

85TH GENERAL ASSEMBLY

REGULAR SESSION

June 24, 1987

PRESIDENT:

The hour of ten 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 Delbert Keltto, Grace Lutheran Church, Springfield, Illinois. Reverend.

REVEREND DELBERT KELTTO:

(Prayer given by Reverend Keltto)

PRESIDENT:

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

SECRETARY:

Senate Journals of Tuesday, June 9, 1987; Wednesday, June 10, 1987; Thursday, June 11, 1987 and Friday, June 12, 1987.

PRESIDENT:

Senator Demuzio.

SENATOR DEMUZIO:

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

PRESIDENT:

You've heard the motion as placed by Senator Demuzio. Is there any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and it's so ordered. Senator Demuzio.

SENATOR DEMUZIO:

(Machine cutoff)...President, I move that reading and approval of the Journals of Tuesday,...June 16th; Wednesday, June 17th; Thursday, June 18th; Friday, June 19th; Monday, June 22nd and Tuesday, June 23rd, in the year of 1987, be postponed pending arrival of the printed Journals.

PRESIDENT:

You've heard the motion as placed by Senator Demuzio. Any discussion? If not, all in favor indicate by saying Aye.

All opposed. The Ayes have it. The motion carries and it is so ordered. Messages from the House.

SECRETARY:

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

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

Senate Bill 63 with House Amendments 1 and 4.

Senate Bill 80 with House Amendment 1.

Senate Bill 8...382 with House Amendment No. 2.

Senate Bill 597 with House Amendments 1 and 2.

Senate Bill 651 with House Amendments 1 and 4.

Senate Bill 688 with House Amendment 1.

Senate Bill 875 with House Amendment 2.

Senate Bill 898 with House Amendment No. 1.

Senate Bill...1454 with House Amendment No. 1.

PRESIDENT:

Secretary's Desk. Committee reports, Madam Secretary.

SECRETARY:

Senator Lechowicz, chairman of the Committee on Executive Appointments, Veterans' Affairs and Administration to which was referred the Governor's Messages of March 4, 1987 and May 21,...1987, reported the same back with the recommendations that the Senate advise and consent to the following appointments.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. I move that the Senate resolve itself into Executive Session for the purpose of acting on the Governor's appointments...set forth in his Message of March 4th, 1987 and May 21st, 1987.

PRESIDENT:

All right. You've heard the motion as placed by Senator Lechowicz. Any discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and the Senate is now in Executive Session. Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. With respect to the Governor's Message of March 4th, 1987, I'll read the salaried appointments to which the Senate Committee on Executive Appointments, Veterans' Affairs, Administration recommends that the Senate do advise and consent.

To be an observer for the State Sanitary District for a term expiring January 16th, 1989, Connie Peters of Arlington Heights.

Mr. President, having read the salaried appointment, will you put the question as required by our rules.

PRESIDENT:

The question is, does the Senate advise and consent to the nomination just made. Those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. A majority of the Senators elected concurring by record vote, the Senate does advise and consent to the nominations just made. Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. With respect to the Governor's Message of May 21st, 1987, I'll read the salaried appointments to which the Senate Committee on Executive Appointments, Veterans' Affairs, Administration recommends that the Senate do advise and consent.

To be the director of State Police for a term expiring January 16th, 1989, Jeremy Margolis of Lincolnwood.

To be director of the Illinois State Toll Highway Author-

ity for a term expiring May 1st, 1991, Kim Fox of Chicago, Nancy Lundstrom of Rockford, John P. Garrow of Wheaton.

To be the director of the Department of Veteran's Affairs for a term expiring January 16th, 1989, John Johnston of Springfield.

To be a member of the Property Tax Appeals Board for a term expiring January 21st, 1991, John Picken of Rockford.

To be a member of the Property Tax Appeal Board for a term expiring January 16th, 1989, Brent Bohlen of Springfield.

Member of the Property Tax Appeal Board for a term expiring January 18th, 1993, Willard Engelman of Raymond.

To be the assistant director of the Department of Veteran's Affairs for a term expiring January 16th, 1989, James Rosas of Chicago.

Mr. President, having read the salaried appointments, I now seek leave to consider these appointments on one roll call unless some Senator has objection to a specific appointment.

PRESIDENT:

All right. You've heard the request. Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. I have an objection to the director and assistant director of Veterans' Affairs and would ask that they be voted on separately.

PRESIDENT:

That request is in order. Senator Welch. All right. Senator Lechowicz, would you be kind enough then to restate the question.

SENATOR LECHOWICZ:

More than happy to. Basically, then, that'd be the director of the State Police, Jeremy Margolis of Lincolnwood; Illinois Toll Highway Authority, Kim Fox of Chicago, Nancy Lundstrom of Rockford, John P. Garrow of Wheaton and the

Property Tax Appeal Boards, John Picken of Rockford, Brent Bohlen of Springfield, Willard Engelman of...of Raymond. Will you put the question as required by our rules.

PRESIDENT:

All right. The gentleman seeks leave to consider those nominees on one roll call. Without objection, leave is granted. The question then is, does the Senate advise and consent to the nominations just made. Those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, no Nays, none voting Present. A majority of the Senators elected concurring by record vote, the Senate does advise and consent to the nominations just made. Senator Lechowicz.

SENATOR LECHOWICZ:

Now the question before us is to be the director of the Department of Veterans' Affairs for a term expiring January 16th, 1989, John Johnston of Springfield and to be assistant director of the Department of Veterans' Affairs for a term expiring January 16th, 1989, James Rosas of Chicago. Will you put the question as required by our rules.

PRESIDENT:

All right. Discussion? Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. I've never done this before and I hope I never have to do it again and...and rise in opposition to anyone's appointment. I do so based on the fact that the Department of Veterans' Affairs is attempting to close down every office for the veterans' department...almost every office in the veterans' departments downstate at a cost that is minimal. If I remember correctly, it's in the six hundred thousand dollars and, perhaps, if they close them all down about a million and a half

dollars. I would like to hold this gentleman who told me last week right out here...or my interpretation anyway of the conversation that if we put the money back in the budget that these offices would not be closed. We did put the money back into the budget and he closed the offices, I think, in Senator Hawkinson's district and maybe in Senator Jacobs' district and in my district yesterday. Therefore, I would hope that the Senate would concur in my feeling that the veterans in the State of Illinois need these offices to find out what is available to them in terms of projects and/or help that they need and for the cost of a million and a half dollars maximum that we...should restore and be committed to those offices being open.

PRESIDENT:

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I would concur with Senator Luft. I would like to elaborate a little bit on what he had to say. Yesterday morning in my...my conversations with the department, we were told that the Monmouth office, which is in Senator Hawkinson's district, which serves my district, that they were just going there to remove some file cabinets. As of two o'clock all of the furniture was picked up and they were gone. No advance notice was given to either me or Senator Hawkinson and I just don't think that that's the type of people we need in those positions.

PRESIDENT:

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I would just join in the remarks of Senator Luft and Senator Jacobs. To...to move in without notice and after the conversations last week when the money has been restored in the budget without going over the

overall budgets' '87 levels, and to do it as part of a "strategy" for other reasons which can only harm the service to the veterans in our districts and when it's not fiscally required, I think is irresponsible. I'm not opposed in the long term to these nominations, but I...I certainly think that we ought to defer action on them at this time.

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

Well, you know, I...I understand the...the concern about these offices now that we just put money in next year's budget for these offices. I would respectfully remind the members that the financial crunch in the Department of Veterans' Affairs in this year's budget and that when Director Johnston was sworn in, they said, here's...you know, here's your desk and here's the crisis. The crisis was not caused by the gentleman whose name is before us, it was caused by his predecessor and I think we all were aware of the problems the department had under the previous administration. Director Johnston arrived and couldn't meet his payroll the last month, he had to do some things. Putting the money in next year's budget doesn't meet payrolls in June. I would respectfully remind, particularly the senior members, that the...the gentleman we're talking about was at the National Guard and served in the Emergency Service Civil Defense section, was always...has always been one of the most responsive, dedicated state employees. Those of us that have worked with him over a number of years have nothing but respect for his integrity and his ability to...you know, serve the public well. To go after him now for things that are just not his responsibility and not his fault and not things he wants to do, well, I understand the concern and if I had one of these little offices in my district, I'd feel the same way, but this is not...you know, we're punishing the

wrong person here. This is...man is not guilty of these charges, this is not fair, this is not equitable.

PRESIDENT:

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate, with great regard for Senator Luft and Senator Jacobs' comments, I must concur with...with Senator Schaffer. In the seven years I've been in the Legislature, I have found Colonel Johnston to be probably one of the most responsive people we've ever had in terms of liaison work, be it with the National Guard or ultimately with ESDA and now with veterans' affairs, and I would think twice before going after this particular gentleman because of all the time that he has spent on veterans' affairs right in the trenches and being of great help. And, hopefully, we might maybe try and work this situation out without holding up his appointment.

PRESIDENT:

All right. There are fourteen members who have indicated they wish to be heard on this. Senator Lechowicz.

SENATOR LECHOWICZ:

Well, Mr. President, I do appreciate everybody's participation and concern. Senator Jacobs brought it to my attention yesterday and I told him that we'd try to work this matter out for him; in fact, I summoned the...one of the people who works for the department with specific instructions to get ahold of the director and get us an answer. Since the answer is not before us, I'd like to at this time withdraw the director and the assistant director till this coming Tuesday. We'll be having another conference, by then, we should get an answer one way or another.

PRESIDENT:

I think that meets with the concurrence of all involved, Senator Lechowicz, that's a good suggestion. Those two nomi-

nees will be temporarily withdrawn from consideration. Senator Lechowicz, further nominees?

SENATOR LECHOWICZ:

Thank you, Mr. President. With respect to the Governor's Message of May 21st, 1987, I'll read the unsalaried appointments to which the Senate Committee on Executive Appointments, Veterans' Affairs, Administration recommends the Senate do advise and consent.

To be members of the Illinois Development Finance Authority for a term expiring January 21st, 1991, Edward Czadowski of Chicago, Michael Zavis of Highland Park.

Member of the Illinois Export Development Authority for a term expiring January 17th, 1990, Richard Shealey of Chicago.

Illinois Fiduciary Advisory Committee for a term expiring January 1, 1991, Patrick Heitzig of Alton.

To be a member of the Illinois Leadership Council for Agricultural Education for a term expiring March 13th, 1989, James Oliver of O'Fallon.

To the Illinois Leadership Council for...Agricultural Education, Robert Cone of Salem.

To be a member of the Employee-Owned Enterprise Advisory Council for a term expiring November 7th, 1990, Thomas Long of Godfrey.

To be a member of the Rehabilitation Services Advisory Council for a term expiring January 13th, 1992, Clarinda Valentine of Chicago.

...to be members of the Advisory Board of Cancer Control for a term expiring September 30th, 1988, Irving Weigensberg of Peoria, John Ultmann of Chicago.

To be a member of the Advisory Board of Cancer Control for a term expiring September 30th, 1989, Milton Darr of Oak Brook.

To be members of the Advisory Board of Livestock Commissioners for a term expiring January 16th, 1989, David Kaluzny

of Joliet.

To be the public administrator, guardian and conservator of Lawrence County for a term expiring December 4th, 1989, William Strange of Lawrenceville.

Mr. President, having read the unsalaried appointments, I now seek leave to consider these appointments on one roll call unless some Senator has objection to a specific appointment.

PRESIDENT:

All right. The gentleman seeks leave of the body to consider those nominees on one roll call. Without objection, leave is granted. If there's no discussion, the question is, does the Senate advise and consent to the nominations just made. Those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. The Senate...a majority of the Senators elected concurring by record vote, the Senate does advise and consent to the nominations just made. Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. I move that the Senate arise from Executive Session.

