued or just for that particular district that would procure this piece of legislation?

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

No bonds, they can issue by referendum. And right now in the bill it's 1...it's .12 percent. And that's all residential property who want to participate up to six-flats. So, they'd have to want to participate...want to be taxed and up to that rate. And that's supposed to generate approximately four million dollars on a citywide basis. You know, I talked to Mayor Sawyer on this bill, and he had some...some objections in reference to the eleven wards. And he...he told me that if it would be citywide, he would really consider it. That's the purpose, I don't want to shut anybody out, everybody is included. If you want to participate, all you got to do is go by referendum and have it adopted in your community. It was adopted in...in my community eleven to one, black, white, Hispanic, everybody supported it.

PRESIDENT:

Senator Alexander.

SENATOR ALEXANDER:

May I ask another question, please? What provisions are in the bill to protect me, the buyer? And I am understanding that there is a normal...depreciation of homes. What's to protect me, the buyer, if I choose to buy and someone chooses to sell me and the homeowner has allowed the property to just go into depreciation...beyond the normal depreciation, they haven't kept it up? The time it was appraised it was set at X dollars, you paid into the fund, now I want to buy but you haven't made any improvements, you haven't done anything to it and here I come and I'm obligated to buy if I...if that...what...what protects me, the buyer?

PRESIDENT:

Senator...Senator Lechowicz.

SENATOR LECHOWICZ:

What protects you, Senator, is the reappraisal at the

time of the sale. And if that individual did not maintain his property since he joined the program, that would be reflected on the reappraisal and that difference would be also reflected in the amount of money that would be guaranteed that individual.

PRESIDENT:

Senator Alexander.

SENATOR ALEXANDER:

In the areas that are now being proposed for this piece of legislation, do we have that many appraisers available in the City of Chicago to do this or are we just going to go ham-scram and find appraisers to do this business?

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

I think there's enough appraisers in the City of Chicago that can handle this job.

PRESIDENT:

Senator Alexander.

SENATOR ALEXANDER:

May I speak to the bill, and I do, as I say, have high regards for both sponsors of the bill, but I am in dire opposition to the passing of this legislation. I agree with Senator Lechowicz and Dudycz that each community area has a right to float a referendum and make such an assessment of their communities. However, since this is something that is going to affect the...the...the...the quality of life of the City of Chicago where we're striving so hard for people to feel as one in the area, and I know everyone has their own...flow through and all of that. But I see this piece of legislation being one that would further rip the city apart in what we're trying to do to bring about again some semblance of unity. I see this bill directly on its very face by saying that it's there to protect a specified area against

invasion or moving in by other persons as one that is racial in tone, perhaps it's not intended to be, but on its very face it speaks racism, and I know this is not the intent of the sponsors. And I would hope that those of you in this General Assembly who are striving for a greater unity and for a greater State of Illinois would not give this vote to the sponsors and vote No as I am going to do. Thank you.

PRESIDENT:

Further discussion? Senator Jones.

SENATOR JONES:

Yes, thank you, Mr. President. Will the sponsor yield, or sponsors?

PRESIDENT:

Sponsor indicates he will yield, Senator Jones.

SENATOR JONES:

Senator Lechowicz, are you aware that this issue was voted down in the city council today?

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

I'm aware the matter was before the city council yesterday. It was withdrawn for a week period for further discussion. I spoke to Alderman Banks yesterday afternoon who is the sponsor of the ordinance within the city council, those are his exact words to me. It was up yesterday, it was not called, it will be called within the next two week period. I asked him, what...what would you like me to do with this bill? He said, please proceed with it, posthaste.

PRESIDENT:

Senator Jones.

SENATOR JONES:

For your information, the members of the Chicago City Council voted this...afternoon. The City Council Finance Committee voted it down, 21 to 5. But I have another ques-

tion.

PRESIDENT:

All right. Senator Lechowicz, what's your point?

SENATOR LECHOWICZ:

Point of order. That's the Finance Committee...we're talking about the full city council. I explained to you exactly what Banks told me yesterday, and rest assured, it will be called within two weeks. Timmy Evans was always opposed to it, he came to my community...against...against the legislation. We were courteous...and kind to him. In turn, we're trying to work out an agreement and that's what's contained in Amendment No. 1.

PRESIDENT:

Senator Jones.

SENATOR JONES:

Well, the fact is that the committee process worked there as it worked here. Now,...'cause as I look at it, it requires a municipality. This is a mandate as a...it preempt home rule, am I correct?

Senator Lechowicz.

SENATOR LECHOWICZ:

That is correct.

PRESIDENT:

Senator Jones.

SENATOR JONES:

So, therefore, as I look at the legislation and the State Mandate Act, if in the event that local unit of government could not bear the cost, would...would the State of Illinois have to come in with at least fifty percent or more of the funds for this?

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

No.

PRESIDENT:

Senator Jones.

SENATOR JONES:

Well,...it will be a...a...a fiscal impact and...it just will be a fiscal impact if that local unit of government cannot come up with the funds...according to the State Mandate's Act, if we are mandating that a local unit of government do something, then any cost that is incurred therein must come from the state since we are mandating such. So, therefore, I guess the people downstate would have to finance this program for a few people in the City of Chicago. Is that correct?

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

That's absolute nonsense and you know it. Let the...if this fund...this thing is funded by a tax on the homeowner of 1....12 percent, that's the extent of it. If they have to raise additional money, they'll have to go back by referendum to the people and ask that that rate be increased.

PRESIDENT:

Senator Jones.

SENATOR JONES:

Well, let me ask the...look at the legislation as it reads. Now, I...I've been in this Body long enough to understand the State's Mandate's Act. If we are going to require a municipality to institute this program and we are mandating that they do so, according to the way this language is written, then any property tax that you are talking about must be reimbursed by the state to those...those individuals because we are...we are mandating that this take place; we did not say, you may do this here. The legislation says you are required to do this according to the way this bill is written. So, therefore, for a few people in the City of Chicago

who decide to...have this program...decide to have this program, then the people across the State of Illinois will be mandated to pay that cost of increase in tax to implement this program. And furthermore...furthermore, with all due respect to both of the sponsors of this bill, the portion that you have in that legislation as it relate to, one, having to be in the home at least five years, what it says, in essence, is this. Is that just because another person of another nationality or race may move in there, that they would cause the property values to discriminate...I mean, to decline, which is racist. Even though you've taken out the racist legislation,...the intent is still there. When you say five years, and just because someone of another race, another nationality moves in, the State of Illinois is going to have compensate that person who owns that property. And...and the entire State of Illinois, be you in the suburbs or you downstate, you're going to have to pay for it because you are mandating that this take place.

PRESIDENT:

Further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Sponsor yield to a question, please?

PRESIDENT:

Indicates he'll yield. Senator Newhouse.

SENATOR NEWHOUSE:

Senator,...are you saying to us that the Mayor of the City of Chicago is in favor of this bill as it stands?

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Senator Newhouse, when...my discussion with the mayor in his office was on 1592 as it was introduced. He told me that at...the way it was introduced...when the Oak Park plan, if it was for the entire City of Chicago, he wouldn't have any

objection to it. As long as everybody within their respective territorial boundaries, if they wanted to vote on this matter, he would...it would be up to them. He did not want any specific legislation strictly for the northwest side or the southwest side. If it included all of Chicago, he didn't have any objection to this...bill.

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

Senator, I wonder if you'd hold it long enough to give us the opportunity to talk to the mayor and get his response to the bill. Would you be willing to do that?

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

How much time do you need? Why don't you get on the phone? I'll be continuing on with my conversations, I'm sure.

PRESIDENT:

Senator Collins.

SENATOR COLLINS:

Just a quick question of the sponsors. Senator Lechowicz, you said that this bill now applies citywide. Who then gets to determine what part of the city...I mean, how...how is it broken down? I mean, who zoned it and is it by community areas or how...how...how does one define the various lines of...of the communities involved?

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

You can define it by two different procedures; one, by the city council, an act by the city council; two, by referendum or community groups going about circulating petitions like happened in my community and happened in eleven...eleven

other wards in the city. They wanted to be part and parcel. They had this on a referendum at the polling place, an advisory referendum, because at that time, as you know, there is no binding referendum, wanting to have the Home Equity Program financed by the participants, not backed by the State of Illinois or downstate or middlestate, financed by the participants within the respective area.

PRESIDENT:

Senator Collins.

SENATOR COLLINS:

But would you not still maintain certain community boundaries? How...how would you do that? For example, could Lawndale opt to come in and...and...and decide that they wish to come in on a...same referendum as your community?

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. You would have to circulate your petitions or it has to be adopted by the city council as far as a specific boundary area and then it would appear at the next election as far as a referendum on the ballot.

PRESIDENT:

Senator Collins.

SENATOR COLLINS:

You're not...you're not answering...maybe you don't understand me. I...you said this is now citywide. Some of my concerns were that...okay, it is now citywide, we...we said it should be left open to everybody. But how can the community on the northwest side and the community and North Lawndale, can they go in and connect together in terms of a referendum?

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

All you have to do is...either...you got two...two ways to do it. Who's your alderman over there, is that Bill Henry? Yeah. Who's...who's the alderman in Lawndale?

PRESIDENT:

Senator Collins.

SENATOR COLLINS:

Henry and Arloman Smith.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Both of those individuals or one of the individuals...just wants to have his own ward included, can be adopted by...by ordinance in the city council. Two, if the community groups within those respective areas would like to have the matter appear on...on the ballot would circulate petitions, file the petitions, and then the matter would be on the ballot in the next General Election whether they want to participate in the Home Equity Program. If it's adopted by the majority of the voters within the area, then they would have the opportunity to have their buildings appraised, pay the fee, pay the tax for the protection of the Home Equity Program.

PRESIDENT:

Senator Collins.

SENATOR COLLINS:

(Machine cutoff)...that this is an issue dealing with the City of Chicago, I really feel that this issue ought to be resolved in the City of Chicago and not by the State Legislature. I think that...Senator Lechowicz, I...I understand what you're doing and to some extent I understand why you're doing it. I may disagree with some of the why's but I...I still think that this...this issue ought to be resolved in the city council. Because you're saying that if we pass this legislation that the community may have to go to the city

council to get approval to participate in the program. If the aldermens in the city council is voting...you know, disapprove of this whole program, then what is the likelihood that they will support those referendums when they come up in the city council? I think if the issues are resolved and...all of the objections to this legislation is...are, in fact, resolved in the city council, then the likelihood that this program will work is far greater than if we mandate it and impose this legislation on...on the City of Chicago. I think the...the...while your...your intentions may be well, I think this is just the wrong time and wrong place.

PRESIDENT:

Further discussion? Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, just a few comments. The Home Equity Plan was started, oh, about ten years ago. It was due to the efforts of many of the community people, the same people that we tell, if you want something done, go out and organize, get the petitions signed, get them circulated, get it put on the ballot and vote on it and that's exactly what this community did. They went out, organized, got petitions signed, had it put on the ballot, went to the polls and voted. They voted overwhelmingly to adopt this type of proposal. It is a...just like our taxing districts, it's a small area that was created by the council that allows these people to tax themselves. There is no city money in it and there is no state money. It's modeled after a very successful proposal in Oak Park, a very integrated area which under this proposal has never had one claim; never had one claim under this proposal...this type of proposal. So those that are trying to throw out some smoke screen, those that are trying to say it's racist, they ought to look at the history of where it's been operating and the success it has enjoyed. Probably the

major cause here is because the city council's inaction and inability to get together to do something positive for the communities on the edges of the city, probably because they are too intimidated to do anything that we have to act. And that's all it is, their concern on the home rule issue. But if they will not support the people of the City of Chicago, then we, as their elected representatives, must stand up, must take the stand and said, yes, this is what our communities want; yes, this is a good proposal; yes, it is a proven workable proposal and we in the Legislature endorse it.

PRESIDENT:

Further discussion? Senator Carroll.

SENATOR CARROLL:

Question of the sponsor.

PRESIDENT:

Sponsor indicates he'll yield, Senator Carroll.

SENATOR CARROLL:

Senator Lechowicz, if I understand correctly, and please correct me as wrong, as it would relate now as amended, an area of the city, a ward, could opt in by either ordinance of the city council or referendum. Once that area has opted in by either method, then it's up to each individual property owner to opt in and therefore pay an additional tax. So that if my area chose to go in but I chose not to, do I have to opt in and pay the tax?

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

You're right. Basically what would happen is that the whole area would be taxed, you'd have to opt in to a...to be a member of the Home Equity Program.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Are you saying then that like the whole area would be taxed, but if I chose not...I would have to pay the tax even if I did not want in? What size area then are you talking about, is there a minimum size?

PRESIDENT:

Senator Lechowicz. Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you. The size will be determined by the referendum, you know, as far as...in the call of the referendum. This matter would have to go...whether it be approved by the council or by petition, it has to be approved at the next General Election by referendum of the people within the district...or within the ward. And if you end up...and if it's approved, wardwise, it...it would cover individual homes, single family homes, up to six-flats; no corporate, nothing larger than a six-flat. It has to be owner occupied and they would then be charged .12 percent of their taxes. Generates about 3.9 million dollars if it's adopted citywide.

PRESIDENT:

Further discussion? Further discussion? Senator Smith.

SENATOR SMITH:

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

PRESIDENT:

Indicates he'll yield, Senator Smith.

SENATOR SMITH:

Thank you. I...I'd like to understand, if I become a part of this commission or this coalition, whatever it is, and I have property and I want to sell that property, could I then go on my own and sell that or would I have to go before the government or the commission in order to get permission to do so...

PRESIDENT:

Senator...Senator Lechowicz.

SENATOR SMITH:

...or...it has to be acted before them or the government has...

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Not at all, Senator Smith, you would be free to do whatever you'd like to do with your property. And the question is, if you think you're receiving a fair market value of your property. Now if you were a participant in the Home Equity Program and your property was assessed as you joined the Home Equity Program and paid your tax, paid your assessment fee and maintained that and you thought that you had a valid buyer who was offering you fifteen thousand less what the building was assessed for, the difference then would be picked up by this insurance program. If, as was pointed out earlier, that the property was not maintained due to your dereliction or the owner's dereliction of their property and the property value was brought down because of not being maintained properly, that...at the sale price if you thought that you were being unfairly adjusted, that would be adjusted at that time. But there is no...you don't have to go before anybody if you don't want...if you think you're getting a fair price and you if you want to sell your property, you may do so.

PRESIDENT:

Senator Smith.

SENATOR SMITH:

In other words, you're saying to me that if I...I don't have to declare before this commission or the government my intent to sell? Because you know, in foreign countries today they have such strict rulings and...and...it seems to me that even though we are living in a progressive age, it seems as though we are retrogressing in our society.

We're...we're...we're losing our freedom of choice. Everything has to be governed by somebody or someone and...and it isn't...I don't...I don't see this as a very healthy atmosphere and people who are coming up into the world and who want to spread out, this is going to curtail them in...in many, many ways. And I...I don't think very much of this and I'm going to vote No on it, I'm sorry.

PRESIDENT:

Further discussion? Senator Welch.

SENATOR WELCH:

A question of the sponsor, Mr. President.

PRESIDENT:

Sponsor indicates he'll yield, Senator Welch.

SENATOR WELCH:

Senator Lechowicz, for clarification, the Digest states that there is a fiscal note stating that DCCA determined that fifty to one hundred percent of the increased cost to units of local government is going to be required to be reimbursed. Did your amendment take that out totally?

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

That is correct.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

So, it is your legislative intent here today to pass a bill that does not require any state funding whatsoever to pay for this program.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

For the record and the court, that is correct.

PRESIDENT:

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. I apologize to the Senate for rising a second time, but to address Senator Collins' concerns regarding boundaries, last year, you may recall, we passed legislation allowing individual precincts in Chicago to hold advisory referenda on any issue. What Senate Bill 1592...will do is allow each community in our city to decide if they wish to participate by precinct. So, technically, this will allow the entire city, if it so desires...if it so desires, by each individual precinct to participate in this program.

PRESIDENT:

Further discussion? Senator Jones.

SENATOR JONES:

Thank you, Mr. President. I listened to the sponsors of the bill and I...I apologize for rising a second time, but this question constantly comes up. I don't see how you can take out a mandate when you are preempting home rule and you're saying that you shall do something. So, I...the question is, Mr. President, how many votes does this piece of legislation require?

PRESIDENT:

Question...Senator Lechowicz.

SENATOR LECHOWICZ:

It's a ruling of the Chair, he wants to know how many votes it takes to...

PRESIDENT:

I...I...oh, I'm sorry, I was distracted up here. It is...the Chair rules that it is preemptive by the author's admission and thus will require an extraordinary majority. Further discussion? Senator Collins.

SENATOR COLLINS:

Senator, one question that...that I...I really want you

to answer and it has not been answered, it has been raised several times, and that is the question of whether or not...I live in a given community of which this referendum is being circulated, my taxes would be raised if I choose not to participate in this program? A simple question.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

If your community endorses the concept and approves by referendum the Home Equity Program and you live in that area, your taxes would be raised up to an extent of .12 percent was the maximum in the bill for the program. In order for you to participate though, you would have to request your building be appraised.

PRESIDENT:

Senator Collins. Senator Collins.

SENATOR COLLINS:

I don't want to go on the participation, I want to say that...I want to talk about the fact that my taxes are being raised whether I want...you know, I don't want to participate. So I don't want to participate and I don't want my taxes raised. Now what right do I have as a citizen to protect my self against some taxes that I may not be able to pay?

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

The same right you have on any front-door referendum, vote against it.

PRESIDENT:

Senator Collins.

SENATOR COLLINS:

(Machine cutoff)...the referendum wins, I still live in the community, I still have a home, I've been living there,

I'm a senior citizen, I cannot afford to pay any more property taxes. Do I then lose my home because someone buys up my taxes every year 'cause I can't afford to pay?

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

The average cost...would be seventeen dollars per homeowner and if that's going to make the determination as far as the difference whether you lose home or not, I think if you talk to your senior citizens, they want this bill.

PRESIDENT:

Further discussion? Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. I've been here a long time and it's hard for me to believe but I...I've seen everything now. When Senator Dudycz is voting for a tax increase for his constituents in the City of Chicago, that white carnation is going to turn green. That's phenomenal. Senator Dudycz, my buddy, who's always accusing Democrats of voting for tax increases, you're the one standing up on that side supporting a tax increase for the people of the City of Chicago. Well, I've seen everything now, Mr. President.

PRESIDENT:

Further discussion? Further discussion? Senator Dudycz.

SENATOR DUDYCYZ:

Point of personal privilege.

PRESIDENT:

State your point.

SENATOR DUDYCYZ:

Senator D'Arco, I, too, am surprised. I believe that this is probably the only tax increase that I haven't seen you support in my three and a half years down here.

PRESIDENT:

Further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. Senator, I just talked to the mayor. Now the mayor's position is that there is a great deal of work to be done on this bill...and he...he'd ask that you hold, if you will. I'd appreciate your holding it. Thank you.

PRESIDENT:

Further discussion? Further discussion? Senator Lechowicz may close.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. A great deal of work has done...been done on this bill, four days of meetings by participants from all over this city, this state, various civic groups; a great deal of work has been done in the City of Chicago by interested people who are really trying to resolve a situation that has been too long overdue. Ten years is a long time to go back to the people and saying, we hear your concerns, we'll try to bring them...bring them to a fruition. You talk about frustration, that's what causes frustration. It's time that this General Assembly act if the City of Chicago will not act. It's about time that the northwest side and the southwest side, eleven wards out of the city who in good faith endorsed the program who want to make it available to every person, every community, every ward in the City of Chicago...if you want to vote for it, you may do so; if you want to vote against it, you may do so. That's what I'm strongly recommending, that you...consistently support people who have in good faith brought this measure before you. This is not a concept that is evil...in any nature. If you read today's editorial in the Sun Times, they say it very, very well. "Home equity controversy by giving a trumping endorsement today to this program to safeguard homeowners. The Sun Times endorsed the home equity concept in 1987 in municipal elec-

tions when there were neighborhood referendums on the plan. We have not waivered in our support which has become more emphatic with proposals for broadening its scope. We...we agree the program should be available citywide," that's what we're doing. This program should receive a resounding confirmation by this Body. I strongly encourage an Aye vote.

PRESIDENT:

The question is, shall Senate Bill 1592 pass. Those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 43 Ayes, 12 Nays, 4 voting Present. Senate Bill 1592 having received the required constitutional majority is declared passed. Ladies and gentlemen, while I have your attention, I've just received a...a note that a memorial service will be held on Monday, May 16, at 4:00 p. m. at the Fourth Presbyterian Church, 125 East Chestnut, Chicago. Memorial service in honor of...Governor Oglivie. And the family has requested in lieu of flowers that any memorials be made to the Richard Oglivie Heart Fund in care of Northwestern Memorial Hospital, 250 East Superior, Chicago. 1714, Davidson. Senator Jacobs, 1762. Bottom of page 14, on the Order of Senate Bills 3rd Reading is Senate Bill 1762. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1762.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. This bill would permit the Rock Island Mass Transit District to automatically annex any new territory resulting from a merger of the Illinois Quad-

Cities. This bill permits the local board to annex any territory other than farmland that lies within the corporate limits of the municipality and is contiguous to the district and is not part of another transit district. This bill affects the transit districts of Springfield, Champaign, Peoria and Rock Island only, and it is something that is needed especially in some areas where there are shopping centers that are currently outside of a municipality that are within the district or could be within the district but needs two-thirds of the registered voters and there are no registered voters to call for that petition. I would ask for a favorable roll call.

PRESIDENT:

Any discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDENT:

Indicates he'll yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, this bill would also apply, would it not, to...potentially to residential areas and would cause them to be annexed without a referendum?

PRESIDENT:

Senator Jacobs.

SENATOR JACOBS:

It could,...it adds another alternative, Senator. Currently, the way it is now, two-thirds of the...voters...one of the methods, two-thirds of the voters can request a court petition. Now it can be...the impetus can come from a city ordinance that still has to be cleared by the...the court, it's still a court proceeding.

PRESIDENT:

Senator Hawkinson.

SENATOR HAWKINSON:

But it could involve the imposition of a...of a tax to an affected area without referendum of the persons involved, right?

PRESIDENT:

Senator Jacobs.

SENATOR JACOBS:

I don't think so, but again,...I'm not...that's one I'm really not sure of. The question has not come before us. It still would have to be approved by a judge. I guess the only difference that this makes, Senator, is how the...the petition is brought to the court.

PRESIDENT:

Further discussion? Senator Weaver.

SENATOR WEAVER:

Question of the sponsor.

PRESIDENT:

Indicates he'll yield, Senator Weaver.

SENATOR WEAVER:

Senator, isn't there...doesn't there have to be a public hearing held before the district annexes...the transit district?