PRESIDENT:

All right. You've heard the motion. Senator Lechowicz has moved that the Senate do now arise from Executive Session. All in favor of that motion indicate by saying Aye. All opposed. The Ayes have it. The motion carries and the Senate does now arise. Ladies and gentlemen, if I could have your attention. I've discussed with Senator Philip and the schedule for today, we will work approximately again until six o'clock. At approximately five o'clock, we will go to the Order of 2nd Reading and Motions in Writing to again afford all the members the opportunity to have their case

HB 192
Recalled

heard. We will begin with the Order of Recall. The recall sheet, I'm told, has been distributed and I would just forewarn the members that time is short. This will be one of the last opportunities for recalls. There will probably be another recall tomorrow but that will be it essentially. So we'll go to recalls and then we'll go to the Order of 3rd Reading and we will take up where we left off. We left off on the top of page 8. We will begin on 3rd reading, final action with 934. So the first bills would be Senators Berman, Schaffer, Vadalabene, Luft, Maitland, Savickas, Macdonald and Jacobs. All right. I would ask you again the...and so we...the procedure is clear to everyone, once an amendment is filed with the Secretary, it is put on the recall list. It is up to the sponsor and only the sponsor to determine whether or not a bill is subject to recall, it's called back, that...that is only at the sponsor's request. If the sponsor doesn't wish to call it back, it stays put and will be called in the regular order of business. All right. Is there leave to get back to 100? There is apparently three or four different amendments that have been filed, we'll get back to it. 192, Senator Marovitz, bottom of page 4. On the Order of House Bills 3rd Reading is House Bill 192. Senator Marovitz seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 192, Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Marovitz.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

(Machine cutoff)...very much, Mr. President and members of the Senate. Amendment No...I guess 1 to House Bill 192 would say that in regards to the grand jury subpoena bill

that if there's going to be a hearing that there be a notice to the attorney in question and he be provided the opportunity to appear at that hearing, and I would ask for the adoption of Amendment No. 1.

PRESIDENT:

Senator Marovitz has moved the adoption of Amendment No. 1 to House Bill 192. Discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, I...I think it should be clear what I think is being...attempted here. This is, Senator Keats...that's good, I see you have your light on already, I thought you'd be interested in this. This is a bill that we've debated a few times already and some of us have had misgivings about it and have opposed it in its earlier form and this waters it down somewhat. This is the bill that makes it more difficult for prosecutors to obtain records of one kind or another from...from criminal defense lawyers in the process of their investigation and would require them to go through almost insurmountable hoops in order to get at information that may be relevant to a criminal investigation. The...as I understand it, the State's Attorney's Association hadn't put up the opposition to this bill that they might have because of the fact that the...that the hearing before the judge where the prosecutor has to demonstrate the need for this information was going to be on what's called an ex parte basis without...without notice to the other side. And this would now require that notice be given to the...to the criminal defense lawyer so that there...there would be a...a full-blown hearing, and with...with in that mind, I know that the opposition from the prosecutors would be extremely strong and I don't think we should be making it even more difficult than we have made it already by our earlier versions of this bill to get at information in the sole possession of a criminal defense lawyer that would be relevant to an investi-

gation and would not be protected under the attorney-client privilege. So I think we should resist this amendment.

PRESIDENT:

Further discussion? Senator Keats.

SENATOR KEATS:

Thank...thank you, Mr. President. I would request that the sponsor yield.

PRESIDENT:

Sponsor indicates he'll yield, Senator Keats.

SENATOR KEATS:

Senator Marovitz, could you explain again...I know what we think this amendment does. Could you say again with everyone listening what you think it does because there's a diametric difference? Could you just explain your side again?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Well, Senator Keats, why don't you tell me what you think the amendment does?

PRESIDENT:

Senator Keats.

SENATOR KEATS:

I asked you first, I will then tell you what I think after you tell me what you think.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Well, there's no sense in having a hearing unless you have both parties present at the hearing, both parties represented and that's what this amendment would allow.

PRESIDENT:

Senator Keats.

SENATOR KEATS:

Now, what's the necessity of having the attorney there?
Could you explain that a moment?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Well, the...the hearing involves the attorney, don't you think he has a right to be notified and be present and to rebut any, perhaps, incorrect arguments or accusations that are made? I mean, I don't think we want to have hearings...involving anybody where only one party gets notice and only one party appears. Don't we...I mean, you certainly believe in the democratic process, don't you, Senator Keats?

PRESIDENT:

Senator Keats.

SENATOR KEATS:

Would...would you offered that same protection to everyone else in these types of hearings, this is not traditional. Remember, the judge is being asked for subpoena. It is not traditional that you invite both sides, what yours is establishing a new set of jurisprudence dealing only essentially with...for a moment, I'll...I'll popularize and say drug lawyers,...and a few of the other lowlifes of the profession. You're offering a protection to them that would not be offered to a person in business, would not be offered to a farmer, would not be offered to a school teacher. It is not traditional that both sides are invited. Why are you offering this protection to one party that would not be offered as normal protection to other people?

PRESIDENT:

All right. WAND-TV, Channel 17, has requested leave to shoot some film up there. With...without objection, leave is granted. Senator Marovitz.

SENATOR MAROVITZ:

Well, I...Senator Keats has totally incorrectly portrayed

not only the bill but other...other portions unrelated to the bill. Everybody is entitled to be heard, we're not making exceptions just for lawyers and, Senator Keats, if you had an attorney and...and they were looking into you, you'd certainly want your attorney to be present at a hearing where they were going to try and subpoena in your records or private privileged conversations that you may have had with your attorney and that's what this amendment allows.

PRESIDENT:

Senator Dunn.

SENATOR TOM DUNN:

Thank you, Mr. President. Senator Keats is under the impression that an ex parte hearing is a regular and ordinary thing that occurs every day, and I'd like to let him know that it is an extraordinary hearing and I don't understand his objection. What's he afraid of of having the individual there to respond for, why hide it?

PRESIDENT:

All right. Further discussion? Senator Keats, please, you know...Senator Keats.

SENATOR KEATS:

Why are you extending a protection to a criminal defense lawyer that you won't extend to everyone else? All I'm saying is you're offering a protection that didn't extend...others.

PRESIDENT:

Further discussion? Senator Marovitz may close.

SENATOR MAROVITZ:

In...in fact,...in point of fact, the protection is for you, Senator Keats, because it's your privilege...it's the client's privilege and they're trying to get at the client, it's not the lawyer's privilege, Senator Keats, so you ought to listen and understand. It's the client's privilege that the attorney is trying to protect and that is who we're

trying to protect and that's what this is all about, and ex parte hearings are the exception to the rule, not the rule, as you were trying to...to create an impression in the Chamber. I would solicit an Aye vote.

PRESIDENT:

The question is the adoption of Amendment No. 1 to House Bill 192. Further discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. A roll call has been requested. 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 32 Ayes, 25 Nays, none voting Present. Amendment No. 1 is adopted. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 259. 777, Senator Weaver. On the Order of House Bills 3rd Reading, the middle of page 7, is House Bill 7-7-7. Senator Weaver seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 7-7-7, Madam Secretary.

SECRETARY:

Amendment No. 5 offered by Senators Carroll and Welch.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This amendment would appropriate from the Special Hazardous Waste Research Fund for a particular Illinois ground water project under Senate Bill 1482. I would move adoption of Amendment No. 5.

PRESIDENT:

All right. Senator Carroll has moved the adoption of Amendment No. 5 to House Bill 777. 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. 1897, Senator Carroll. On the Order of House Bills 2nd Reading is House Bill...3rd reading is House Bill 1897, this is the bottom of page 18. Senator Carroll seeks leave of the Body to return that bill to the Order of 2nd reading for purpose of an amendment. Is leave granted? Leave is granted. On the Order of House bills 2nd Reading, House Bill 1897, Madam Secretary.

SECRETARY:

Amendment to Amendment No. 2, this would be Amendment No. 3 to 1897 offered by Senator Carroll.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendment No. 3 would take the Office of State Treasurer to the FY '87 spending level less from that spending level the amount of a hundred and fifty thousand which was for the audit fees on the turnover of the office. What had happened, I believe by mistake on an earlier day is that the...the growth requested by the treasurer was reduced by an amendment; however, within that growth was an allowed supplemental appropriation for his ordinary operations. This would allow us to...allow him to spend for FY '88 that which we allowed him to spend for the actual operations of the office in FY '87. We would not give him credit for the amount of the audit nor the growth. This would keep him in parity with agencies of State Government. I would move adoption of

AB 1937
Re called

Amendment No. 3.

PRESIDENT:

Senator Carroll has moved the adoption of Amendment No. 3 to House Bill 1897. 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. 1937, Senator Marovitz. On the top of page 19, on the Order of House Bills 3rd is House Bill 1937. Senator Marovitz seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 1937...Madam Secretary.

SECRETARY:

Amendment No. 3 offered by Senator Marovitz.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Amendment No. 3 to House Bill 1937 would permit a lender to reject a title insurer chosen by the party paying for the insurance if and only if the lender believes such insurer cannot provide sufficient financial protection to the lender, and I would ask for adoption of Amendment No. 3.

PRESIDENT:

Senator Marovitz has moved the adoption of Amendment No...3 to House Bill 1937. Discussion? If not, all in favor indicate...Senator Hawkinson.

SENATOR HAWKINSON:

(Machine cutoff)...will the sponsor yield for a question?

PRESIDENT:

Indicates he will yield.

SENATOR HAWKINSON:

Senator, are there any standards set up to prevent this determination from being exercised in an arbitrary manner? I mean, if you have an established title insurance company, will the lender be able to act in an arbitrary manner just upon his stated belief that it doesn't supply adequate protection?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

The amendment that was given to me by those who are working on the bill states that...that the lender's belief would have to be on reasonable grounds and that's right in the...in the...in the language of the amendment.

PRESIDENT:

Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Will the sponsor yield?

PRESIDENT:

Indicates he'll yield, Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator Marovitz,...I'm not sure of the bill number, was this the one that I guess you had in the Senate Finance Committee that was requested by...the original bill was requested by Attorney's Title Guarantee Fund?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

That is correct...that is correct.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Are you not somewhat concerned that the lenders could...could use the language that you're inserting in the

amendment to...to reject on what may be somewhat arbitrary grounds a commitment issued by...for Attorney's Title or some other title insurance company that they for some reason may think is...is inadequate?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

This amendment was given to me by Attorney's Title in...in agreement with others in the...the business...the lending business and this is their amendment and reasonable grounds is the standard that has been written into the amendment. I shared the same concern with the...the lobbying force on behalf of Attorney's Title, they...they agree with the amendment.

PRESIDENT:

Further discussion? If not, Senator Marovitz has moved the adoption of Amendment No. 3 to House Bill 1937. 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. 2012, Senator del Valle. Top of page 20, on the Order of House Bills 3rd Reading is House Bill 2012. Senator del Valle seeks leave of the body to...return that bill to the Order of 2nd Reading for purpose of Tabling an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 2012, Madam Secretary. Amendment No. 1, Senator del Valle.

SENATOR del VALLE:

Yes, Mr. President, I move to Table Amendment No. 1.

PRESIDENT:

All right. Senator del Valle having voted on the prevailing side has moved to reconsider the vote by which Amend-

ment No. 1 to House Bill 2012 was adopted. All in favor of the motion to reconsider indicate by saying Aye. All opposed. The Ayes have it. The vote is reconsidered. Senator del Valle now moves to Table Amendment No. 1 to House Bill 2012. All in favor of the motion to Table indicate by saying Aye. All opposed. The Ayes have it. Amendment No. 1 is Tabled. Further amendments, Madam Secretary?

SECRETARY:

Amendment No. 2 offered by Senator del Valle.

PRESIDENT:

Senator del Valle.

SENATOR del VALLE:

This amendment to House Bill 2012 is...is a compromise amendment between the Illinois Attorney General's Office and the Illinois State Medical Society. The amendment just clarifies what was in the Senate Amendment No. 1 which I Tabled. I move for its adoption.

PRESIDENT:

All right. Senator del Valle has moved the adoption of Amendment No. 2 to House Bill 2012. 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. 2032, Senator Poshard seeks leave of the Body to return 2032 to the Order of 2nd Reading for the purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 2032, Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Poshard.

PRESIDENT:

Senator Poshard.

SENATOR POSHARD:

Yes, Mr. President, this just adds an effective immediate date. It's the workmen's comp. vehicle bill. We're still hopeful.

PRESIDENT:

Senator Poshard has moved the adoption of Amendment No. 1 to House Bill 2032. 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. 2033, Senator Poshard seeks leave of the Body to return House Bill 2033 from the Order of 3rd to 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 2033, Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Poshard.