PRESIDENT:

Senator Jacobs.

SENATOR JACOBS:

Yes, that's true. The only thing that this really changes in these four districts is the process by where that whole process starts. Currently there are three ways, one of which, as I indicate, is the two-thirds of the registered voters...well, currently, if there are no registered voters, there's no impetus to bring these people in. There's only again these four districts and these four districts do have taxing powers. So I would assume, Senator, that your question would probably be yes.

PRESIDENT:

Any further discussion? Further discussion? If not, the question is, shall Senate Bill 1762 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 47 Ayes, 8 Nays, none voting Present. Senate Bill 1762 having received the required constitutional majority is declared passed. Top of page 15, on the Order of Senate Bills 3rd Reading is Senate Bill 1773. Read the bill, Madam Secretary, please.

SECRETARY:

Senate Bill 1773.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President, members of the Senate. Senate Bill 1773 has to do with child custody hearings and what the court may consider. Current law is that the court may consider in determining child custody physical violence of one of the parties only if that physical violence was perpetrated against the child or in the presence of the child. This legislation says that the court may consider in awarding custody to people with violent tendencies unrelated issues; it doesn't have to be against the child, it doesn't have to be in the presence of the child but any violent tendencies, evidence of any violent...tendencies may be considered by the court in determining an award of custody. And I think it's noncontroversial, I know of no opposition. I ask for your support.

PRESIDENT:

Discussion? Any discussion? If not, the question is,

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shall Senate Bill 1773 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, 1 voting Present. House Bill 1773 having received the required constitutional majority is declared passed. 1780, Senator Luft. 1786, Senator Mahar. 1796, Senator Etheredge. On the Order of Senate Bills 3rd Reading, Senate Bill 1796. Read the bill, Madam Secretary, please.

SECRETARY:

Senate Bill 1796.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. What this bill does is to establish the Illinois Board of...Higher Education as the budget review authority for the Math and Science Academy. Right now the Statutes are silent on this question. I'd be happy to respond to any questions.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall Senate Bill 1796 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 1796 having received the required constitutional majority is declared passed. 1803, Senator Watson. On the Order of House Bills...Senate Bills 3rd Reading is Senate Bill 1803. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 1803.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. This past year we passed legislation which set up a mechanism by which school people would be notified when there's a student who has been infected with AIDS virus would...those people would be notified within that school district, and part of the provision was to notify principals. What we're doing here is to include in that notification superintendents of schools. We're also asking that those people who are involved in the special education of a child who...who happens to be a special education child and who has the AIDS virus, those people involved in that committee as far as the services and the...the medical programs that would be made available to that student, they also would be notified of the identity of...of an individual or young child who has been affected with AIDS virus. Be glad to answer any questions in regard to the legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much. Senator Watson, just a clarifying question. You amended this bill on the Floor here to deal with the questions that were raised in committee regarding the...the notification of the actual identity of the child by the principal to the superintendent so that now only the...the only child that is identified to the superintendent is the one that belongs in a special education course? Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Watson.

SENATOR WATSON:

No, that is not correct. It would be all...any child or student who is infected with the AIDS virus, that identity would be made available to the superintendent.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Why is that necessary? And...and I understand the Department of Public Health is opposed to this legislation, is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Yes, the department is opposed. Any you asked why is it necessary? The...

PRESIDING OFFICER: (SENATOR DEMUZIO)

...are you finished, Senator Watson?

SENATOR WATSON:

...I'll continue...the...the superintendent should be notified simply because he is the one who's responsible for that particular district, the policy making, and a...and a situation in which I think he should be made available the name of the individual who...who does...have the infected virus.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Well, we heard testimony in the committee that identifying that there is an infected child is one thing, identifying the...the name of that particular...child, nobody could...could...could give a reason why the name of that child...to superintendent, not the principal...in the school, why the name of that child in determining policy needs to be

given to the superintendent.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

But if that student would move from building to building, which is of course a good possibility in many districts, the principal would be the only one who would know the identity, and I think at this particular time that the superintendent should know if that student is moving from building to building so that he may be able to prepare the programs that are necessary for that...that student.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

In the first place, if the student is moving from building to building, the principal of that building would know and the principal of the new building would know. And in terms of preparation of specific programs, the superintendent is not...is not involved in the specific preparation of programs for that individual child, that's up to the principal and that's what was testified to in committee. And I think to set a precedent here to...to give the name...to give the identity of the child, not the fact that there is an AIDS child, I understand that, and I thought we discussed that, but the fact that the identity of that child and we...and widen the scope of those to whom we identify this is going to cause that child and that family a tremendous amount of potential trauma which is not necessary today as long as the principal in that school where that child is going knows the identity of the child. I think this is a very serious mistake and I...and I would hope this General Assembly would not act in a knee-jerk reaction, a knee-jerk fashion. We are identifying the child to those who need to know the name of the child, who directly are involved with the schooling of

that child and the other kids in the school. We are identifying the name. To...to widen the scope beyond that, I think is a very serious, serious mistake and one that is wrought with...with potential dangers.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President, Senators. Senator Watson, I appreciate that there may be some areas in which this confidentiality need not be maintained, but in a city the size of the City of Chicago and in other metropolitan areas it seems to me we run...an enormous risk of hurting children in the process of doing what you're trying to do. I rise in opposition to the bill and I would ask all my colleagues to oppose this bill, and I would tell them that the City of Chicago does have a problem with...this bill and does oppose it. So, I suggest a No vote on it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Watson may close.

SENATOR WATSON:

Well, thank you, Mr. President. I...I think that...of course, the superintendent of every school district is the ultimate authority and those...that individual who's responsible for the programs, policies of that particular district. For him not to be made aware of an individual who has AIDS, the AIDS virus, and not be made...aware of the programs that are necessary for that individual, I think is a mistake and the superintendents tell me this. The superintendents have told me that they should be notified for the protection of the individual and also for the protection of the other students. Sometimes we're...we get ourselves involved in an issue in which we're more concerned about one individual's rights than we are about the rights of the...of everybody else. And I think that the...other students have some rights

and concerns, as most parents would have, in this issue. And I think it's a good piece of legislation and I'd certainly urge your adoption. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 1803 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 47, the Nays are 8, 1 voting Present. Senate Bill 1803 having received the required constitutional majority is declared passed. 1806. On the Order of Senate Bills 3rd Reading is Senate Bill 1806, Madam Secretary. Read the bill, please.

SECRETARY:

Senate Bill 1806.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Yes, thank you, Mr. President and members. Senate Bill 1806 does exactly what the synopsis in our Calendar says it does, it adds a member of the metro board to the Northeastern Illinois Planning Commission for a term. Presently there are thirty members, this would increase it to thirty-one. The Regional Transportation Authority and the Chicago Transit Authority...already have members. There was no opposition in committee, it passed out 18 to nothing. I know of no opposition. Would appreciate affirmative vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1806 pass. Those in favor will vote Aye. Those opposed will vote No...Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all

voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 1806 having received the required constitutional majority is declared passed. 1812, Senator Netsch. Senate bills 3rd reading is Senate Bill 1812, Madam Secretary.

SECRETARY:

Senate Bill 1812.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Senate Bill 1812 is an amendment to the Controlled Substances Act and the Pharmacy Practice Act which would add mail-order pharmacies and ultimately permit the Department of Professional Regulation to develop rules and regulations governing the practices of mail-order pharmacies. It is specifically a recommendation that came out of the work of the Controlled Substance...Substances Committee of the Illinois Department of Alcoholism and Substance Abuse Advisory Council and is supported by the Department of Alcoholism and Substance Abuse. It doesn't spell out what those regulations will be, only authorizes that it be done. And the principal concern, as might be evident from the committee that recommended it, is the possibility of the shipment into the state of controlled substances and particularly those that are subject to our triplicate prescription procedure without any ability of the state to govern or...or control those substances. I do want to make it very clear that we are not trying to and have no intention of trying to halt mail-order drug prescription...being filled; that is not it at all. The only intent is to make sure that our basic public health and safety concerns are taken care of and we have no way of governing that right now. I would be happy to

answer questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Raica.

SENATOR RAICA:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Raica.

SENATOR RAICA:

Senator Netsch, I think one of the biggest users of the mail-order pharmacies are the senior citizens. How will this affect them? I mean, will stricter regulations put a cumbersome burden on these people? Especially out in my community, we have a large amount of senior citizens that I'm really concerned about with this piece of legislation. I don't want to do anything to hurt them from receiving any prescriptions that they have now that they will not be able to get once this bill is passed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

I don't...there is no reason why that should happen and I would be opposed if it were a real barrier to the use of mail-order prescriptions by senior citizens. The...the exact rules are not, of course, spelled out, they are to be developed over a period of time by the department. The main thing is that we have no way right now of monitoring or controlling practices which may be detrimental to the health of those who are using mail-order prescriptions and particularly with respect to controlled substances, that really is what we are aimed at. There is no intention of stopping the use of mail-order prescriptions. I quite agree that they can be absolutely essential to some senior citizens who may be housebound or something of that sort, and we are not...there is no thought at all of stopping that; it is only giving the

state some capacity to protect its citizens by subjecting the mail-order pharmacies to some of the same kinds of procedures that our own locally based pharmacies are subjected to, particularly, again, with respect to the...the controlled substances and triplicate prescriptions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Raica.

SENATOR RAICA:

Senator Netsch, what is AARP, were they...are they still opposed to this bill? My understanding is that they were.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

The bill came out of the Committee on Public Health on the agreed bill list including, I might add, I think your vote. And...I am told there was no registered opposition to it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Netsch, you wish to close? Senator Netsch. All right. The question is, shall Senate Bill 1812 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 59, the Nays are none, none voting Present. Senate Bill 1812 having received the required constitutional majority is declared passed. Senate Bill 1814. Mr. Secretary, Senate Bill 1814. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1814.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator O'Daniel.

SENATOR O'DANIEL:

Mr. President, members of the Senate, Senate Bill 1814 amends the Farm Development Act. It permits fund transfers to secure guaranteed...state guarantees on farm loans. The current law makes no provision to transfer funds among Illinois Farm Development Authority's various programs; therefore, money lies dormant in some funds while others are running short, and this merely gives them the authority to transfer the funds from one department to the other. I don't know of any opposition. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? If not, the question is, shall Senate Bill 1814 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 59, the Nays are none, none voting Present. Senate Bill 1814 having received the required constitutional majority is declared passed. 1826, Senator Luft. 1827...on the Order of Senate Bills 3rd Reading, Mr. Secretary, is...Senate Bill 1827. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1827.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. This bill was requested by the administrative office of the courts. Last year we passed a...a bill that allowed Winnebago and Cook Counties to collect a filing fee in...in the circuit courts to fund...mandatory arbitration. The Winnebago...project is

going forward. Cook County because of an interpretation in the bill that we passed hasn't started the collecting of the money. This bill would change the wording to authorize the collection at the present time so that when we're ready to start the program, we'll have the money. I'd be glad to respond to any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Keats.

SENATOR KEATS:

A...a question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Keats.

SENATOR KEATS:

Just a clarification. Our analysis essentially says that the Supreme Court now has to authorize this where presently the county can authorize it without the Supreme Court. Am I misreading that? Is the Supreme Court the authorization group right now? I mean, we're not changing who authorizes it, we're not suddenly putting this under one group who was formerly under the county now under the court?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

This bill does what we intended to do when we passed the bill last time. And what that is is that, when the Supreme Court authorizes...and in this case there's two counties that are undertaking a...an arbitration process, and when the Supreme Court said, let's go with it, then this fee would be plugged in. The Circuit Court of Cook County said that that's not what the bill said. Instead of arguing with them, we're changing the language to say what we, in fact, meant.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall Senate Bill 1827 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 56, the Nays are 1, 1 voting Present. Senate Bill 1827 having received the required constitutional majority is declared passed. 1830, Senator Brookins. Mr. Secretary, Senate Bill 1830. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1830.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brookins.

SENATOR BROOKINS:

Yes, thank you, Mr. President. This bill as amended would provide that a new employee of DORS in the house care workers would be paid twice a month for the first month rather than once a month, and then thereafter they would be paid at the usual rate of once a month. These providers...make the minimum wages and therefore this would enable them to have their little car fare and...attend to their...job.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate. I am sorry I was not in committee on the day that this particular bill came up or I probably would have joined with my Senate Republican colleagues in voting No, not that the bill maybe does not address a good point or have a good idea, but I would like to point out in this very touchy financial year that we estimate the cost of this bill to be 984.5 thousand and unless we're going to be looking into the possibility here of a...of a tax increase...did I say that

wrong?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brookins...

SENATOR TOPINKA:

It has decreased with the amendment...

PRESIDING OFFICER: (SENATOR DEMUZIO)

...oh, pardon...

SENATOR TOPINKA:

...could you maybe tell me, Senator Brookins...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brookins.

SENATOR BROOKINS:

Yes, thank you, Senator. We amended the bill so there is only a one-time function. It pays...one-time and that's when the person is employed and for new employees only. So...that could tremendously cut the cost.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

Would Senator Brookins by any chance have an idea of what that cost would be?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Brookins.

SENATOR BROOKINS:

Give me a second. Senator, I do not have that fiscal note on that, but I can tell you that it's down to only a couple of thousand dollars. It is not nowhere in the area of what we're talking about. It's very negligible.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator...further discussion? Senator Brookins, you...Senator Brookins may close.

SENATOR BROOKINS:

We changed this bill with the agreement of DORS and everyone concerned. As I say, there's a one-time payment,

it's only when a...a new employee comes on board, he is paid the first month twice a month rather than once a month. It will enable him to be of better service to the...to the person he is charged to. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 1830 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 48, the Nays are 4, 3 voting Present. Senate Bill 1830 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 1876, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1876.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President. Before I explain the bill, I would seek leave to add Senator del Valle as a hyphenated sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Is leave granted to add Senator del Valle as a hyphenated cosponsor? Leave is granted. So ordered.

SENATOR MAHAR:

Okay, thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Mahar.

SENATOR MAHAR:

Senate Bill 1876 amends the Public Aid Code to restrict the solicitation of public aid recipients by trade schools and in particular the fly-by-night or matchbook schools

within one hundred feet of the Department of Public Aid offices.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1876 pass. Those in favor will vote Aye. Those opposed will...vote Nay. The voting is open. Have all voted who wish? The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. Senate Bill 1876 having received the required constitutional majority is declared passed. 1886, Senator Karpziel. Top of page 16, 1887. On the Order of Senate Bills 3rd Reading, top of page 16, is Senate Bill 1887, Mr. Secretary. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1887.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. This bill simply establishes a relocation program for the low-level radioactive waste in connection with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act. It allows the director of the Department of Nuclear Safety to operate this relocation program and to pay the costs of the relocation out of the fees that are generated by the...the generators of low-level waste sites.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion or explanation? If not, the question is, shall Senate Bill 1887 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 59, the Nays are none, none voting Present. Senate Bill 1887 having received the required constitutional majority is declared passed. Senate bills 3rd reading is Senate Bill 1889, Mr. Secretary. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1889.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President, members of the Senate. Senate Bill 1889 is one of the Department of Revenue's clean-up bills. The first part of...and it actually does two things. The first part of the bill does the identical...has the identical same language in it that was in 1706 that we passed out of here earlier this afternoon, deals with the certification of supervisor of assessments lists that JCAR wanted codified into law. The second part of the bill opts the Department of Revenue out of any consideration of the disabled veterans certification of exemptions, where presently...the Department of Veterans' Affairs certifies the disabled veteran, sends that to Department of Revenue, Department of Revenue does absolutely nothing with those lists and sends it back to the supervisor of assessments in the county. We're simply taking the Department of Revenue out of...out of that situation and...and the Department of Veterans' Affairs will certify directly to the county assessor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1889 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the

record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 1889 having received the required constitutional majority is declared passed. 1893, Senator Zito. 1903, Senator Schaffer. 1906, Senator Berman. On the Order of Senate Bills 3rd reading is Senate Bill 1906, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1906.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. This bill would over a period of four years phase in the operating, building and maintenance tax levy for unit districts so that it matches the dual district rates. Moves it from .375 to .50 over that period of time and would be subject to a back-door referendum. Be glad to respond to any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Watson.

SENATOR WATSON:

Well...well, thank you, Mr. President. I...I did not support this bill in committee nor will I here on the Floor for several reasons. One of which, of course, is the back-door referendum provision that Senator Berman just mentioned. Another problem that I have is the people in my area pretty well are...are getting sick and tired of the property taxes continually escalating when we at the state level renege on possible commitments and obligations that we've made financially to our schools. What we're doing here in...in many instances and what we do anytime we raise the local property taxes is shifting the burden of responsibility from possibly the state or other...other sources of revenue

to the property tax. And philosophically I just have a real...a real problem with that. Personally, I'd like to see the...go the other way, I'd like to see us shift the burden from property to possibly an income tax increase. This is a provision that many of us have...have professed for several years but, unfortunately, hasn't been able to see the light of day as...as far as the legislative process is...concerned. So, I'm going to be voting No and primarily because I just think this is just another effort by...by the state, by us here, to continually escalate property tax costs and renege or possibly renege and...and leave that funding of local services and local programs of the school district, leave it up to the property tax instead of living up to the responsibility we have to fund it...adequately from the state. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

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SENATOR BERMAN:

Thank you. I solicit your Aye vote. This bill does not affect Chicago and it allows the unit school districts downstate to have the same access to the local tax base for their operations, building and maintenance fund that do the dual districts and I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 1906 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 18, none voting Present. Senate Bill 1906 having received the required constitutional majority is declared passed. 1923, Senator Geo-Karis. 1938, Senator Schaffer. Senate bills 3rd reading is Senate Bill 1938, Mr. Secretary. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1938.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and members of the Senate, last year we passed a piece of legislation that said that a person could get a fireowner's identification card after twenty years after their conviction. This bill is put in at the behest of the Department of State Police to clarify that that law meant that it was twenty years after you got out of prison, not twenty years after you were convicted, 'cause theoretically

you could have been convicted, served twenty years and leave the prison and directly go out and apply for your fireowner's identification card and that's not what anybody had in mind. I don't think there's any controversy. It clarifies our intent of last year and makes that exemption clear and tougher.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? The question is, shall Senate Bill 1938 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 48, the Nays are 8, 1 voting Present. Senate Bill 1938 having received the required constitutional majority is declared passed. 1947, Senator Smith. Senate bills 3rd reading is Senate Bill 1947, Mr. Secretary. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1947.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This...this bill as...Senate Bill 1947 as amended has been recommended by twenty-five different coalitions. It merely says that the Department of Health shall provide child care services for a maximum of six months when assistance is canceled because the recipient obtained employment. The Department of Public Aid shall create a...preemployment child care application process to encourage prompt provisions of child care services upon employment. Also, the Department of Public Aid shall specify by rule a system for a preemployment

application process and the system shall consist of an outreach component. The Department of Public Aid is neutral on Senate Bill 1947 as amended because it reflects the department's current policy for House Bill 2853, and I ask for...and it also deals with our welfare reform. I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? The question is,...I'm sorry, Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. Speaker...I'm sorry, my old days, Mr. President and Ladies and Gentlemen of the Senate, right now this is a pretty good bill. I'm just curious...would you be amenable to keeping it in this form should something come onto this bill in the House?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Smith.

SENATOR SMITH:

Senator Topinka, I will...reject any other amendments...add to this bill. I want it to remain as it is. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR SMITH:

Ask for a favorable vote, please.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senate...the question is, shall Senate Bill 1947 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 1947 having received the required constitutional majority is declared passed. 1954.

55. Senate bills 3rd reading is Senate Bill 1955, Mr. Secretary. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1955.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, this bill does exactly what it says. This bill was generated from the public hearings that was held in relation to long-term care insurance the past year. This was amended in committee and adopted here on the committee amendments yesterday to satisfy all the parties involved by...at this time, no...no opposition. I appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? The question is,...if not, the question is, shall Senate Bill 1955 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 1955 having received the required constitutional majority is declared passed. 1958, Senator Macdonald. Senate bills 3rd reading, Senate Bill...1958, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1958.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. Senate Bill 1958 came out of

committee unanimously. It allows the Illinois EPA to issue administrative citation for landfill violations on unpermitted landfills. This allows the Illinois EPA to force compliance without bringing action through the Attorney General's Office. There was an amendment put on by the Pollution Control Board that felt the definition of sanitary landfill...poses that a permit has been issued for the facility and the board believes that a separate action is needed to authorize the administrative citation. So I ask for your favorable support of this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? If not, the question is, shall Senate Bill 1958 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 59, the Nays are none, none voting Present. Senate Bill 1958 having received the required constitutional majority is declared passed. 1959, Senator Rigney. Senator Rigney. All right. On the Order of Senate Bills 3rd Reading is Senate Bill 1959, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1959.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rigney.

SENATOR RIGNEY:

Well, Mr. President, this is a Department of Revenue clean-up bill. What they're attempting to do here is simply to equalize some of the penalty sections that now...there are discrepancies, for instance, between penalties for failure to pay...pay motor fuel tax compared to penalties for failure to pay sales tax. The full intent of 1959 is just simply to

equalize those various penalty sections.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Netsch.

SENATOR NETSCH:

Senator Rigney described it as it is. It is a technical bill and is in good shape.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? The question is, shall Senate Bill 1959 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 59, the Nays are none, none voting Present. Senate Bill 1959 having received the required constitutional majority is declared passed. 1960, Senator Rigney. Senate bills 3rd reading is Senate Bill 1960, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1960.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rigney.

SENATOR RIGNEY:

Well, Mr. President, this is another revenue clean-up bill. There's a problem right now for those corporations that are entitled to an income tax credit for replacement taxes that they have paid. Apparently, from what our friends in revenue tell us, that there is simply no way to capture the income tax credit on nonbusiness income, and that is the full intent of Senate Bill 1960.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Netsch.

SENATOR NETSCH:

Senator Rigney, I wonder if you would explain that for-

mula for us, please?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rigney, have you looked at your stars this morning? Senator Rigney.

SENATOR RIGNEY:

The answer is, no, but I can give you an example. Are you sure you want one?

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall Senate Bill 1960 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 1960 having received the required constitutional majority is declared passed. 1965, Senator Luft. Top of page 17, 1966, Senator DeAngelis. On the Order of Senate Bills 3rd Reading is Senate Bill 1966, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1966.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Under current law we require the Illinois Department of State Police to seize certain properties and monies. What we didn't authorize them to do is set up a separate bank account. This is an Audit Commission recommendation that when they do take this cash that it ought to be segregated not comingled. I urge the passage of Senate Bill 1966.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1966 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 59, the Nays are none, none voting Present. Senate Bill 1966 having received the required constitutional majority is declared passed. Senate bills 3rd reading, Senate Bill 1967, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1967.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Senate Bill 1967 is an Act to provide for indemnification or representation for contracted persons of the Department of Veteran Affairs. Currently under law we allow this for the Department of Corrections, DMHDD, carnival ride inspectors and other groups. This is designed to give protection to physician and...and others who are employed under contract by the Department of Veterans' Affairs. I urge the passage of Senate Bill 1967.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1967 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 1967 having received the required constitutional majority is declared passed. Senate bills 3rd reading is Senate Bill 1978, Mr. Secretary. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1978.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Friedland.