PRESIDENT:

Senator Poshard.

SENATOR POSHARD:

Mr. President, this is exactly like the previous bill, this is the UI bill.

PRESIDENT:

Senator Poshard moves the adoption of Amendment No. 1 to House Bill 2033. 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. 2102, Senator Watson. On the Order of House Bills 2nd Reading...3rd Reading is House Bill 2102.

Senator Watson seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 2102, Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senators Luft and Watson.

PRESIDENT:

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Amendment No. 1 to House Bill 2102, the amendment removes the provision that requires the Department of Commerce and Community Affairs to designate an enterprise zone in the City of Centralia. This provision was contrary to the intent of the Enterprise Zone Act to designate zones on a competitive basis. The amendment also deletes the requirement that high impact business be located in federally designated foreign trade zone or subzones to be eligible for the state utility tax exemption and a five percent investment tax credit. Such high impact businesses would also be eligible for the expanded machinery and equipment pollution control facilities. It also sets forth that the high impact business would have to have a minimum investment of twelve million dollars or the creation of five hundred jobs or thirty million dollars investment or the retention of fifteen hundred jobs. I would ask questions or otherwise move for the adoption of the amendment.

PRESIDENT:

All right. Senator Luft has moved the adoption of Amendment No. 1 to House Bill 2102. 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. 2323, Senator Woodyard. On the Order of...top of page 23. Senator Woodyard seeks leave of the Body to return House Bill 2323 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 2323, Madam Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Rigney.

PRESIDENT:

Senator Rigney.

SENATOR RIGNEY:

Well, Mr. President, a couple of years ago we passed legislation that provided for the Department of Transportation to...to offer their used vehicles, first of all, to units of local government. This has been an extremely successful program thus far and what we're proposing to do in this amendment is to add to the vehicles other types of motorized equipment such as the tractors and...and mowers and equipment of that kind. It's a program that's endorsed by the Department of Transportation since the earnings from this go into the Road Fund.

PRESIDENT:

Senator Rigney has moved the adoption of Amendment No. 2 to House Bill 2323. 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. Senator Berman, 2354. Senator Berman seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 2354, Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Berman.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. This just a...an effective date amendment. I move the adoption of Amendment No. 1.

PRESIDENT:

Senator Berman has moved the adoption of Amendment No. 1 to House Bill 2354. Discussion? If not, all in favor indicate by...Senator del Valle, on this bill...on this amendment?

SENATOR del VALLE:

...no.

PRESIDENT:

Senator Berman has moved the adoption of Amendment No. 1 on House Bill 2354. 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. Senator del Valle, for what purpose do you seek recognition?

SENATOR del VALLE:

Personal privilege, Mr. President.

PRESIDENT:

State your point, sir.

SENATOR del VALLE:

Yes, in...in the gallery, we have Louis Morales from my district who is a member of the 4-H Club and will be soon organizing a 4-H unit in my district. I want to welcome him to Springfield.

PRESIDENT:

HB 2682
Recall

Will our guest please stand and be recognized. Welcome to Springfield. 2437, Senator Jones. Senator Jones, going once, going twice. Senator Jones. Middle of page 24, on the Order of House Bills 3rd Reading is House Bill 2437. Senator Jones seeks leave of the Body to return that bill to the Order of 2nd Reading for purpose of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 2437. Madam Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Jones.

PRESIDENT:

Senator...Senator Jones.

SENATOR JONES:

Yeah, thank you, Mr. President. Amendment No. 2...deletes Section 123.2 of the bill which relates to the...captive companies and...and the purpose of the amendment is to prevent them from moving here who are...when they aren't licensed in the State of Illinois. I move its adoption.

PRESIDENT:

Senator Jones has moved the adoption of Amendment No. 2 to House Bill 2437. 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. 2636, Senator Luft. 2682, Senator Watson. On the Order of House Bills 3rd Reading is House Bill 2682. Senator Watson seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 2682, Madam Secretary.

SECRETARY:

HB 2700
Recall

Amendment No. 2 offered by Senator Watson.

PRESIDENT:

Senator Watson.

SENATOR WATSON:

Yes, sir, and thank you, Mr. President. Amendment No. 2 to House Bill 2682 which is the AIDS contact tracing legislation deletes the requirement that the Department of Public Health establish an AIDS registry. It requires the Department of Public Health to seek records from the United States Armed Forces, Federal agencies and other states on Illinois residents found to be infected with the HIV virus for the purpose of contact tracing. It requires the Department of Public Health to make rules requiring hospitals, labs, health care professionals and...other facilities diagnosing infection to report to the department the identity of persons who have AIDS, ARC or have tested positive to the Western Blot or a more reliable test. It provides that failure to report such information is a business offense. It provides that...for the confidentiality of this information and...and the violation of the confidentiality is a Class 4 felony. It provides instances in which such information can be released. I would move for its adoption.

PRESIDENT:

Senator Watson has moved the adoption of Amendment No. 2 to House Bill 2682. 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. 2700, Senator Barkhausen seeks leave of the Body to return House Bill 2700 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill

2700, Madam Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Barkhausen.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, this amendment represents merely a technical correction to the amendment that was adopted earlier on this, the Secretary of State's DUI bill, and I would ask for its adoption.

PRESIDENT:

Senator Barkhausen moves the adoption of Amendment No. 2 to House Bill 2700. 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. Bottom of page 27, 2788, Senator Schaffer seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 2788, Madam Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Schaffer.

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

Mr. Chairman, I'm going to suggest we put this amendment on, then I'm going to make Senator Rock's favorite kind of motion and that's to rerefer the bill to Senate Finance Committee so that the bill can remain there and the various components of the banking industry can take a look at it. Basically, this is commissioner of banks bill and the amend-

ment, as I understand it, redefines banks so that the back offices or the computer of book working places...the bank can be moved to another location and not violate the limitations on branching. And there's one other definition, frankly, alludes me...it just found me, which defines state bank and the commissioner wants the bill back in committee with these...with this amendment on it so the banking industry can take a look at these changes and perhaps at some point in the future, not this year, we could react to it.

PRESIDENT:

Senator Schaffer has moved the adoption of Amendment No. 2 to House Bill 2788. 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. Senator Schaffer.

SENATOR SCHAFFER:

Mr. President, I would like to move to rerefer Senate...pardon me, House Bill 2788 to the Senate Committee on Finance.

PRESIDENT:

The gentleman has moved to rerefer House Bill 2788 to the Committee on Finance. All in favor of that motion indicate by saying Aye. All opposed. The Ayes have it. The motion carries. The bill is rereferred to the Committee on Finance. 2806, Senator Weaver seeks leave of the body to return House Bill 2806 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 2806, Madam Secretary.

SECRETARY:

Amendment No. 2 offered by Senator Weaver.

PRESIDENT:

Senator Weaver.

SENATOR WEAVER:

Thank...thank you, Mr. President. Amendment No. 2 picks up what the original intent of 2788 included...the amendment that Senator Schaffer just gutted and sent back to a committee. Basically, this has reference to the qualifying shares for directors of banks. It also has a provision that shareholders could have the right to elect or remove directors and I'd move adoption of this amendment.

PRESIDENT:

Senator Weaver has moved the adoption of Amendment No. 2 to House Bill 2806. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment is adopted. Further amendments?

SECRETARY:

Amendment No. 3 offered by Senator Weaver.

PRESIDENT:

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. Amendment No. 3 relates to the relaxation of current geographic...restrictions on mergers involving failing banks. It also has a provision for those banks locating in the same county as a failing bank or a contiguous county. This is a...really a temporary measure in Section 15 which allows a two-step procedure by which they could require more capital and...and really it helps the commissioner in keeping open banks merged into healthier banks. So this is a step to allow the commissioner to merge banks with proper oversight by the regulatory agencies. If there's any questions, I'll be happy to answer them.

PRESIDENT:

All right. Senator Weaver has moved the adoption of Amendment No. 3 to House Bill 2806. 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. 2807, Senator Mahar seeks leave of the Body to return 2807 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 2807, Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Mahar.

PRESIDENT:

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and members. Amendment No. 1 is comparable to Senate Bill 1125 which passed this Body with fifty-two favorable votes. It requires businesses who are involved in the production, transportation or storage of high- and low-level radioactive waste to develop a plan and submit it to approval to the director of DASA to test selected employees for controlled substances, alcohol and cannabis. The original bill remains intact and is part of this amendment. We've tried to address some of the concerns that were raised by several of the members when the original bill was presented before the Senate, and I would be happy to entertain any questions.

PRESIDENT:

Senator Mahar has moved the adoption of Amendment No. 1 to House Bill 2807. 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. 2812, Senator Davidson. 2825, Senator Barkhausen. Bottom of page 28, Senator Barkhausen seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 2825, Madam Secretary.

SECRETARY:

Amendment No. 3 offered by Senator Barkhausen.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, this is the amendment on which we had some discussion yesterday at which point the amendment was withdrawn because at the time I was seeking to explain it and I sort of understood what half of the amendment did and the other half had not sufficiently been explained to me. But this amendment represents a compromise on...on an issue of dispute between the retailers and the financial institutions on the imposition of charges for depositors of bad checks. And the compromise is...is that the...the depository institution that...that receives a bad check will now be able to impose a charge on the bank that presents it to them, and they will be able to also impose a...a bad...a bad check charge on...on a noncommercial account holder. I'd move for its adoption and would otherwise be happy to answer any questions.

PRESIDENT:

Senator Barkhausen has moved the adoption of Amendment No. 3 to House Bill 2825. Discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDENT:

Indicates he will yield.

SENATOR HAWKINSON:

Senator, which...which bank are you going to impose the charge on, the deposit...the bank who took the check from the...the merchant for deposit?

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

I...I believe that's the case, Senator Hawkinson. The amendment refers to a...a depository institution.

PRESIDENT:

Senator Hawkinson.

SENATOR HAWKINSON:

It seems to me that the bank that has the only control in this situation is the bank where the person that wrote the check allowed them to open the account or keep the account open despite this practice, and the bank that the merchant happens to use really has no way of knowing that this is going to be a bad check. And I'm wondering why it's the bank that the merchant uses that you're going to impose the bad check charge on rather than the bank where the person that wrote the check had the account.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

I agree with you that the...the bank would probably...the depository institution even so would probably have difficulty determining that it...that it is a bad check. The rationale, I think, is that...is that the bank which the depository institution passes the check onto has even less reason to know and is being asked...in essence hired by the depository institution to...to clear the check for that bank, and as between the two institutions, the...the second bank is...is arguably more...more blameless than the first.

PRESIDENT:

Senator Hawkinson.

SENATOR HAWKINSON:

Would the second bank ever be the bank that the person who wrote the check has the account from? In other words, would you ever allow that...that bank where the bad check writer had the account to pass on the check to the less blameless depository bank and, then, secondly, who's in favor of this bill? Who wants this amendment?

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

I think that the answer to your first question is...is no, but I...I don't honestly know the answer to that...in terms of who wants it, it's...as I said, it is an agreed amendment between the...the Illinois Bankers' Association, the Illinois League of Savings and Loans and the Illinois Retail Merchants and they all spoke to me in favor of it.

PRESIDENT:

Senator Barkhausen has moved the adoption of Amendment No. 3 to House Bill 2825. 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. 2849, Senator Maitland. Bottom of page 29, Senator Maitland seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 2849, Madam Secretary.

SECRETARY:

Amendment No. 1 offered by Senator Maitland.

PRESIDENT:

*AB 100
Recalled*

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President and members of the Senate. Amendment No. 1 to House Bill 2849 increases the operating license fee for each of this state's thirteen nuclear reactors to four hundred and eight thousand dollars per year. Currently, that license fee is at ninety thousand dollars. This additional revenue is needed for the creation of the low-level radioactive waste facility development. As you know, we will be in the process now of developing a low-level nuclear waste site in Illinois and the money needed to develop this site is in excess of eight million dollars and that's exactly what this money is to be used for.

PRESIDENT:

Senator Maitland has moved the adoption of Amendment No. 1 to House Bill 2849. 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. That concludes the recall sheet, we'll now move to the Order of House Bills 3rd Reading. Senator Netsch.