SENATOR FRIEDLAND:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 1978 would permit the Illinois Department of Transportation to release easements...twenty-one easements in various counties throughout the state. It's the annual easement bill that where payment is required appraisals have been made to document the appraised value, and I'd urge your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 1978. 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 56, the Nays are none, 1 voting Present. Senate Bill 1978 having received the required constitutional majority is declared passed. 1981, Senator Etheredge. Senate bills 3rd reading, Senate Bill 1981, Mr. Secretary. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1981.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator Schuneman, I...I did skip one. Let me...I apologize, I'll come right back. All right. Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, very much, Mr. President, Ladies and Gentlemen of the Senate. What this bill does, Senate Bill 1981, is to authorize the teacher certification board to issue bilingual teaching certificates to those individuals who hold the

equivalent of a bachelor's degree from an American university, that degree having been earned in a foreign country. I'm not aware of any opposition, I'd be happy to respond to any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Any discussion? If not, the...the question is, shall Senate Bill 1981 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill...I'm sorry, 1981 having received the required constitutional majority is declared passed. With leave of the Senate, I skipped Senate Bill 1979, we will go back and pick it up. Senate bills 3rd reading is Senate Bill 1979, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1979.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President, members of the Senate. This is a bill requested by the Department of Professional Regulations. It amends the immunity provisions of the Insurance Code and adds the Department of Professional Regulation to the list of governmental agencies that may demand...from insurance companies information regarding motor vehicle theft or insurance fraud. I know of no opposition to the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? If not, the question is, shall Senate Bill 1979 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 59, the Nays
are none, none voting Present. Senate Bill 1979 having
received the required constitutional majority is declared
passed. Senate bills 3rd reading is Senate Bill 1989, Mr.
Secretary. Read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1989.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Thomas Dunn.

SENATOR TOM DUNN:

Thank you, Mr. President. This would allow the court to
impose an extended term on persons convicted of first degree
murder when they have committed a nonprobationary felony
within the last ten years.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? If not, the question is, shall
Senate Bill 1989 pass. Those in favor will vote Aye. Those
opposed Nay. The voting is open. Have all voted who wish?
Have all voted who wish? Have all voted who wish? Take the
record. On that question, the Ayes are 58, the Nays are
none, 1 voting Present. Senate Bill 1989 having received the
required constitutional majority is declared passed. 1994,
Senator Zito. 1995. 1998, Senator del Valle. Senate bills
3rd reading is Senate Bill 1998, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1998.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator del Valle.

SENATOR del VALLE:

Thank you, Mr. President. This bill creates the Credit Services Organizations Act and amends the Consumer Fraud Act, regulates companies that represent they can improve a buyer's credit rating or obtain extensions of credit or both, and it prohibits business practices...certain business practices of such organizations, requires disclosure statements to be provided to the buyer, requires a surety bond, exempts...certain financial organizations and it imposes violations. I know of no opposition to this bill; I move its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Is there any discussion? If not, the question is, shall Senate Bill 1998 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 59, the Nays are none, none voting Present. Senate Bill 1999 having received the required constitutional majority is declared passed. Senate bills 3rd reading, Senate Bill 1999. Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 1999.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. Senate Bill 1999 is probably one of the true emergency bills of this particular Session year. There are some fifty to sixty teachers that have been caught in a bind where they have been required to have a basic skills test but the basic skills tests under Senate Bill 730 are not yet ready to be offered. This bill permits the State Board of Education to issue temporary teaching certificates between July 1st, 1988 and August 31st, 1988 for

applicants whose basic skill test scores are not yet available. These certificates will automatically expire on December 31st of this year.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? If not, the question is, shall Senate Bill 1999 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. Senate Bill 1999 having received the required constitutional majority is declared passed. Senate bills 3rd reading, Senate Bill 2001, Mr. Secretary. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2001.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Contrary to popular belief, this is not the space odyssey bill. What this bill does, it allows a port district to refinance its current indebtedness provided that the due level of indebtedness is not greater than the current indebtedness, and it applies to the port district which has bonds that will mature in about eight years and they would like to refinance those bonds.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? If not, the question is, shall Senate Bill 2001 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 59, the Nays are none, none voting Present. Senate Bill 2-0-0-1 having

SB 2011
3rd Reading

received the required constitutional majority is declared passed. Senate bills 3rd reading is Senate Bill 2007, 2-0-0-7, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2007.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dunn...Ralph Dunn.

SENATOR RALPH DUNN:

Thank you, Mr. President, members of the Senate. Senate Bill 2007 gives us the operational language in a bill to operate a veterans' home at Anna, effective date is July the 1st, 1989, and it...it's the operational language. I'd urge your adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? If not, the question is, shall Senate Bill 2007 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are 1, none voting Present. Senate Bill 2007 having received the required constitutional majority is declared passed. Senate bills 3rd reading, Senate Bill 2011, 2-0-1-1, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2011.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 2011 is a response to some complaints

that have come into the Department of Insurance and possibly to many of you on people, our constituents back home, that have received very official looking mail that is used to sell to insurance companies to...as prospective customers, and while we can get this...the Attorney General can file charges under the Fraud Statutes, by putting it into the Insurance Code we feel that it is a more expeditious and more efficient way of getting at these people. The other section...or the other part of 2011 revises the Investment Statutes for Illinois based insurance companies. It allows us to be a little bit more competitive with some of the national insurance companies and I think it's a good bill. I know of no known opposition. I would hope we could support it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President. Well, it would be very difficult for anybody to oppose a bill that has to do with deceptive solicitation; that's an excellent bill for consumers, and I think I...I applaud you for that bill. The problem was that an amendment was added to that bill in committee which is not an amendment that is favorable to consumers but quite the contrary...amendment that is only favorable to insurance companies. I would...I'd like to ask you some questions about this...the amendment. The amendment allows insurance companies to...invest in very high...high risk obligations, junk bonds. First of all, we removed...you removed in your amendment the obligation of the tangible net worth requirement. Why are you doing that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue.

SENATOR DONAHUE:

The example that was given to me is that so these funds can...that they use possibly for like training of their sales

force can be used in company...in valuation of the company assets.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Can we...can we go through that again? Let me...let me hear that again.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue.

SENATOR DONAHUE:

The example is that if the monies that they use for like training of their sales force can be used in evaluation of the company assets.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

I don't...I don't know what that has to do with...with the question. What I'm asking and I really...I really think we need to...to get into this a little bit. What we're allowing is these insurance companies to risk up to seventy-five percent of their assets in very high risk propositions and that puts those assets at much greater risk, and what I want to know is the...the things that those companies invest in, presently there is a tangible net worth requirement in determining the assets of those investments. What I want to know is why are we...we removing the tangible net worth requirement so we know really what a company is worth and how risky that company is to invest in? Why are we removing that and putting the money of people who have that money invested...with insurance companies, why are we putting that at much greater risk? It seems to me that we're jeopardizing the money of the citizens of the State of Illinois.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue.

SENATOR DONAHUE:

Well, I think you're...you're in error in...in your point. We are limiting it to one-half of...one-half of a percent in any one issue of a...a high yield risk, and today under the law, it is two percent. The aggregate of seventy-five percent total remains the same. So we are limiting it more by this legislation than it is under the law right now.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

I think then we have a real difference of opinion here. If you think that this amendment is more limiting by removing the tangible net worth requirement, that is...that is...that is...making it much broader, allowing the investments to be much more risky than they currently are. And...and I wonder why we would want to take the risk of consumers' and citizens' money across the State of Illinois and allow insurance companies to invest a substantial amount of their portfolio in much higher risk assets.

PRESIDENT:

Senator Donahue.

SENATOR DONAHUE:

Well, I think you're talking about two different things. The high risk-high yield is more limiting under this legislation than it is under the law today. We can do today two percent in each individual issue with an aggregate of seventy-five percent. Under this amendment, you can do it only half a percent on each individual issue, an aggregate of seventy-five percent and to me that says it is more limiting.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

I'll just go back to the issue that I asked about which has to...has to do with tangible net worth. That is the law

right now and what you're doing is you're removing that from the law so that those things which are intangible such as good will or patents, those kinds of things which you cannot put a specific financial figure on...a net worth on, you are allowing the...the company in determining what kind of...how...how...how financially stable that company is, you are allowing them to pick a figure out of the sky for things like good will and...and patents, those kinds of things and make it appear as though they are much more financially stable company, when, in fact, they're not, thereby risking the money of citizens of the State of Illinois in much higher risk companies.

PRESIDENT:

All right. Further discussion? Further discussion? Senator Donahue may close.

SENATOR DONAHUE:

Well, I...afraid I disagree with Senator Marovitz to a certain extent. So I think it's a good piece of legislation. We have no registered opposition and I would move for its adoption.

PRESIDENT:

The question is, shall Senate Bill 2011 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 49 Ayes, 5 Nays, 1 voting Present. Senate Bill 2011 having received the required constitutional majority is declared passed. Top of page 18...now I would remind you that page 20 concludes 3rd reading, so we will have gone through it once and that's the intent. We'll try to...we'll move along as rapidly as possible, we should be out of here by six o'clock. 2013, Senator Geo-Karis. 2023, Senator Welch. 2027, Senator Holmberg. On the Order of Senate Bills 3rd Reading is House...Senate Bill 2027. Read the bill, Madam Secretary.

*SB 2028
3rd Reading*

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2027.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. Senate Bill 2027 as amended makes permissive a current state mandate which requires school districts to charge a transportation fee to students for using school district provided transportation to and from school sponsored activities. Many school districts already provide free transportation to school sponsored activities and are therefore in violation of state law. By making the assessment of a fee permissive, districts may continue to provide this free transportation if it's economically feasible or desirable.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall Senate Bill 2027 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. Senate Bill 2027 having received the required constitutional majority is declared passed. Senator O'Daniel. On the Order of House...Senate Bills 3rd Reading is Senate Bill 2028. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2028.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator O'Daniel.

SENATOR O'DANIEL:

Mr. President, Senate Bill 2028 as amended, the amendment is the bill and it merely allows a school district to lease purchase school buses over a period of time not exceeding the depreciable life of the buses. School districts are currently required to pay for buses within three years and this merely gives them a longer time to pay for the buses, and I would ask for your favorable consideration.

PRESIDENT:

Any discussion? Senator Raica.

SENATOR RAICA:

...question of the sponsor, please.

PRESIDENT:

Sponsor indicates he'll yield, Senator Raica.

SENATOR RAICA:

According to...this bill deals with buses and not salaries of the teachers?

PRESIDENT:

Senator O'Daniel.

SENATOR O'DANIEL:

That's correct. The amendment is the bill and it deleted out the salaries of the teachers and the amendment is the bill.

PRESIDENT:

Further discussion? If not, the question is, shall Senate Bill 2028 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 2028 having received the required constitutional majority is declared passed. Senator Berman. On the Order of Senate Bills 3rd Reading is Senate Bill 2041. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2041.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. As amended this bill provides that an attorney who is an in-house attorney who was fired by...for refusal to violate the law or...ethical canon can bring a...a suit for retaliatory discharge, and the employer...the attorney-client privilege as it relates to those actions is waived for purposes of that lawsuit. I'll be glad to respond to any questions, solicit your Aye vote.

PRESIDENT:

Any discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, I intend, I think, to support the bill, but just a...a cautionary note is...is offered and...and that is that we're creating an exception by this bill to the...to the pattern of the fact that rulings as to what creates a cause of action for retaliatory discharge have traditionally been a matter of common law and this would create by Statute an exception to that to provide a cause of action in the narrow circumstances that Senator Berman mentioned. I...I fear that there may be at some point further attempts to create other causes of action in this area. This...this area of the law is very much an uncertain one and is changing all the time and it's...it's an area where I think in general the Legislature should be reluctant to...to wade in but this might be a worthy exception to that rule.

PRESIDENT:

Further discussion? Senator Dunn.

SENATOR TOM DUNN:

Thank you, Mr. President. I somewhat agree with Senator

Barkhausen although destroying records wasn't very common when the common law was written, and I'm in support of the bill and I ask to be a hyphenated cosponsor with the permission of the sponsor.

PRESIDENT:

The gentleman seeks leave to be the hyphenated cosponsor on 2041 as amended. Without objection, leave is granted. The question is, shall Senate Bill 2041 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, 1 Nay, none voting Present. Senate Bill 2041 having received the required constitutional majority is declared passed. 2049, Senator Jones. 2051, Senator Sam. On the Order of Senate Bills 3rd Reading, the middle of page 18, is Senate Bill 2051. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2051.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. Can't see...Senate Bill 2051 allows the Auditor General...or the Audit Commission to adopt regulations providing for the mandatory financial audits of any specific state agency to be conducted annually. Currently such audits may be conducted annually every three years...or every four years rather than once every biennial as required by the...another section of the Act and I would appreciate a favorable vote.

PRESIDENT:

Discussion? Is there any discussion? If not, the question is, shall Senate Bill 2051 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 2051 having received the required constitutional majority is declared passed. Senator Vadalabene, for what purpose do you arise, sir?

SENATOR VADALABENE:

For some unknown reason, the last two or three bills my...the green light does not work and this is a...catastrophe to me.

PRESIDENT:

We'll make sure that you're properly recorded.

SENATOR VADALABENE:

Yes...can we check this out though?

PRESIDENT:

We will certainly do that. Yes, the Clerk informs me that you are in fact recorded in the affirmative. I think...I think your bulb may have burned out from overuse, Sam.

SENATOR VADALABENE:

I hope so.

PRESIDENT:

2055, Senator Lechowicz. On the Order of Senate Bills 3rd Reading, Senate Bill 2055. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

Senate Bill 2055.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies...Ladies and Gentlemen of the Senate. Senate Bill 2055 would require the

Mayor of the City of Chicago to be elected on a nonpartisan basis beginning in 1991 or in 1989, if a special election is required by law. Therefore, if Senate Bill 2055 becomes law this year, the special mayoral election to be held in 1989 will be a nonpartisan basis. The process of electing a mayor...in this procedure is as follows. All candidates will first run for the office in the Primary Election. If one candidate receives a majority of the votes cast, then that candidate is elected. If no candidate receives a majority, then the two candidates with the most votes will face off in the General Election. The candidate with the most votes in the General Election is declared the winner. The Primary, General Election, petition filing, et cetera all must be done in accordance with General Election law. Both the Chicago Tribune and the Chicago Sun-Times have printed editorials endorsing the nonpartisan election method, and I strongly encourage your Aye vote.

PRESIDENT:

Discussion? Senator Dudycz.

SENATOR DUDYCH:

Thank you, Mr. President. As the minority spokesman on Elections Committee, I stand in support of 2055 and just like to add that both Jim Dvorak, the Cook County Republican Chairman, and Cook County Sheriff Jim O'Grady are in favor of this bill.

PRESIDENT:

Further discussion? Senator Vadalabene. Further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. The Lechowicz-Dudycz team strikes again. Senator, if you...yield for a question?

PRESIDENT:

He indicates he will yield, Senator Newhouse.

SENATOR NEWHOUSE:

Is the City of Chicago in favor of this bill also?

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

I really can't answer that question. I did not discuss this bill with the mayor but, rest assured, Lechowicz put in his bill by himself after discussing and looking at the record of the past previous elections and, for one, I, as a Democratic ward committeeman since 1971, I think I know as far as the election process what has to be done. I personally believe in order to bridge and bring all communities together, this is the best approach and that's why I supported and put in the nonpartisan election for mayor.

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President and Senators. Well, Senator, you were mistaken before when you said that the city was...supporting the bill that you endorsed previously. The city is opposed to this bill. I'm opposed to this bill. I recommend to my caucus that they unanimously oppose this bill. I would recommend to all my colleagues on the Floor that they unanimously oppose this bill. That is my recommendation and I would like to see red lights light up the place today. Thank you.

PRESIDENT:

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

SENATOR LECHOWICZ:

Well, I don't know why the city would be opposed to this bill. What we're talking about is an election procedure to bridge the gap, to bring everybody involved who is running for the office of mayor to participate and work in every community. I personally believe that Gene Sawyer could be

elected under this provision. I personally believe that there are other people of ethnic groups, Dan Rostenkowski...Tom...Jim Thompson or even yourself, Dick Newhouse, you could be elected...because you have worked and tried to bring about fair play in every section of the City of Chicago. That's what nonpartisan election is about, it works in every ward in the aldermanic basis. This is a good bill, it deserves your support.

PRESIDENT:

The question is, shall Senate Bill 2055 pass. Those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 43 Ayes, 13 Nays, 2 voting Present. Senate Bill 2055 having received the required constitutional majority is declared passed. 2063, Senator Dunn. On the Order of Senate Bills 3rd Reading is...Senate Bill 2063. Read the bill.

SECRETARY:

Senate Bill 2063.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Dunn.

SENATOR TOM DUNN:

Thank you, Mr. President. This raises the capital expenditure minimum from four hundred thousand to one million for major...medical equipment and from six to ten million for all other capital expenditures. The capital expenditure minimum is the one that triggers the requirements that a permit be applied for and granted in order to construct or modify a health care facility.

PRESIDENT:

Any discussion? Senator Topinka.

SENATOR TOPINKA:

Mr. President, Ladies and Gentlemen of the Senate, I personally don't have any opposition to this bill because my hospitals are supportive, but one thing that doesn't quite jive that we have been able to find after we held our committee hearing on this and possibly maybe the sponsor could address this is that the consumer price index would indicate that something which cost four hundred thousand dollars in 1982 now in 1988 costs around four hundred and seventy-two thousand four hundred and not the one million dollar ante which at least the Illinois Hospital Association and others have said has escalated to such a point therefore creating a need for this legislation. Now, again, personally, I don't have a problem with your bill but maybe you could explain that difference in...in cost.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Thomas Dunn.

SENATOR TOM DUNN:

Thank you. Well, I'm not sure that I can...I can speak to it directly but I would say that the consumer price index is not necessarily the amount that's charged by the suppliers to the hospitals. I would say to you that this has not been modified within fourteen years, and I would also say to you testimony in the committee was that permit...to obtain the permit is extremely expensive for the hospitals and that's why the request was put in. The figure of seventy thousand dollars sticks in my mind, I wouldn't...I wouldn't vouch for that but I know it was a big number.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Keats.

SENATOR KEATS:

In observation, and this is not true statewide but it's true in certain regions, we have a huge excess of hospital facilities in Chicago Metropolitan region, not just Chicago,

we've got the same trouble in the suburbs and Lake County. I mean, we've got numerous areas where we have excess hospital facilities at a level that is a serious problem because many of those hospitals are what we are euphemistically calling Medicaid mills where their major payments come through third party sources, they don't always face some of the constraints that other groups do. You just sort of have to ask yourself, do we want to make it easier to proliferate hospitals and hospital beds and hospital equipment when we already have excess hospital, excess hospital beds and excess hospital equipment? Remember, the largest single payer of those bills is the taxpayers of this state and this country on Medicaid and Medicare. So are we...do we really want to subsidize a large number of empty beds and probably unneeded equipment because the only way the hospitals can pay for this is to constantly mandate more tests, whatever, that will be covered by Medicaid or Medicare or keep people in a little longer which the federal government has been trying to stop. I only throw it out to say, it doesn't apply everywhere, but I tell you, in areas like mine, we need a bill like this like we need a broken leg. I...I apologize to the sponsor, I don't mean it harshly, it's just a serious problem.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I've heard three people behind me volunteer to break Keats' leg. There's a...the major purpose behind this has not been discussed and that is that the vast majority...in fact, almost unanimously the recommendations are approved for these purchases. So what you're doing is taking about seventy percent of the administrative load off the people who are making the decisions who are perfunctorily approving these anyhow. You're reducing, Senator Keats, the cost of the hospitals, because in present-

ing this case to the authority, it is, in fact, expensive, it's time-consuming. There's no intent here to radically expand a lot of the equipment that hospitals buy. They go ahead and apply for it now, it's generally approved. The problem is that the planning council has to spend a lot of time analyzing these and then they go ahead and approve it and the hospitals have to spend a lot of money preparing to go before those authorities to get that approval.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I think Senator DeAngelis has...has summed up the essence of this...of why we need to do this. Going to the health facilities planning board is an expensive proposition especially for a small hospital, and the small hospitals in my district are supporting this...this measure. The other thing I think we ought to take into consideration is the fact that over the years there have been some pretty bitter disagreements between the hospitals and the health facilities planning board. On this issue, they're both in agreement and I think we ought to recognize that and...and act on this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall Senate Bill 2063 pass. Those in favor...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 56, the Nays are 1, none voting Present. Senate Bill 2063 having received the required constitutional majority is declared passed. Senate bills 3rd reading is Senate Bill 2079. Madam Secretary, read the bill.

SECRETARY:

Senate Bill 2079.

SB 2087
3rd reading

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Ralph Dunn.

SENATOR RALPH DUNN:

Thank you, Mr. President and members of the Senate. This is the Hambletonian Commission bill that the Governor requested and we'd like to have passed. It's a sort of a shell bill yet because we're waiting on the Governor to make a presentation to the Hambletonian Society on May the 23rd. This bill will move along and before...if the Governor is successful, then we can put into effect the Hambletonian Commission that would own and...would operate the Hambletonian Race at the DuQuion State Fair. I move its passage and answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 2079 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? (Machine cutoff)...all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are 2, none voting Present. Senate Bill 2079 having received the required constitutional majority is declared passed. Senator Vadalabene...just a moment. Well, Senator, you are recorded...the Secretary indicates that you are recorded in the affirmative on all of the...previous roll calls that you had a question including this...this one that was just immediate. It is just a matter that the light apparently is not working on the board or the light is not working on your desk but you are, in fact, being recorded. Senate bills 3rd reading, Senate Bill 2087, Madam Secretary.

SECRETARY:

Senate Bill 2087.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, Senator Carroll, for what purpose do you arise?