SENATOR NETSCH:

Thank you. I think we had asked permission to hold 100 till the end of the list to make sure we had the right amendment filed, and we are ready now if you would recognize Senator Marovitz.

PRESIDENT:

All right. With leave of the body, we'll move to the Order of House Bills 3rd Reading, the middle of page 4. Senator Marovitz seeks leave of the body to return House Bill 100 to the Order of 2nd Reading for purposes of an amendment.

Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 100, Madam Secretary.

SECRETARY:

Amendment No. 2 offered by Senators Marovitz and Netsch.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President. Amendment No. 2 to House Bill 100 is an amendment that was drafted and requested by the insurance industry, we agreed to put it on. It clarifies the type of services that shall be provided to an individual who takes an AIDS test. It exempts insurance companies from Section 1 through 15 of the Act which are not related to insurance issues. It provides certain safeguards for insured patients and insurance applicants who are required to be tested for infection for HIV or AIDS related diseases. Insurance companies can give notice of an adverse underwriting or coverage decision to any appropriate party, but test results would be...disclosed by the insurance companies to the physician selected by the applicant. The reason being, that if you're going to disclose an adverse test result, certainly, that should not be done by a form letter to the applicant patient but to a physician so that the physician who is counseled in how to deal with this traumatic type of result could deal with his or her patient directly rather than it coming from the insurance industry, and I ask for adoption of Amendment No. 2 to House Bill 100.

PRESIDENT:

All right. Senator Marovitz has moved the adoption of Amendment No. 2 to House Bill 100. Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

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

PRESIDENT:

Indicates he'll yield, Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, we don't have a copy of the amendment and I'm not sure...I...I'm trying to identify what the amendment is. I'm looking at one...an LRB number, would...would you read the LRB number of the amendment that you're adopting?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

I certainly will and I would also ask you with the amendment that you're looking for...we want to read the last sentence 'cause there's one that you may have with the last sentence in it that the insurance industry did not want that we withdrew and this is not the amendment that they didn't want. But the LRB number is 8500639EGKSAH01 and the last word is confidentiality.

PRESIDENT:

Further discussion? Senator DeAngelis. I beg your pardon, Senator Schuneman had not concluded. I got the idea you had concluded, Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Well...well, apparently...is it your understanding, Senator, that the...the life insurance companies are on board and in agreement with this...with this amendment?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Absolutely. I had a conference with Larry Berry and he was with us and helped to draft this language and is a hundred percent in agreement with this language. There was another amendment floating around which added another sentence to this amendment which he did not want; that amendment has not been offered, has been withdrawn and this is the

amendment that they approved of and helped to draft.

PRESIDENT:

Senator Schuneman.

SENATOR SCHUNEMAN:

There are a couple of points, Senator, that...that I will...questions that I will want to ask on 3rd reading to get at legislative intent and if your staff would like to check with us, we'd furnish you with those questions before 3rd reading, but we are in agreement with the amendment.

PRESIDENT:

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Question of Senator Shades.

PRESIDENT:

Indicates he'll yield, Senator DeAngelis.

SENATOR DeANGELIS:

Are you trying to insure that those people who might think they have HIV get insurance or are you trying to keep them from getting it?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

I'm glad...I'm glad you asked that question. This bill and this amendment does not deal with the question of insurance whatsoever...and I...I want to reiterate that. This does not encourage or discourage in any way the testing of individuals for HIV or the lack of testing for HIV. That question is a separate and distinct question and has nothing to do with House Bill 100 nor Amendment No. 2.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Well, do I have the wrong amendment?

PRESIDENT:

Senator...Senator Marovitz.

SENATOR MAROVITZ:

I don't know, you want me to read the LRB number again?

PRESIDENT:

Senator DeAngelis. Senator DeAngelis.

SENATOR DeANGELIS:

I think I'd better go back to school. Maybe you ought to read this 'cause I don't think...maybe you ought to read it to yourself if you don't think it has anything to do with HIV and insurance.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

That isn't what I said. What I said is this has nothing to do with encouraging or discouraging an insurance company from testing or not testing for AIDS. What it says is if, in fact, they do...what it says is if, in fact, they do, they will give the patient or applicant prior written notice that they're going to require the test, that they proceed with the test only upon the authorization of the applicant or patient and that they keep the results confidential and that upon notification of a negative test...actually a positive test result, a negative result but a positive test result, that such notification should be given to the physician so that he could directly notify the applicant and what the results mean and the ramifications rather than get that kind of traumatic news by a form letter from the insurance company.

PRESIDENT:

Senator DeAngelis.

SENATOR DeANGELIS:

Well, I will, as Senator Schuneman indicated, withhold my comments till 3rd reading. But the question that I had asked and you ought to be ready for it is, will this help them get insurance or not help them get insurance? Those people with

HIV and I think it's going to hurt them from getting insurance.

PRESIDENT:

Further discussion on the adoption of Amendment No. 2?
Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. No, I was attempting to get a copy of a sentence that I thought directly addressed Senator DeAngelis' question...that was in an earlier draft of the amendment. It was a sentence which was...we thought was intended to try to say that this does not determine whether an insurance company may or may not require AIDS testing. The...yeah, the sentence said, "This section does not authorize any insurance company or health services corporation to require any such testing." That sentence we were told just...you know, thirty minutes or so ago the insurance industry objected to and since I'm not sure that it really says anything anyway, we took it out so that this bill does not say whether they may or may not, shall or shall not test. What it says is if they do, they must follow these...these requirements.

PRESIDENT:

All right. Senator Marovitz has moved the adoption of Amendment No. 2 to House Bill 100. Further 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. All right. We'll move to the Order of House Bills 3rd Reading. Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

Mr. President, a point of personal privilege.

HB 934
3rd reading

PRESIDENT:

State your point, ma'am.

SENATOR GEO-KARIS:

It's my pleasure, Mr. President and Ladies and Gentlemen of the Senate, to introduce Robert Matteson, M-a-t-t-e-s-o-n, who's one of our leaders in the 4-H Club and he's my constituent from Antioch, Illinois, and I'd like to ask you to welcome him here, he's sitting by me...

PRESIDENT:

Welcome to Springfield, young man. All right. We'll move to the Order of House Bills 3rd Reading, we'll move on the Calendar until approximately five or five fifteen at which time we'll go to 2nd reading and then motions in writing. So I'd ask the members to be alert, we'll go right down the list. 934, Senator Berman, page 8. On the Order of House Bills 3rd Reading is House Bill 934. Read the bill, Madam Secretary.

SECRETARY:

House Bill 934.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is a very important bill for a large segment of our population, regrettably, too large a segment. What this bill provides is to allow the Department of Public Health to publish a brochure that would spell out the alternatives to radical mastectomies in the...case of cancer of the breast, and in this brochure would be...the brochure would be prepared with consultation by the...with the medical societies and the Advisory Board of Cancer Control. This...brochure would be distributed throughout the State of Illinois to

physicians who would give this brochure to their patients. There is a disclaimer on the brochure setting forth that this is not a substitute for the sound professional advice of a physician. The purpose of the brochure is to educate the patient and to initiate discussion between the patient and the doctor for possible alternatives to radical mastectomies. Be glad...the amendment that was placed on it was worked out with the Illinois State Medical Society. The bill is strongly supported by women's organizations and we had testimony in committee by the executive director of Why Me, a breast cancer support organization. I would be glad to respond to any questions and solicit your Aye vote.

PRESIDENT:

Any discussion? Discussion? If not, the question is, shall House Bill 934 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 51 Ayes, no Nays, none voting Present. House Bill 934 having received the required constitutional majority is declared passed.

PRESIDING OFFICER: (SENATOR SAVICKAS)

On the Order of House Bills 3rd Reading, House Bill 935, Senator Berman. House Bill 939, Senator Schaffer. Read the bill, Madam Secretary.

SECRETARY:

House Bill 939.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and members of the Senate, this bill simply provides that a birth certificate shall contain the names of the mother and father of the child whose birth it records.

The bill was on the Agreed Bill List, we pulled it back to put a technical amendment on which would require the permission...written consent of the mother and the person to be named father. I know of no opposition or any opposition.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion?. If not, the question is, shall House Bill 939 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. House Bill 939 having received the constitutional majority is declared passed. House Bill 941, Senator Vadalabene. Read the bill, Madam Secretary.

SECRETARY:

House Bill 941.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. House Bill 941 provides for thirty-five hundred dollars annual stipend to be paid to the twenty-one elected county recorders by the Department of Revenue, the money to be paid from the Department of Revenue and not from the county funds. The total impact is seven...seventy-three thousand five hundred dollars and I would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall House Bill 941 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 47, the Nays are 4, 1 voting Present. House Bill 941 having received the constitutional majority is

declared passed. House Bill 942, Senator Luft. Senator Luft. 960, Senator Maitland. Senator Maitland, 9-6-07 Senator Savickas...do we have leave to come back to 971? Leave is granted by Senator Demuzio, thank you.

PRESIDING OFFICER: (SENATOR DEHUZIO)

House Bill 971, Madam Secretary.

SECRETARY:

House Bill 971.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President and members of the Senate, 971 regards truant minors under the supervision of DCFS and can be prosecuted under the Juvenile Court Act. And it presumes parents and guardians are neglecting a child if the child is age thirteen or less subject to compulsory school attendance and are truant. This...there have been four amendments added. The first one was a technical one, it deleted language already in the School Code. The second amendment exempts adjudicated truants from court appointed probation services, and the third clarifies the definition of a chronic truant is one that's contained in the School Code, and the fourth was a provision that exempted Cook County at the request of the county judge. I would ask your support in its passage.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Discussion? Senator Kustra.

SENATOR KUSTRA:

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

PRESIDING OFFICER: (SENATOR DEHUZIO)

Indicates he will yield. Senator Kustra.

SENATOR KUSTRA:

Senator Savickas, why do we exempt Cook County? Who is

the county judge that wanted it exempted and any details you can provide us as to why we leave one county out?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

SENATOR SAVICKAS:

Basically is that they have too many cases, they just can't handle it. I'm sure that they would appreciate any help they could get but at this point passing this legislation would just hinder their operation now. It's just they just can't accept it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Savickas may close. The question is...shall House Bill 971 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. House Bill 971 having received the required constitutional majority is declared passed. 978, Senator Macdonald. House bills 3rd reading is House Bill 9-7-8, Madam Secretary.

SECRETARY:

House Bill 978.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. House Bill 978 limits the size of minority and female businesses that may apply to the council for certification to business with an annual gross sales for the most recent fiscal year of less than fourteen million dollars. The fourteen million is an amendment that we put on to satisfy some objections that came from the Executive Committee. It would also mean that a firm could demonstrate

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that a contract would have significant impact on minority and female business as suppliers or subcontractors or in the employment of minority and female individuals as well as...presenting the fourteen million dollar cap. It also provides a provision that any contract awarded to a minority or female owned business may contain a provision for advance or progress payments except in the construction contract and, of course, that is not in the law in Illinois, so that would not...apply to construction contracts. I ask for your passage of this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? If not, the question is, shall House Bill 978 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, 1 voting Present. House Bill 978 having received the required constitutional majority is declared passed. House bills 3rd reading is House Bill 979, Madam Secretary.

END OF REEL

REEL #2

SECRETARY:

Senate Bill 979.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs.

SENATOR JACOBS:

This bill amends the Fire Protection Districts Act to where districts with departments which have at least twelve full-time...paid full-time members must appoint a...a separate board to administer such provisions. This is a bill which provides for a professionalism within smaller departments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Fawell.

SENATOR FAWELL:

...Senator, as minority spokesman, it seemed to me I remember that the two groups that were still having problems were going to try and work out what problems they had and...an amendment was going to be offered hopefully to...that would be making the bill so that it is...compatible to all sides. Could you tell me what happened to that amendment?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs.

SENATOR JACOBS:

Senator, yes, that was the case. Our staff talked to the fire protection district people after the meeting, told them to contact us and we would do anything that was necessary, they never got back to us.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Fawell.

SENATOR FAWELL:

...the...the people who got...had the bill passed never got back to you or the people who had the problem never got back to you?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Jacobs.

SENATOR JACOBS:

The people who had the problem never got back to us...so I don't know what we can do after that fact.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right. Senator Fawell.

SENATOR FAWELL:

Well, to the bill...there are some of us who have fire districts. I happen to live in a fire district, and...and I know my fire district people are...are very opposed to this bill. One of the main problems it seem...that they seem to be dealing with is the fact that there will be two boards now set up over the...the fire district. This is true that in municipalities they still have that because you have your city council and then you have your fire district trustees. The difference is, of course, that a fire district does not have a city council. So by setting up two boards, we've got two boards, who are really trying to do the same thing and there is a question of where one starts and the other one ends, and it...and, indeed, why in the world should there be two boards. You know, until that problem is...is straightened out to the satisfaction of everyone, I'm afraid, Senator, that I'm going to have to be opposed to your bill, and I

would ask my colleagues to...to think about it and if they have a fire district realize this problem still does seem to exist.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right. Further discussion? Senator Jacobs.

SENATOR JACOBS:

...to address that point, Senator, if you remember, in the House there was an agreement made with your fire protection district which they subsequently reneged on. That arrangement was, I think if my memory serves me correct, they currently have ten or eleven paid full-time firefighters, so what they did is put the language at twelve so it wouldn't affect your district and they signed off on that and then they reneged on that deal.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right. Further discussion? Senator Holmberg.

SENATOR HOLMBERG:

I, too, had the concerns that Senator Fawell had in...as chairman of the Local Government Committee and we did ask the various kinds of districts to get together for a possible amendment on the Floor. To the best of my knowledge, I'd like to reaffirm what Senator Jacobs has said, that none of them did that. And so, you know, it was in good faith, we were willing...willing to do that, they have not considered it evidently important enough to keep on negotiating and, therefore, I think we should support the bill as presented by Senator Jacobs today.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Indicates he will yield. Senator DeAngelis.

SENATOR DeANGELIS:

Does this...Senator Jacobs, does this apply to municipalities as well?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Jacobs.

SENATOR JACOBS:

Beg your pardon?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Does this apply to municipalities as well?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Jacobs.

SENATOR JACOBS:

Most municipalities are already under the police and fire commission rules and regulations, this is just an attempt to bring those part-time departments who have some full-time officers, namely, in this case twelve, into the same area. As far as some of the smaller villages, if they have a paid fire department, yes it would...that has twelve members.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. I'd like to ask if this is being supported by the Fire Fighter's Association or let's say the Chief's, also Associations of Illinois of the fire protection districts too.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Jacobs.

SENATOR JACOBS:

Yes, Senator, it is.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor, Mr. President?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, several times you've mentioned the number twelve but I'm not sure exactly what the importance of that is. Are you talking about twelve paid members of a district?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs.

SENATOR JACOBS:

Yes, I am, and the bill originally started out as ten; in a compromise they went to twelve, but it is paid full-time officers. It puts them under the same protections that every other firefighter that works for a municipality has.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you, very much. I apologize for rising the second time but I think...I think where the problem has come in is that the gentleman I...I have been told that the gentleman who did sign off, and you are right, he did sign off, unfortunately, apparently, was quite ill at the time and ended up in the hospital within twenty-four hours after he signed off. My understanding is now that he says, you know, I made a mistake,...he's just gotten out of the hospital, that's the reason they haven't been contacted. And...and, you know, I...my suggestion would be to...to let the bill lie over the summer, see if we can't get these groups to work out whatever their problems are and then bring it back up in the fall and let's see if we can't pass a bill that will make everybody satisfied. You know,...as I say, my...my understanding is the gentleman was in the hospital, that's the reason that...that you weren't contacted.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Jerome Joyce.

SENATOR JEROME JOYCE:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Okay. If there is a rural fire...fire district and the fire chief gets a stipend of, say, ten thousand dollars a year, it's not his full-time job but, you know, he's...maybe he's a farmer or maybe he's a gas station guy or whatever, would...then would...would they come under this...this bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs.

SENATOR JACOBS:

No...no, Senator, they would not. It...it must take...it takes twelve full-time members to fall under this Act. So you'd have to have twelve full-time paid...and a response...I...I do want to clear up one other thing, Mr. President. In...in response to Kelly's question...Senator Kelly's question in regards to the fire chief and the fire association, I said that they were both in it, I only know of the position of the fire...the Associated Firefighters of Illinois and they do support it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Jacobs, do you wish to close?

SENATOR JACOBS:

Just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 979 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 37, the Nays are 21, none voting Present. House Bill 979 having received the required

constitutional majority is declared passed. Page 9, House Bill 981. House bills 3rd reading is House Bill...982. House bills 3rd reading is House Bill 982, Mr...Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 982.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. House Bill 982 is a relatively simple bill which says that the Department of Public Health shall set minimum standards for autologous blood donations. That is blood donations that are...are of your own blood and stored for future use. It's becoming a very common thing and there is nothing which governs it at the moment. The bill was on the Agreed Bill List but had to have a technical amendment and that is the only reason why it is here. I would be happy to answer questions; otherwise, I would solicit your support.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Discussion? If not...Senator Keats.

SENATOR KEATS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Indicates he will yield. Senator Keats.

SENATOR KEATS:

Who wants the bill? According to our analysis it's...you know, it's your own blood. Why does the government have to tell you whether or not you can use your own blood? Who wants to regulate Senator Welch's use of his own blood?

PRESIDING OFFICER: (SENATOR DEBUZIO)

Senator Netsch.

SENATOR NETSCH:

There is no way I'm biting on that one, Senator Keats. I think the...the problem, as I understand it, is that this is a growing area of...of blood donation and blood usage, including, you know, people who do make donations which are then subsequently to be used and because...there...because of its increasing use, some of which probably has to do with the concern about AIDS, there just simply are no standards. And I also am told that...that even the blood bank...blood bank Act does not apply to hospitals, and so there just is a need for there to be some standards about the circumstances and how it's to be stored and so forth and so forth, just as there would be about any other blood donation.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Keats.

SENATOR KEATS:

Even if my blood is bad, it's my blood. You know, if it didn't kill me now, it probably won't kill me later. And why is this part about now you're saying in terms of the relationship with hospitals, is there some little kicker in this bill I missed? What was the...you said somehow, now we're setting standards for hospitals and blood? Can you explain that one?

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator...Senator Netsch.

SENATOR NETSCH:

No...no. My understanding is that the Department of...of Public Health which...and this was a note that had been made when the bill was pending in the House. I had pointed out that the Blood Bank Act does not apply to hospitals, so that...that where there are donations that are being made there, as I interpret this, there would be no standards to be applied about safekeeping or anything of that sort. I think that's really all it's about is to make sure that there are

certain minimal standards...I mean, you could...you have a right to get your own blood back but it ought to be kept protected, and...so that it's not going to...disintegrate before it's given back to you and whatever. I think that is really what it's all about.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

Count Dracula thanks you for this concern for his health, I just think it's excessive government.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Further discussion? Senator Welch.
SENATOR WELCH:

Thank you, Mr. President, I just wanted to thank Senator Keats for his concern about my blood level. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? The question is, shall House Bill 982 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 54, the Nays are 1, none voting Present. House Bill 982 having received the required constitutional majority is declared passed. 989, Senator Savickas. House bills 2nd reading is House Bill 989...Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 989.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas.

Yes, Mr. President and members of the Senate, 989 is a...is a vehicle bill that's...it was put in to go into conference to hopefully resolve the RTA and CTA concerns, if

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they ever get it together, they haven't gotten it together yet. And I would just move the bill along and see what happens.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Discussion? If not, the question is, shall House Bill 989 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 40, the Nays are 14, none voting Present. House Bill 989 having received the required constitutional majority is declared passed. 998, Senator Geo-Karis. House bills 3rd reading is House Bill 998, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 998.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, House Bill 998 amends the Counties Act and authorizes urban counties to adopt storm water management plans, and it also includes a tax levy but with front-door referendum on each thing, and it's been approved by the Lake County Storm Drainage Advisory Committee,...DuPage County, Northeast...Illinois Planning Commission, the Urban Counties Council, the Soil and Water Conservation District Association. And I ask for its favorable passage.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Discussion? If not, the question is, shall House Bill 998 pass. Those in favor will vote Aye. Those opposed will vote No. 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 43, the Nays are 12, 1 voting Present. House Bill 998 having received the required constitutional majority is declared passed. 1001, Senator Berman. House bills...3rd reading, House bills 3rd reading is House Bill 1001, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1001.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you. This creates the Special Youth Support Services Pilot Program for purposes of reducing the necessity for residential placement of handicapped youth and to enhance their development, provides for extended day and respite services appropriate to the needs of these handicapped children in their home communities...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Pardon me, Senator Berman. Can we have some order. Channel 2 has sought leave to photograph the proceedings. Is leave granted? Leave is granted. Senator Berman.

SENATOR BERMAN:

Thank you. It is a three-year pilot program and it's intended to try to keep children that would otherwise be placed out of state or far from their homes in residential facilities in their home communities. Be glad to respond to any questions. Solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and ladies and gentlemen,...may I ask a question of the sponsor?

PRESIDING OFFICER: (SENATOR DEMUZIO)

...indicates he will yield. Senator Topinka.

SENATOR TOPINKA:

Yeah, what would be the fiscal impact of this particular legislation?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

We're looking at a Fiscal '89 impact of approximately...I've got marked down here one to two million dollars, but I...I think that's correct. If you have a better figure, I'd be glad to hear it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

No, I...I think we're pretty...pretty attuned on that. Now, let me ask you too, is this coming basically out of a problem in your district or is this...does this have some...why are we going into a statewide application?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Well, what we're doing is starting with...with a statewide availability on a pilot project basis. It's a statewide problem because what you have are handicapped children that are being placed in residential facilities outside of Illinois. That's a cost to local school districts and the State of Illinois which runs into the millions of dollars each year and these are kids that come from all over the state.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator...if not, Senator Berman may close.

SENATOR BERMAN:

Solicit your Aye vote, Mr. Chairman...Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 1001 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 50, the Nays are 2, 5 voting Present. House Bill 1001 having received the required constitutional majority is declared passed. House bills 3rd reading is House Bill 1014, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1014.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jeremiah Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President. 1014 will enable the Department of Rehabilitation to provide continuing funding to Lekoteks. As you know, we passed...we established Lekoteks a few years ago here, it's one of the real success stories in this state, we have fourteen of them now, people come from all over the world to view them. Unfortunately, I don't have one in my district. The department requests this. It passed out of the House, I believe, a 103 to 0. I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 1014 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. House Bill 1014 having received the required constitutional majority is declared passed. House bills 3rd reading is House Bill 1015, Mr. Secretary. Read the bill.

ACTING SECRETARY: (MR. HARRY)

House Bill 1015.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President and members of the Senate. House Bill 1015 is permissive legislation that would allow those seventeen downstate counties that have a commission form of government to raise...on a permissive basis, to raise the maximum salary currently in effect for those counties that have a commission form of government. And I would move for the adoption of this bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Discussion? If not, the question is, shall House Bill 1015 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 3, none voting Present. House Bill 1015 having received the required constitutional majority is declared passed. House bills 3rd reading is House Bill 1013, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1018.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. House Bill 1018 increases the membership of the Board of Higher Education by one member by adding the chairman of the State Scholarship Committee. Yesterday we also adopted an amendment which is the old Senate Bill 180...or House Bill

180, and what that does is provide a procedure for the Scholarship Commission to handle merit recognition scholarships when the number of eligible applications exceed the appropriations. I know of no problems with the bill and I would ask for its favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? If not, the question is, shall House Bill 1018 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. House Bill 1018 having received the required constitutional majority is declared passed. House bills 3rd reading is House Bill 1019, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1019.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President, just...before presenting House Bill 1019, and if I could rise on a...on a matter of personal privilege to introduce in the back of the Chamber behind...in the gallery behind me is Leonard Inst from Gurnee in my district who is representing the 4-H*ers from my area here in Springfield today.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Will our guests in the gallery please rise. Welcome to Springfield. Senator Barkhausen.