SENATOR CARROLL:

Just a point of information, Mr. President. It seems that Senator Sam has not only been the first in history to burn out the green bulb and we will make a presentation formally at a later date, we've saved it, but he used it so often he also shorted out the whole board on there. So we congratulate him for not only burning out the first bulb in the history of Illinois but for shorting out our entire system.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. On the Order of Senate Bills 2087, Senator Rock. We've already read it, Senator.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill 2087 is an amendment to the School Code. It does one thing and one thing only. It takes Maryville Academy which is a not-for-profit child-care institution and moves it, not physically but moves it...changes the high school district boundary from 207 to 214. Both superintendents are in favor of this move, there is no loss in assessed valuation, and the reason is that the Board of Directors of Maryville has committed to Father John that we will raise the money and build and operate a trade school on the grounds to benefit these youngsters at Maryville, and 214 feels that they have a number of students in their population that would benefit greatly from this type of operation. So it is a cooperative effort. We have delayed the effective date until next year with the hope of ironing out some of the problems that some of the teachers express in having to move from one district to another if indeed they choose to move. I know of

no serious opposition to this. There is no loss to anyone, both superintendents are in agreement and, frankly, it is a very good idea for the youngsters that are in the care and custody of Maryville and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. I rise to explain my vote and to clarify one of the comments which Senator Rock made. I think Senator...or...or Father John Smith has the right idea and what he's trying to do here is address the needs of this...people at Maryville which he doesn't feel are now being served by District 207. Now, that's a matter for debate, because the people at 207 feel they've been doing a fine job and the teachers especially at Maryville feel that...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Excuse me...Senator Rock.

SENATOR ROCK:

There's never been an allegation by Father John or anybody else that those kids aren't well served at 207. This was brought about, as I stated, because of the advent and the prospect of a trade school to be built privately on the grounds of Maryville.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra.

SENATOR KUSTRA:

I don't...I don't know what Senator...or what Father John alleged to you, but in a meeting which I had with him in December, he told me that he had a philosophical difference with 207 in how they educated his kids. Fact, I'm not making it up; call him if you don't believe me. 207 isn't necessarily in agreement with his position. I'm willing to defer to him as the head of Maryville and say, let's try it out. Now

the way you tried it out stinks. First of all, you took an education bill and you sent it to the Senate Executive Committee. Secondly, somebody told me when they called me two days before this bill went through the Senate Executive Committee that all parties were informed; in fact, you also told me that 'cause that's what they told you. They were dead wrong. Superintendent Elliot of 207 never even heard that this was going to happen until our staffperson called him to ask him what he thought of a bill that removed a school, a piece of property, from his district and put it into another district. He didn't even know it, he had no idea. Now you can understand why that school district and why the teachers who teach at Nipper School are somewhat demoralized by a bulldozer process that runs over their rights. And to your point about the teachers just up and quitting 207 and moving over to 214, Senator Rock, you and I know it doesn't work that way. We're talking about two separate local governmental units. Senator Berman can clarify this but you don't just take a tenured teacher out of 207 and ask them to move down the street to 214, 'cause 214 has teachers who are out right now and they have first call under the seniority laws of this state. This whole issue has been handled very poorly and I'm not going to vote for it now, but I suppose it's going to fly out of here and I hope the House deals with it, and I hope there's some way to deal with Father Smith's problem because I have been a supporter of Maryville; Senator Rock, as you know, I have supported Maryville, it stands right on the edge of my district but to go about it in this manner. What we have done in an attempt to help kids is hurt adults, some very special adults, they're special education kids. I don't stand up and front for teachers all the time on the Floor of this Assembly, but I do today, because those teachers as late as Saturday told me now for about the fifth time they don't understand it,

they don't know why this is happening, nobody has explained it to them and nobody knows exactly where they go now, and your year of delay isn't going to do anything to solve that unless you can come up with some newfangled law that ships them right over to 214. That isn't going to happen right now and until some better solution is found, I can't support this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. I am a hyphenated cosponsor of this bill, and very enthusiastically I might add. Maryville is in my district and I agreed to be a cosponsor of this bill because I think the bottom line is, as Secretary Elliot said today so eloquently, kids and this bill is about kids. I certainly do regret the situation that will be temporarily occurring in District 207 and with these teachers, I might add, a number, I understand, who are on the brink of retirement at this particular point and I would differ reluctantly with Senator Kustra to say that I do think that the delayed effective date of this bill will make a difference. I have talked to Doctor Berry of 214; certainly, there are problems. This is...this is not a usual...and I will admit that, a usual procedure here in this General Assembly, but I might bring to your attention the fact that the kids of Maryville are children who are orphans, they are abandoned children, they're children who have been sexually abused. They are wards of the state and they are very important citizens. I think that my children, for instance, in 214 when they weren't sure what they were going to do after they even graduated, they were able to come home again and they were able to find themselves and...and go into a different field than what they originally had decided to go into in college. When these kids leave Maryville at eighteen, that's it, they're

going to be on their own. There will be no second chances for them. So whatever education at whatever level that they can get is going to be what will prepare them for their life's work. I think that they are very, very important and I do think that at least my priorities have to be falling very strongly on the side of kids in this particular instance. So I urge you to think very carefully of what we are doing here today and not let emotion get away from us here and...and come down on the side of disadvantaged children who need our help very much.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Rock may close.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Less there be...any misunderstanding, I presume...and I was not privy to the conversation but I presume that if Father John had a discussion about his philosophical differences, probably it revolved around the availability or in this instance the nonavailability of vocational education, hands-on-training for these youngsters so that when they leave Maryville by law, they will have some employable skills. And so he has embarked upon raising the money necessary to build the school on his property...or on the archdiocese property and, frankly, was not well received by 207 so he went over to 214 and said, what about you, and they said we'd love it, we would love to have this available for our clientele. There are two separate clienteles obviously in 214 and 207. The fact of the matter is, when I was notified by former Representative Gene Schlickman, he indicated to me that he had talked to both superintendents. I have never met or talked to either one of them. The fact of the matter is, I agree with Senator Macdonald, this is in the best interest of these children; and if one or two teachers feel miffed, I apologize to them, but the fact of the matter

is, I come down on the side of the youngsters and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall Senate Bill 2087 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 49, the Nays are 4, 6 voting Present. Senate Bill...2087 having received the required constitutional majority vote is declared passed. 2097, Senator Philip. 2098. Page 19, 2101, Senator Karpziel. 2102, Senator Watson. 2141, Senator Jones. (Machine cut-off)...147, Senator Severns. Senate bills 3rd reading, the middle of page 19, Senate Bill 2147, Madam Secretary.

SECRETARY:

Senate Bill 2147.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President. Senate Bill 2147 deletes a current mandate which requires school boards to file a list of instructional materials used in their schools with the regional superintendent. It deletes this because another section of the School Code requires that all tax and instructional materials used in the district be available for public inspection. I know of no opposition to the bill and I would urge its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? If not, the question is, shall Senate Bill 2147 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?

SB 2152
3rd Reading

Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. Senate Bill 2147 having received the required constitutional majority is declared passed. 2152, Senator Karpziel. On the Order of Senate Bills 3rd Reading, Senate Bill 2152, Madam Secretary.

SECRETARY:

Senate Bill 2152.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President, Ladies and Gentlemen of the House. What the bill does at the present time is to...is to change the wording...in the Personnel Code instead of calling it the State Personnel Department, it's now called the Records of...at Central Management Services. The bill is obviously a vehicle and the department director testified that this is...this bill is needed depending on the...Supreme Court's decision on the Schuemaker Case which talks about term appointments, and so they would like to keep this bill moving.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall Senate Bill 2152 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. Senate Bill 2152 having received the required constitutional majority is declared passed. On the Order of Senate Bills 3rd Reading is Senate Bill 2153, Madam Secretary. Read the bill, please.

SECRETARY:

Senate Bill 2153.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President, members. This bill was requested by the Department of Professional Regulation, basically a clean-up bill to clean up the language that was included in the bill that we passed last year licensing estheticians. I know of no opposition to the bill. If anyone has any concern about how this matter will affect their personal esthetician, I'd be happy to...including the President, I'd be happy to try to respond to your questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...discussion? Senator Fawell.

SENATOR FAWELL:

Thank you, very much. I don't have a problem with the...cosmetology and the barber bit of it but I have DeVry Institute in my... in my district. I just saw this amendment a couple of days ago when I was going through attempting to find out what in the world we're doing and gave them a copy of the amendment and, frankly, they are not real pleased. And I assume from reading the language in the amendment, this will affect such institutions such as DeVry, am I right?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

I'm not familiar with how it would affect DeVry, Senator, and I'm not sure in what way they were not pleased. If you could be more specific, maybe I could give you a better response.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

Well, for one thing, you have a list in there of what they have to pay back, for instance, if someone drops out, and they already pay back more than...than the independent colleges in my district, and...and I...and I'm just trying to get a clarification if this is going to affect them in that manner.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

I think, Senator Fawell, you have the...the wrong bill. I think you're referring to another bill that's in...in the Senate pertaining to the regulation of private schools.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Fawell.

SENATOR FAWELL:

Sorry about that, you're right. Sorry.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Hopefully, Mr. President, enough has been said, let's vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall Senate Bill 2153 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 59, the Nays are none, none voting Present. Senate Bill 2153 having received the required constitutional majority is declared passed. Senate bills 3rd reading, Senate Bill 2197, Senator Smith. 2200, Senator Donahue. Senate bills 3rd reading, bottom of the page...page 19, Senate Bill 2200, Madam Secretary.

SECRETARY:

Senate Bill 2200.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, Senate Bill 2200 does basically what it says in your synopsis. It allows the Department of Public Health to use in lieu of conducting an inspection...a license renewal inspection in a facility to use their latest inspection by the Joint Commission on Accreditation of Health Care Organizations. It is a pilot project. It would allow the director of Public Health to pick at random the homes that would be in the pilot project. It has an immediate effective date and it allows...or requires that a report on the pilot project be given on...by November 1st, 1990. It also allows the Department of Public Health gives rules and regulations that if the joint commission found something in a nursing home that needs immediate attention, it sets up the criteria by which the Department of Public Health can come in. Again, it's a pilot project. I think it's a good idea and I would move for its adoption.

PRESIDENT:

Discussion? Is there any discussion? Senator Collins.

SENATOR COLLINS:

Yes, a question of the sponsor.

PRESIDENT:

She indicates she will yield.

SENATOR COLLINS:

Do you have time limits on how old this report would be? You said they...they would allow them to use...is it annual? So it would be the last annual reports before the license was

renewed?

PRESIDENT:

Senator Donahue.

SENATOR DONAHUE:

Yes.

PRESIDENT:

Further discussion? If not, the question is, shall Senate Bill 2200 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 59 Ayes, no Nays, none voting Present. Senate Bill 2200 having received the required constitutional majority is declared passed. Senator Friedland. On the Order of Senate Bills 3rd Reading is Senate Bill 2202. Read the bill, Madam Secretary.

SECRETARY:

Senate Bill 2202.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Friedland.

SENATOR FRIEDLAND:

Thank...thank you, Mr. President, Ladies and Gentlemen of the Senate. The Calendar is absolutely correct, it describes the bill...the amendment provides that the...Sports Facilities Authority would be abolished July 1 of '88, if no agreement is made, and I urge your favorable consideration.

PRESIDENT:

Discussion? Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. I rise in support of 2202. As all of us know, the Governor and team owners of the White Sox have apparently reached an agreement. However, we are still involved in a footrace with the Floor of the Legislature, and

until we can all digest the package that is being offered to us, I suggest we keep this process in high gear and I'd appreciate your Aye vote.

PRESIDENT:

Further discussion? Any further discussion? If not, the question is, shall Senate Bill 2202 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. Senate Bill 2202 having received the required constitutional majority is declared passed. 2217. On the Order of Senate Bills 3rd Reading is Senate Bill 2217. Read the bill.