SENATOR BARKHAUSEN:

On House Bill 1019, Mr. President and members, would...provides that a road district or a municipality shall be...shall have complied with the requirement for County

Bridge Fund Grants which require the...the road district or the municipality to have levied at its maximum rate if it has done so based on the prior year's equalized assessed valuation. Currently, road districts and municipalities have difficulty determining what the eventual equalized assessed valuation is going to be so they don't know all the time...whether they are levying at the maximum rate and therefore qualifying for matching funds. The bill has been supported unanimously in the House and in the Senate Transportation Committee, and I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 1019 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. House Bill 1019 having received the required constitutional majority is declared passed. Senator Keats, for what purpose do you arise? Senator Keats.

SENATOR KEATS:

I...I thank you, Mr. President. I rise on a point of personal privilege. I would like to introduce an old friend of many of ours, Cook County Commissioner Dick Siebel.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Oh, Mr. Commissioner, welcome to Springfield. Senator Topinka.

SENATOR TOPINKA:

And on the same front, I would also like to introduce my Cook County Commissioner, Hal Terrell, and the former proviso township Republican Committeeman.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Welcome. House bills 3rd reading is House Bill 1021, Mr.

Secretary. Read the bill.

House Bill 1021.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr...Mr. President and members of the Senate. House Bill 1021 allows Madison, Monroe and St. Clair Counties and their municipalities to be eligible for Federal capital assistance funding under the Downstate Public Transportation Act. Floor Amendment No. 1 which was offered by Senator...Watson and agreed by the Madison County...Mass Transit District also allows any...allows any Metro-east transit district created by the county to annex into the district any township that is situated in that county providing that the petition is signed by at least ten percent of the registered voters in the last General Election who are residents of the township to be annexed or approved by a majority vote of the township board of the township to be annexed. We satisfied Senator Watson with this amendment, and I would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Davidson.

SENATOR DAVIDSON:

Mr. President, I rise in support of this bill. Senator Watson...as Senator Vadalabene stated, Senator Watson's concern, since that was partly in his district, was taken care of with the Floor amendment. And I'd urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall House Bill 1021 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 42, the Nays are 12, 2 voting Present. House Bill 1021 having received the required constitutional majority is declared passed. 1023, Senator Savickas. House bills 3rd reading is House Bill 1023, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1023.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President, as you well know, Cook County Hospital and its various structures are antiquated and dilapidated. Currently, several organizations such as the Governor's Ad Hoc Task Force on Cook County Hospital, the Joint Commission on the Accreditation of Hospitals, the City of Chicago and the Cook County Board and the University of Illinois are working to address several problems concerning the delivery of health care services in a new Cook County facility, the merger of the CCUI hospitals, et cetera. Under current law, Cook County Hospital is allowed to contract with other medical facilities for services. Clinics are not allowed in the Statute. And all this bill does now, as amended, removes the tax rate, all it does now is allow Cook County Hospital to contract with clinics. And I would move its passage.

PRESIDING OFFICER: (SENATOR DEHUZZIO)

Discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Well, I was going to rise on a point of personal privilege. Standing next to...on our right there...I'd like to introduce Commissioner Terrell who is busily right now trying to convince Senator Keats to remain as a Republican.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Roll call. Further discussion? If not, the question is, shall House Bill 1023 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 59, the Nays are none, none voting Present. House Bill 1023 having received the required constitutional majority is declared passed. 1034, Senator Hall. Senator Hall on the Floor? 1035, Senator Marovitz. House bills 3rd reading is House Bill 1035. Take it out of the record. Come back to it next year. Page 10, 1038, Senator Poshard. House bills 3rd reading is House Bill 1038, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1038.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Poshard.

SENATOR POSHARD:

Yes, thank you, Mr. President. Mr. President, this bill was on the Agreed Bill List and I pulled it off to make sure that we further clarify the intent of the bill. What it says simply is, its purpose is to provide additional assurances against conflicts of interest with Local 708 Mental Health Board members. It excludes someone who receives direct compensation from the board from serving on the Mental Health Board. Ask for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 1038 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none

voting Present. House Bill 1038 having received the required constitutional majority is declared passed. 1041. House bills 3rd reading is House Bill...1041, Mr. Secretary, 1041.
ACTING SECRETARY: (MR. HARRY)

...House Bill 1041.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. This requires the Department of Agriculture and the College of Agriculture at the U of I to develop a grain grading system outside the Federal system. The intent is to enhance the attractiveness of Illinois grain to foreign producers. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 1041 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. House Bill 1041 having received the required constitutional majority is declared passed. House Bill 1055, Senator Netsch. House bills 3rd reading is House Bill 1055, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1055.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. This is the bill which is designed to address, long-range really, the problem of toxic

air pollutants. What it does is to require the Environmental Protection Agency to develop standards...minimum standards, governing toxic air pollutants which will, indeed, protect against the erosion of public health as defined in the Act. The...as originally introduced, the bill had some very tight time schedules. After negotiation those were removed, and so the bill in its present form does have the approval...and this may be a first in the history of this state or at least of the Senate, the bill in its present form has the approval of the environmental groups and of the business groups, the State Chamber and others. It does address a...an exceedingly important issue, one that has statewide implications and I guess you could say has most particular implications on some parts of the southside of the Chicago metropolitan area at the moment. The Environmental Protection Agency itself was very helpful in working all of this out, and I think everyone is in agreement that this is an issue that must be addressed and must be addressed as expeditiously as possible. I would be happy to answer questions; if not, I would look for your support on House Bill 1055. I might say, it is also the same as Senate Bill 442 which this Body has already passed out.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Topinka.

SENATOR TOPINKA:

If I may ask a question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

She indicates she'll yield.

SENATOR TOPINKA:

Yeah, I have a significant bakery in my district which at this moment in time falls very nicely under Federal guidelines. I notice you have a number of exemptions, I don't notice that bakeries are necessarily included. How would this impact on a bakery?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Well, it doesn't...you're right, the bakery is not specifically one of the establishments that is exempted. I think the...the honest answer to your question, Senator Topinka, is that it doesn't impact at all right now because the...the standards themselves have not yet been promulgated. What this is designed to do is to compel the two state agencies that are involved, the...as you know, the...the EPA will develop the standards and then they propose them to the Pollution Control Board which ultimately adopts them. And it is during that part of the process that any particular matters of concern can be brought to their attention and can be accommodated. So that there...there literally is nothing here which affects your bakery at this moment. This is something that is looking toward the adoption of standards.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Macdonald.

SENATOR MACDONALD:

Yes, Mr. President, I just want to stand in strong support of this bill. Senator Netsch is entirely correct, this bill has been worked out; the problems that were initially inherent were...were certainly worked out both in the Senate bill and the House bill, and it is, indeed, unique that we have both the business community and the environmentalists agreeing on this bill. It is an important subject and I urge your support of this particular piece of legislation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall House Bill 1055 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. House Bill 1055 having received the constitutional majority is declared passed. House Bill

1060, Senator Demuzio. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1060.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 1060 is a bill that came from the Associated Firefighters. It is a provision that says that employers will inform...shall inform firemen in writing prior to questioning as to whether any alleged misconduct will be considered as a major or minor infraction. And then prior to an administrative hearing the fireman shall be given all information regarding the charge and who made the charge. Apparently, there's been numerous cases of abuse by the use of the terminology and formal investigations to gather information with respect to...to firemen and this would afford them the opportunity to know ahead of time as to whether or not it would be considered a minor or a major infraction and therefore...be a...an infringement on their...on their rights. I would ask for its adoption.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Indicates he will.

SENATOR HUDSON:

Senator Demuzio, I remember when we discussed this in committee, at that time, the Illinois Municipal League stood in opposition to your bill. Do they still stand in opposi-

tion?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZZIO:

Senator Hudson, they have not spoke with me, but I am told that apparently that they are still in opposition, yes.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hudson.

SENATOR HUDSON:

I know they did not present any oral testimony in...in committee. I think...I think the concern on their behalf and some others that the passage of this bill might erode the...the ability of municipalities...local authorities to...to discipline their employees in the way they feel that they should. It's similar to a bill that we discussed yesterday. I just bring that out for the members' attention here in their consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Demuzio. Oh, Senator Hawkinson.

SENATOR HAWKINSON:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Indicates he will.

SENATOR HAWKINSON:

Senator, I understand that...that this bill provides that charges...possible charges must be in writing. Is there any provision that in any way restricts the ability of...of the investigators to compel an answer after giving the written charges?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEMUZZIO:

Senator, I didn't hear the last part of your question...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Hawkinson.

SENATOR HAWKINSON:

Is there anything...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Can we have a little quiet here.

SENATOR HAWKINSON:

...is there anything in the bill after the written charges have been given...or the...the potential written charges have been given that would restrict the ability of the chief or the investigator to compel an answer?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Demuzio.

SENATOR DEHUZIO:

In...in my judgement, no.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR DEHUZIO:

Well, this bill is certainly not a...a attempt to circumvent or...or to provide for any obstacles to employers from punishing firemen or minor infractions, it simply stipulates, I think, to the fact that if there's going to be any kind of questioning that they know it's...whether to be...it's to be minor or to be major and it is to be in writing. It seems that this is a provision that we have given to other units of...of government that have similar types of employees. And I would move its...move for its passage.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall House Bill 1060 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 53, the Nays are none, 1 voting Present. House Bill 1060 having received the

constitutional majority is declared passed. House Bill 1063,
Senator Rock. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1063. ✓

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 1063 would create additional judgeships in the appellate court districts. In the 2nd District it would create one additional judge, and in the 5th District as the bill came out of the House it would create two additional judgeships. I had indicated to Senator Keats that I would attempt to provide at least some numbers, and the numbers that I have received from the Office of the Court Administrator indicates that in the appellate districts the 1st District, obviously, is the biggest...the largest, they have sixteen hundred cases...civil cases pending and twenty-three hundred and nineteen criminal cases pending. The 2nd District has five hundred and eighty-seven and four hundred and sixty-nine respectively, and the 5th District has four-hundred and three hundred. So it appears that both the 2nd and 5th District, frankly, are...are entitled to additional judgeships in an attempt to reduce this backlog. And I would ask for your favorable consideration of House Bill 1063.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Indicates he will.

SENATOR GEO-KARIS:

HB 1064
3rd Reading

Would you tell us, Senator, what the 5th District comprises of?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Yes, it...it is Madison-St. Clair and points south, it is the whole southern half...portion of the state.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? If not, the question is, shall House Bill 1063 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question the Ayes are 45, the Nays are 13, none voting Present. House Bill 1063 having received the constitutional majority is declared passed. House Bill 1064, Senator Rock. Read the bill...read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1064.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 1064 as introduced provided for one additional circuit court judge from Madison...one from Madison County and one from St. Clair County at the request of the elected officials in those counties. As it worked its way through the House and now in the Senate, it has obviously been subjected to some amendments, so that we now have additional authorized judicial positions in the 3rd Circuit, the 6th Circuit, the 16th Circuit, the 19th Circuit, the 20th Circuit and the 17th Circuit; in addition, an additional associate in the 7th Circuit which is here in Sangamon and

Macoupin, and in Cook County, the amendment that I put on called for twenty additional associates. I had told Senator Lechowicz I would attempt to provide some numbers. I have spoken with the chief judge just this morning and he informs me that the...there will not be any additional courtroom costs, and those costs are borne by the county in terms of office and court space. The county cost is five hundred dollars per judge and the reason for that is traditionally the County of Cook provided...or originally provided an additional supplement; because of the workload, that supplement was...was obviated by action of this General Assembly but the county nonetheless picks up five hundred dollars of the judicial salary with the state picking up the balance. So the county liability in terms of that salary would be under this bill twelve thousand five hundred dollars annually. The state would be required under this legislation as...as pertains to Cook County, would be liable for an additional one million eight hundred and seventy-five thousand dollars, and in addition to that, I suppose we can add, as we should, the court reporter cost, the official court reporter is paid by the county...or by the state; that would probably be somewhere in the neighborhood of a million dollars. So, all totaled, Senator, I would think that if we said that the fiscal impact of this bill on the State of Illinois would be roughly three and a half million dollars, I think that would accurate.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Keats.

SENATOR KEATS:

First a technical question of the sponsor. Under our analysis it says in some cases the judges had specified where they have to be from. Why are we doing this? Since a judge normally runs at large in the circuit this is now specifying residence, is this to take care of certain individuals or is

that in or out of the bill?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Well, you are...you are correct that for the full circuit judges there is a designation...has been a designation as to what county they come from or should be from, and in the County of Cook, as you well know, there is a tripartite division, city only, county only or countywide. As pertains to Cook County, the amendment that I put on 1064 relates only to associate judges and there is no such designation for associate judges, they are effectively chosen countywide.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

Then I just...I just raise one point that I think is of great significance. We have with the addition of twenty associate judges in Cook County made the majority of the Cook County Circuit Court judiciary nonelected. Now, I would think Senator Netsch would be overjoyed about this because what it does is it has taken away from the electorate the right to elect the majority of circuit court judges in Cook County. I think that's a precedent all of us have to think about statewide. If you believe in an elective judicial system...and I'm not arguing if you're pro-merit selection or pro-elective, I'm just saying, if you think judges ought to be elected, in Cook County the majority of the circuit judges are not elected, they are appointed technically by the sitting judges, which means they have an electorate of about a hundred and eighty, a hundred and ninety, forgot the exact number. So roughly, a hundred eighty people in Cook County select the majority of judges on the circuit court in Cook County. Think about the precedent of that right now and whether that's really the way you think the judiciary should

90.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Watson.

SENATOR WATSON:

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR WATSON:

I'm looking for it in my analysis and I heard you mention that the court reporters were in here for a million something and I'm...curious as to what that's all about.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

No...what...what I said was, if you'll recall the conversation yesterday...if you'll recall the conversation yesterday, Senator Lechowicz was inquiring about the costs that are concomitant with this...this new authorization. One of the costs, it seems to me, that has to be calculated in is the cost of a court reporter. This bill has nothing whatever to do with court reporters or their salary or how much they get paid or don't get paid. What I am suggesting and have suggested to Senator Lechowicz is if you're looking for the cost of a judicial officer, part of the trappings of his...his or her office is the designation of an official court reporter to sit there and take down what he says, which salary is paid by the state.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Watson.

SENATOR WATSON:

Yes, and thank you and I understand that totally, I just want to bring this issue up now, and I'm sure we're going to hear it maybe again before the...we...we sine die. But I

don't know exactly what his title is but, Madden, I believe his name is, who is the head of the Supreme Court or administrative director of the Supreme Court, was in and testified in the Appropriations Committee about court reporters and the cost in the budget concerning them, and I asked the question, well, it seemed like an exorbitant amount and what kind of a salary do we pay these people, and we have a minimum, which we establish, I believe legislatively, which he thought was somewhere in the area of thirty-three thousand dollars and then they additionally get monies because of additional typing and all that they do per page; he told me that we have court reporters in this state making seventy-thousand dollars a year. I...I just think that's a little bit out of line, a little bit exorbitant and maybe we ought to look at that. That has absolutely nothing to do, I understand, with what you're doing here, but I'd just like to make that point and I'm sure we'll get an opportunity to do so later, again. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR ROCK:

Well, thank you, Mr. President. I appreciate Senator Watson's observation, and you are correct, I do not agree that a court reporter should be making that kind of money, and we will have the opportunity, I suggest, to deal with that question specifically. The gentleman's name is Madden and he is the deputy...I mean, the acting administrator of the...of the Court Administrator's Office. 1064 purports to do nothing more or less than authorize additional judgeship positions in certain circuits across this state. I would solicit your favorable consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall House Bill 1064 pass. Those in favor

will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 37, the Nays are 20, 1 voting Present. House Bill 1064 having received the constitutional majority is declared passed. House Bill 1065, Senator Alexander. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1065.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Alexander.

SENATOR ALEXANDER:

Thank you, Mr. President. To the Senate, House Bill 1065 appropriates money for the ordinary and contingent expenses for the State Appellate Defender's Office. The total appropriation is four mil. eight hundred and twenty-eight thousand seven hundred dollars. It is made at the 1987 level and there is no increase; in fact, it is below the 1987 level. And I would respectfully request an Aye vote in passage of this appropriation.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall House Bill 1065 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are 2, 1 voting Present. House Bill 1065 having received the constitutional majority is declared passed. House Bill 1068, Senator Demuzio. House Bill 1071, Senator Holmberg. Senator Rock. I'm sorry. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1071.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 1071 makes one change in that it would make Winnebago County a single circuit county. We did this last year, if you'll recall, at Senator Sangmeister's request for the County of Will, and given the makeup of that county, it has now been suggested that Winnebago County is a candidate for a single circuit status. The Winnebago County Bar Association by membership vote has adopted a resolution which they just forwarded to me supporting the...the Winnebago County becoming a single circuit. "The secretary of our four hundred and fifty member association has been directed to notify our area legislators," the letter says, "in support of House Bill 1071." There was an article in the Rockford Register Star apparently endorsing this. And I would point out for my friends across the aisle that it...the letter says, under date of June 13, that the Winnebago County Bar Association is overwhelmingly Republican in makeup and the resolution passed easily. It is something that I think the...the members of the organized bar in Winnebago County and...and the judiciary would appreciate. And I would appreciate your favorable consideration of House Bill 1071.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Schaffer.

SENATOR SCHAFFER:

I'm afraid the Winnebago bar has let greed overcome logic. Obviously, their motivation is the creation of additional seats on the benches and...show me a lawyer who doesn't want to be a judge and I'll show you a liar...yeah...okay. I...wouldn't...attempt to call any of my

colleagues liars but it wouldn't surprise me to see either one of you on the bench in the future. I happen to represent Boone County, the orphan in this, Boone County that is going to be severed aside. The Boone County Bar Association, which by the way happens to be heavily Republican, also has passed a resolution, but it has passed a resolution in opposition. Now, frankly, I'm not frightfully impressed by either of the bar association's resolutions because the Boone County people just didn't want to drive further to a courthouse. What concerns me is that Boone and Winnebago County have been linked for many years and that the taxpayers in Boone County have helped pay for a...a juvenile detention center in Winnebago County on the basis that they were in the same circuit, they have joint working relationships between the state's attorneys offices, there's linkage in the criminal justice area through their planning...regional planning, any number of ways. And we're going to cast them aside. It's just a little county, it's really a beautiful little place, there's only thirty precincts, it can't really mean that much politically. I don't understand the need. Frankly, Boone doesn't generate that much crime, it doesn't generate that much backlog, they only get one judge and an associate which they would keep, so we aren't saving any money. There is just no justification for doing this. Frankly, I don't quite understand the...the political motivation, the judicial motivation and yet it's an absolute betrayal of fifty years of linkage between these two counties in terms of joint criminal law activities, and I don't see any justification for it. It's only twenty-eight thousand people, it would still...the circuit will still be one of the smallest...it is one of the smaller circuits at least in the northern part of the state already. There's no justification for it, it doesn't even make sense politically.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch. Senator Rigney.

SENATOR RIGNEY:

Well, Mr. President and Ladies and Gentleman of the Senate, I hope you're awake on this one because the impression given here is that we're really only affecting Winnebago County. Far from it. We are affecting at least ten counties that I can count in northwestern Illinois, that whole northwestern end of the state is being affected by this move. I think it is purely political in nature and, frankly, I don't think it makes good sense. I think as Senator Schaffer has adequately made the case against this bill, and I just report to you that in our part of the state other than maybe a little interest by some very select individuals in Winnebago County, really there is no support; in fact, there is strong opposition to this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Philip.

SENATOR PHILIP:

Thank you...thank you, Mr. President, Ladies and Gentlemen...of the Senate. I thought that we normally based circuits and the amount of judges on population. If you would look at DuPage County, which is one of the larger counties, we have seven hundred and thirty-seven thousand people in DuPage County and we're one circuit. Winnebago County has about two hundred and forty-five thousand people and now you want to make them a single circuit. Are you kidding me? On that basis, we ought to have three circuits in DuPage County, not one. You know, it's...it's a bad idea conceived and contrived by lawyers and judges just to put more lawyers and judges on the bench.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Holmberg.

SENATOR HOLMBERG:

I rise in...in strong support of this single circuit for

Winnebago County. We are the most populous county in that area of the state. The judicial system there has long wanted to be a single county district. We have worked on this for a number of years. We feel we...we have the support now of everybody in the area. I'm sorry to see that two people who have a small part of the Rockford and Winnebago Community are not supporting this. It's something that is almost universally supported back home and will made our judicial system...function much better.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he will.

SENATOR GEO-KARIS:

What is the population of Winnebago County, sir?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

The House sponsor, who is standing here at my left, indicates it's approximately two hundred and fifty thousand.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President, Ladies and Gentlemen of the Senate, the 19th Judicial Circuit, which is...comprises the County of Lake, DuPage and McHenry, if I recall correctly, services about a million and a half people. My county is four hundred and thirty thousand, we don't have a single circuit and I submit that...providing a...single circuit for Winnebago County which is half of the size of my county would be unfair and inequitable. It certainly does not justify a single judicial district for one county which has half the popu-

lation of another when we have my county in with other counties in one judicial circuit. And, therefore, I rise to speak against the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats.

SENATOR KEATS:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR KEATS:

The situation with Boone County, I now recognize they're being thrown into a circuit where a Boone County attorney previously drove maybe thirty miles, he can now have the pleasure of probably driving a hundred fifty miles to a courthouse. but there's a bigger question, he's now driving to a courthouse he never paid for, he's being taken away from a courthouse he did pay for. What do we do in terms of the investments made by Boone County in the...the child...or detention center, it isn't the courthouse they've paid for it's the child detention center, et cetera, the things they've paid for that they no longer have access to? What happens to them, do they get their money back?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Rock.

SENATOR ROCK:

Well, I am reliably informed by one who knows that they didn't pay anything toward what you're talking about...toward the jail. All right?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Further discussion? Senator Keats.

SENATOR KEATS:

I used the wrong term, juvenile detention facility. They...Boone County says they helped pay for it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Just to correct what I said earlier, DuPage County is not included in the circuit court district but DuPage County is included in the Appellate Court District for Lake and McHenry Counties.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR ROCK:

Thank you, very much, Mr. President and Ladies and Gentlemen of the Senate. Senator Geo-Karis, I don't want to argue with you, all I suggest to you is why don't you put an amendment on, have Lake its own? That doesn't bother me. Because the point of this is what is the caseload, the pending caseload, and, frankly, in the 17th Judicial Circuit, as Representative Giorgi has indicated to me, they've got a backlog of about twenty-two thousand cases and they want to become a single circuit and obviously get more judges. And we're not trying to take anything, as...as I understand it, away from Boone County or deprive them of anything. The Boone County Bar Association took a vote and Representative Giorgi tells me there's only eight or ten of them, and they said, gee, we don't want to do this. So they sent everybody a letter saying holy smoke, what's going on, we don't want to do this. It...it's a question really of...of proper judicial administration, and as we did last year for the County of Will which has three hundred thousand or so, but again a very sophisticated court system and backlog, the same with Winnebago. Rockford is the second largest city. And, Senator Philip, I don't have any quarrel, if you want to make DuPage three circuits or four circuits or five circuits, let's do it. All you need is an amendment, I'll honor an amendment. But don't deprive the people of Winnebago of their desire

just because Lake and DuPage are...are late out of the gate. I think this deserves a favorable vote and I would solicit an Aye vote from all for House Bill 1071.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Question is, shall House Bill 1071 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 31, the Nays are 28, none voting Present. House Bill 1071 having received the constitutional majority is declared passed. Senator Schaffer, for what purpose do you arise?

SENATOR SCHAFFER:

Well, all we need to do is get Zeke a bar degree...a law degree and we'll put him on the bench. I think we ought to have a verification of the affirmatives here. I...I suspect they're all here but if they aren't, let's find out.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer has requested a verification of the affirmative vote. Will all the members please be in their seats and will the Secretary please call the roll.

ACTING SECRETARY: (MR. HARRY)

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

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Schaffer, do you question any of the affirmative vote?

SENATOR SCHAFFER:

Is Senator Zito here?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Zito. Is Senator Zito in...the Chamber? Senator

Zito? Strike his name.

SENATOR SCHAFFER:

Let's try Senator Marovitz, that's usually a sure winner.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Marovitz. He just came in the back door. Zito has returned.

SENATOR SCHAFFER:

...it doesn't matter. Forget it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

On a verified roll call, there are 31 Yeas, 28 Nays, and the bill having received the majority vote is declared passed. House Bill 1072, Senator Jacobs. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1072.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jacobs.