SECRETARY:

Senate Bill 2217.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. Senate Bill 2217 amends the School Code where...dealing with supplemental payments to consolidating districts. If a unit district annexes another unit district effective 7/1/88 and part of the annexed territory is deleted within ninety days, the detachments shall disregard in computing supplementary payments and the payments shall not be diminished because of the detachment. This is the policy now that the...the SBE uses, it will not cost the state any money and I'd ask for its adoption.

PRESIDENT:

Any discussion? If not, the question is, shall Senate Bill 2217 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

*SB 1534
Recalled*

that question, there are 58 Ayes, no Nays, none voting Present. Senate Bill 2217 having received the required constitutional majority is declared passed. It is now five-fifteen. The Secretary has passed out a list of recalls. There are now four members and I would ask you all to pick up the list and add to that list 1609. Senator Fawell has indicated she wishes to return 1609. If we get this done and Enrolling and Engrossing can have the paper finished tonight and we can start over...I'm starting to talk like Senator DeAngelis, using my hands too much. Any event...with leave of the Body, we'll stay on 3rd reading but we'll go to the Order of Recalls for the purpose of amending those four bills and then we will have effectively concluded our business tonight to return after the Prayer Breakfast tomorrow morning at the hour of ten o'clock, and as Senator Philip and I discussed, I think we can be relatively brief tomorrow. The appropriations' people tell me they're not quite there yet, so we'll work from like ten to noon and then quit for the week and come back next Tuesday. (Machine cut-off)...Madam Secretary, on the Order of Senate Bills 3rd Reading, page 13, Senate Bill 1534. Sponsor requests leave of the Body to bring that bill back to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1534. Madam Secretary.

END OF REEL

REEL #4

SECRETARY:

Amendment No. 1 offered by President Rock.

PRESIDENT:

All right. With leave of the Body, I'd ask Senator Luft to handle that.

SENATOR LUFT:

Thank you, Mr. President. There are certain provisions in Senate Bill 1503 attributed to cities with a population of ten thousand or less. What this amendment does is...change the ten thousand population figure to twelve thousand. And I would move for the adoption of the amendment.

PRESIDENT:

All right. Senator Luft has moved the adoption of Amendment No. 2 to Senate Bill 1534. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Are there further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1669. Oh, Senator Macdonald, that was just moved today so if you want to visualize it...it's on page 3. It's Senate Bill 1669. Senator Macdonald asks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading is Senate Bill 1669, Madam Secretary.

SECRETARY:

Senator Berman offers Amendment No. 2.

PRESIDENT:

Senator Berman on Amendment No. 2.

SENATOR BERMAN:

Thank you, Mr. President. I thank Senator Macdonald for the courtesy of bringing the bill back. There was an amendment adopted earlier today which was adopted without any discussion. And in committee the issue of the amendment was raised and I wanted to bring it to the Floor. What the bill does is to prohibit...requiring or requesting disclosure of a person's social security number. And it establishes...certain civil penalties and provides certain information if there is a request for disclosure. Now the bill is...is a good bill and it was generated because a lot of people, senior citizens in particular, are very upset when every time you walk into a place they want to get your social security number. I have no problem with the bill; my problem was with the amendment that was put on today. And the amendment exempts state agencies from the impact of the bill. Now what that...what I am saying is that our constituents don't want to have to disclose their social security number. The bill as introduced said you don't have to disclose your social security number, but the amendment that was adopted earlier that this amendment seeks to reverse said you'll still have to disclose it to a state agency. And my point in offering this amendment is that if there's privacy involved to Sears Roebuck and Montgomery Wards and the local currency exchange to prohibit them from asking for your social security number, I don't think the state ought to ask for your social security number. And that's what the amendment is about. If you think that the state should not have that power, vote yes. If you think the state should have the power, vote no. That's the amendment.

PRESIDENT:

All right. Any discussion on the amendment? Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. I have to rise while I...did bring...the bill back to...for this amendment, I do have to rise in opposition to this amendment. I am willing to go a step at a time to achieve this good consumer bill, but I do see some problems that have been pointed out to me by the Department of Revenue and other departments that say it will work a great hardship and cost the state at a time when we maybe cannot afford it...a great deal of money to implement this particular bill in its entirety without their exemption, at least at this time. So I would have to oppose this amendment and...and say that...that we should exempt state government from requiring the asking for social security numbers for their purposes.

PRESIDENT:

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

I'm not quite sure what state agencies would be asking for social security numbers. I do know that we use social security numbers rather aggressively in the...our never ending campaign against public aid fraud. I don't think any of us want to see that stopped. And I...while this is...I don't know if the exemption covers this, I know that new state forms from the State Board of Elections for voter registration carry social security numbers, I think with the idea of preventing double voting, and I don't think any of us are interested in promoting double voting. I'd like an explanation of exactly what state agencies are requesting or currently have the power to use social security numbers, and I'm, frankly, quite concerned that if we're talking about things that will make public aid fraud easier or ghost voting, double voting easier, why I...I'm sure not for it.

PRESIDENT:

Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, Senator Schaffer's remarks basically stated what I wanted to say and...and that is simply that the passage of this amendment without giving it further thought could...could end up being very embarrassing to us if, in fact, it proves to frustrate efforts of the Department of Revenue and the collection of revenue so that we might perhaps be able to avoid a tax increase or frustrates the Department of Public Aid in their efforts to go after public aid fraud or whatever the legitimate activities of government might be. I think we ought to think twice and...and vote No.

PRESIDENT:

Is there any further discussion? Further discussion on Amendment No. 2. Senator Berman, you wish to close?

SENATOR BERMAN:

Thank you. I would point out that in the bill as introduced it says, Section 4, "Prohibition against requiring disclosure. Unless specifically allowed or required by a law of Illinois, another state or the United States, those persons shall require an individual to disclose his or her social security number for any reason." That's the whole purpose of the bill. If there are specific situations where we think disclosure is called for, such as in voting processes or filing of income tax returns or other well-founded, then we ought to amend those bills to allow that specific purpose. But the blanket exemption which is built in by allowing any state agency to ask for social security defeats the purpose of the bill as introduced. That's the purpose of my amendment. I solicit your Aye vote.

PRESIDENT:

Question is, the adoption of Amendment No. 2 to Senate Bill 1669. Those in favor of the amendment will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish?

Take the record. On that question, there are 28 Ayes, 29 Nyes...29 Nays, and the amendment fails. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. If you'll turn to the bottom of page 14, on the Order of Senate Bills 3rd Reading, Senator Karpziel. Senate Bill 1719, Madam Secretary. Senator Karpziel seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1719, Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Karpziel.

PRESIDENT:

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. The amendment simply clarifies that this bill applies only to Cook County...I'm sorry, clarifies that...that it applies to the entire...

PRESIDENT:

Senator Karpziel...

SENATOR KARPIEL:

If I had a copy of the amendment, I could tell you what it does.

PRESIDENT:

That's fair.

SENATOR KARPIEL:

I was right the first time, it clarifies it that...it applies only to Cook County.

PRESIDENT:

All right. Question is the adoption of Amendment No. 1 to Senate Bill 1719. Is there any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have

it. The amendment is adopted. Any further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. And finally, Senator Fawell. On page 13, on the Order of Senate Bills 3rd Reading is Senate Bill 1609, Madam Secretary. Senator Fawell has requested leave of this Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of Senate Bills 2nd Reading, Senate Bill 1609, Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Ralph Dunn and Senator Fawell.

PRESIDENT:

Senator Dunn.

SENATOR RALPH DUNN:

Thank you, Mr. President, members of the Senate. Amendment to Senate Bill...1609 deletes the three hundred dollar limit on funds the county board may appropriate toward maintaining neglected graves in cemeteries. Last year we passed a bill consolidating a number of special taxes and in that we made it so the counties cannot levy over three hundred dollars. In...in the case of one of my counties, they need about six or seven thousand dollars per year. I'd move for the adoption of the amendment.

PRESIDENT:

Senator Dunn has moved the adoption of Amendment No. 1 to Senate Bill 1609. Is there any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Are there further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Resolutions, Madam Secretary.

SECRETARY:

(Machine cutoff)...Resolution 1068 offered by Senator Friedland. It is substantive.

PRESIDENT:

Executive Committee.

SECRETARY:

Senate Resolution 1069 offered by Senator Dudycz.

Senate Resolution 1070 offered by Senator Davidson and all members.

Senate Resolution 1071 offered by Senator Topinka.

Senate Resolution 1072 and...1073 and 1074 offered by Senator Topinka.

Senate Resolution 1075 offered by Senator Donahue.

Senate Resolution 1076 offered by Senator Brookins.

Senate Resolution 1077 offered by Senator Thomas Dunn.

Senate Resolution 1078 offered by Senator Dudycz and all members.

Senate Resolution 1079 offered by Senator Watson.

They're all congratulatory.

PRESIDENT:

Consent Calendar.

SECRETARY:

Senate Resolution 1080 offered by Senator Lechowicz, Senator...Rock...President Rock, Senators Degnan and others. It's a death resolution.

PRESIDENT:

Consent Calendar.

SECRETARY:

Senate Joint Resolution 130 offered by Senator del Valle. It is substantive.

PRESIDENT:

Executive. Senator Severns, for what purpose do you seek recognition?

SENATOR SEVERNS:

Thank you, Mr. President. I'd like to...request leave of the Body to be added as a cosponsor on Senate Bill 1714...a hyphenated cosponsor with the permission of the sponsor.

PRESIDENT:

All right. The lady seeks leave to be added as the hyphenated cosponsor on Senate Bill 1714. Without objection, leave is granted. Senator Netsch, for what purpose do you arise?

SENATOR NETSCH:

Thank you, Mr. President. On the same order of...business, I would like to add Senator DeAngelis as a hyphenated cosponsor on Senate Bill 1167.

PRESIDENT:

All right. The lady seeks leave to add Senator DeAngelis as the hyphenated cosponsor on Senate Bill 1167. Without objection, leave is granted. Senator Dunn, for what purpose do you arise?

SENATOR TOM DUNN:

Thank you, Mr. President. As the chief sponsor of SJR 120, I would like to have the following Senators added as hyphenated cosponsors; Senator del Valle, Demuzio, Jerome Joyce, Luft, O'Daniel, Smith, Vadalabene and Welch.

PRESIDENT:

The gentleman seeks leave to have that list of Senators added as hyphenated cosponsors on Senate Joint Resolution 120. Without objection, leave is granted. Senator DeAngelis.

SENATOR DeANGELIS:

Yes, on the bill that Senator Netsch asked that I be joined with her, would you put Ali Baba on there too, 'cause she stole my bill.

PRESIDENT:

All right. Any further business before Senator Davidson

announces the Prayer Breakfast? We will...we will recommence at ten o'clock in the morning. Ten o'clock in the morning, and...and we'll try to be out by noon, I promise you, so that we can get back to our districts. Senator Davidson.

SENATOR DAVIDSON:

Right on, Mr. President. But I want to remind all my early going to bed people that it is at 7:30 a. m. in the morning at the Holiday Inn East, and we'll see you all there.

PRESIDENT:

All right. Prayer Breakfast tomorrow morning at the Holiday Inn East, 7:30 a. m. We did a good deal of work today and it's been a long day, it's just five-thirty. So the Senate...Senator Joyce moves that the Senate stand adjourned until Thursday, May 12 at the hour of ten o'clock, ten o'clock tomorrow morning. The Senate stands adjourned.

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