SENATOR JACOBS:

House Bill 1072 amends the County Fees and Salaries Act, allows the sheriffs in all counties...may require the sheriffs fees be paid in advance if the amount of the fee can be determined at that time. There are five amendments. Amendment No. 1 requires certain local governments to base a selection of architectural engineering or land surveying services on qualifications as well as cost. Amendment No. 2 is a technical correction. Amendment No. 3 clarifies that the board of a local taxing entity may create a reserve to pay the cost of the issuance of bonds issued for self-insurance purposes. This clarifies current law in relation to self-insurance intergovernmental contracts. Amendment No. 4 corrects a technical error and Amendment No. 5 allows for new minimum levels for downstate circuit clerks. And I'll

HB 1093
3rd Reading

answer any questions, if I may.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? If not, the question is, shall House Bill 1072 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are 2, 1 voting Present. House Bill 1072 having received the constitutional majority is declared passed. For what purpose does Senator Zito arise?

SENATOR ZITO:

Yes, Mr. President, point of personal privilege, if I may.

PRESIDING OFFICER: (SENATOR SAVICKAS)

State your point.

SENATOR ZITO:

Seated in the gallery on the Republican side is students from Leyden East and West High School in my district. They're here today with their advisor, Mr. Cisco, and I'd like them to stand and be recognized by the Illinois Senate.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Would you please rise and be recognized. House Bill 1093, Senator Poshard. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1093.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Poshard.

SENATOR POSHARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Mr. President, I would first like to add Senator Berman as a cosponsor of this bill, he should have been on it before.

PRESIDING OFFICER: (SENATOR SAVICKAS)

You've heard the motion. Hearing no objection, leave is granted. Senator Poshard.

SENATOR POSHARD:

Thank you, Mr. President. Mr. President, this bill revises the process by which principals and assistant principals are reclassified and evaluated by school boards in the state. Basically, just to go over some of the major points of the bill, would require written job description to be developed based...for a performance evaluation to be conducted at least every two years by the district superintendent. If the superintendent at that time determines to recommend to the board of education that a principal or assistant principal should be reclassified, then a written statement would have to be provided, and in cases where the reclassification is proposed because of deficiencies found in the performance evaluation, then a hearing would have to occur between fifty-five and sixty-five days after the date of the written notice and this would give the principal time to try and work out the...the problems in meeting the requirements of the job description. Any evidentiary hearings would be conducted in a closed session of the board. The board would then have to notify the principal or the assistant principal of its decision by May 1st, and if the...the principal at that time or the assistant principal disagree with the board's decision, then the application of administrative review law is all the proceedings would ensue. I think it's a fair bill, remedy some of the inadequacies in the present reclassification process. I would ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I want to acknowledge the

great assistance of Hal Seamon of the School Board Association and Jack Hoomey of the Illinois Principals Association. They sat with us and worked out the amendment which is now the bill and I think reached reasonable compromises. I want to state for the record some of the things that this does not do. This bill does not give principals tenure and it was stated by me, by Senator Poshard and concurred in by the gentlemen who I just mentioned that in the Reform Act that we passed two years ago the principals were determined and stated to be the key factor in educational leadership in those buildings, and we attempted to in no way dilute the responsibility that is placed upon the shoulders of principals. We have built in some details that will...in my opinion, allow them to do the job and carry out the responsibilities that the Reform Act has placed upon their shoulders. I urge an Aye vote for this reasonable compromise towards improving the qualifications and the job performance of our principals throughout Illinois.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, at the risk of being nailed to the cross by some of my principals, let me tell you, this not a good bill and I'll tell you why. It...deleted the language which allowed the boards to reclassify the principals if a bona fide inverifiable need existed to reduce their number. Now this bill says that no principal or assistant principal may be...reclassified unless the following conditions have been meet, and there's a whole score of conditions. It would seem to me that these are management decisions and I don't think we should interfere, but when the...you had...the board...the school board has to develop a job description for each position, the principal and the assistant principal must be evaluated once every two

years and then it must be held...the evaluation must be held in the school year preceding the effective date of the reclassification and review and discuss performance deficiencies. Many times we attack our teachers and say, well they're not doing a good job. But I contend if principals and assistant principals would monitor their courses...their classes and watch these new teachers, they could help them become better teachers, instead of some of them sitting down at their desks, putting their feet on...at...chairs...putting their feet on their desk and not wanting to make any waves. I think we're taking away the management provisions, and I don't care what school board might have supported this bill, I think it's bad and I can tell you the school boards in my district are not for it, and I rise to speak against it 'cause you don't need it.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Welch.

SENATOR WELCH:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR WELCH:

Senator Poshard, is it your representation that all of the school boards have by their representatives here agreed to this amended bill?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Poshard.

SENATOR POSHARD:

Senator Welch, I would say that maybe all the school boards certainly do not support it, they would at...at least be neutral on it the way it presently is worked out. That's my judgment. Senator Berman and I spent a lot of time with the school board representatives and the Principals Association in working out the amendments that...that classified

this bill.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

What's the time frame for notifying a principal that he's not going to be rehired for the upcoming year? How many days in advance and what's the nature of the...how soon do you have the hearing and does he have a right to appeal in so many days? And how many days is it?

PRESIDENT:

Senator Poshard.

SENATOR POSHARD:

Between the notification, when the principal is notified that he would be reclassified, he'll have from fifty-five to sixty-five days to work on trying to work out the problems that exist, whatever the board says he's short on. That gives them a couple of months, and then by May 1st the final decision of the board would...would have to be given to him.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

Well, what is the current law? How do they get rid of a principal now, they just give them a notice and he's gone for the next school year? Is that what we're changing?

PRESIDENT:

Senator Poshard.

SENATOR POSHARD:

Yes, they...they receive a notice by April 1st, and then they have ten days to respond, and...and that's...that's it.

PRESIDENT:

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

Senator Poshard, I'm not quite sure I totally followed your answer. I guess the...the basic question is, is the

Illinois Association of School Boards supporting this bill as amended?

PRESIDENT:

Senator Berman. Senator Poshard yields to Senator Berman. Senator Berman.

SENATOR BERMAN:

I am advised that their position is one of no position, they are neutral. The...

PRESIDENT:

Senator...

SENATOR BERMAN:

...the principals of...the principals have backed off of the bill that passed the House, they are supportive of this bill, they're in the...in the balcony, I think it's fair to say that they...they are supportive. The...the agreement that's in this bill was worked out with the representatives from the School Board Association. I'm...and I'm told that they're neutral. I don't know of any official action that took place, you know, by their board of directors or board of governors between last week and this week one way or the other.

PRESIDENT:

I'm sorry, Senator Schaffer.

SENATOR SCHAFFER:

Perhaps someone should tell the Illinois Association of School Boards that the hottest fires in hell are reserved for those who stand neutral in times of stress.

PRESIDENT:

Further discussion? Senator Kustra.

SENATOR KUSTRA:

Well, thank you, Mr. President and members of the Senate. I would just reiterate, first of all, what Senator Berman has just stated. The fact is that the Illinois Association of School Boards has taken a neutral stand on this with the

adoption of the amendment. I would also add that I think it's safe to say that most of the No votes in committee from our side of the aisle came as a result of the fact that the bill was not in the...in the shape it is now. I'm not going to suggest to you that necessarily means all the objections have been met and we will all fall in line, but it certainly does answer some of the concerns we've had. I guess to sum it all up, you're on your own.

PRESIDENT:

Further discussion? Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. You know, we...I rise in support of this bill as amended. One of the things we asked for in committee was continued good faith negotiations, I think that this is a reasonable compromise. This actually builds in an administrative review procedure that will prevent...I know we had one case in Rockford of a principal being rather...unceremoniously changed to another position without, I think, adequate due process. I think what we did under educational reform is make it really important that principals do their job, that we have all kinds of things that we expect them to do. We need some protection for them should we decide they are not doing the job that we want them to do, say, if we are school board members, and I think the bill as amended gives them that protection and I think it's a reasonable compromise.

PRESIDENT:

Discussion? Senator Rigney.

SENATOR RIGNEY:

Question of the sponsor.

PRESIDENT:

Indicates he'll yield. Senator Rigney.

SENATOR RIGNEY:

I understand in the original legislation that if it

became necessary, say, to close the building, reduction in force, you didn't have to go through this procedure. Has this been eliminated in the amendment?

PRESIDENT:

Senator Poshard.

SENATOR POSHARD:

No, sir. Contrary to Senator Geo-Karis' statement, the very last paragraph of this bill states, "Nothing in this section prohibits a board from ordering lateral transfers of principals or assistant principals to positions of similar rank or equal salary or from reclassifying a principal or assistant principal when a bona fide and verifiable need exists to reduce the number of principals or assistant principals within the school district."

PRESIDENT:

Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, my...my concern about this amendment as I review at least the analysis of it is not that it provides a minimal due process hearing to principals who are having their salary reduced, that in and of itself may be reasonable, but it provides for potential judicial review of the action of the school board, so that even though the school board's decision may be reasonable even though they may extend a hearing to the principal, that decision can then be reviewed in a...in a local circuit court or...and on up to the appellate courts and can really, I would think, potentially tie the hands of a school board in...in making a fairly routine decision. And for that reason, I believe we should withhold our support.

PRESIDENT:

Further discussion? Senator Hawkinson.

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END OF REEL

REEL #3

SENATOR HAWKINSON:

Thank you, Mr. President. Actually, the...the point made by the last speaker is the best change made by this amendment and I think makes it a...a reasonable bill. Under the original bill, had a principal felt aggrieved by the process, Senator, he could have gone into circuit court and all he would have had to have shown is that he's right and the...and the school board is wrong on a preponderance of the evidence test, and if the court found that the standards disagreed with the result of the school board, then the principal would win and he could go on up in the process as you suggest. What this amendment does, on the contrary, is to make sure that the Administrative Review Act applies and...if you've ever dealt, and I'm sure you have, with the Administrative Review Act, you know that the determination by the administrative body, in this case the school board, is subject to a strong presumption in favor of that decision, and it's very difficult for a court to overturn the decision of...in this case, the school board, and the school board decision will be presumed to be correct and in order for the principal to prevail in court, the principal would have to show that the decision was totally against the manifest weight of the evidence and that's a very tough standard for the...for the principal to be able to show. So, I think the amendment really aids the bill in that very respect.

PRESIDENT:

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President and members of the Senate. I commend Senator Berman for attempting to work through the

difficulties of this legislation and he and I have stood together through the years in many areas and...and attempted to resolve some differences. It seems to me though, however, that...that this one it was simply impossible to...to resolve all the differences and I...I am convinced that the reason the Illinois Association of School Boards was involved in the negotiations at all was in an attempt to make a bill that was destined to pass a little bit more palatable and I don't hold that against them. But let me tell you something, if you think all school boards out there are supporting this issue, you've got another guess coming, they simply are not; and you didn't imply that, Senator Berman, I understand that, but I want to make sure that...the association has made a judgment call down here to make a bad bill, in their judgment, a little bit better, and I think probably that's been done. But the fact of the matter is, it concerns me that those of us who deal in the public sector constantly are seeking more and more and more and more protection from something, protection that many times is not extended in the private sector. Principals clearly have been administrators and it's been suggested here, mentioned here that they had protection in that they were notified by April 1 and had a right to a hearing, and no one, over my years in the General Assembly, has ever told me that that system had not been working. Why the Principals Association got on this kick, I don't know for sure. I think this is a bad issue and ought to be defeated.

PRESIDENT:

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you, very much. In reply to my colleague's last statement of why did the principals get on this kick, I asked the same question and, unfortunately, the reason they got on this kick is because the courts passed on a decision that said, in effect, they had no rights; in fact, if you read the

decision, as I did, it was a little appalling that an appellate court decision could come down with some of the language that even implied that school board doesn't even have to give them any reason...that in effect that...they could...the school board could lie and it doesn't really make any difference...you know, I have been on the side of the school boards on a lot of occasions. I think on this...with this court decision staring the principals in the face, it...it's...something should have been done...and, therefore, I do plan on supporting this bill with this amendment.

PRESIDENT:

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

SENATOR POSHARD:

Yes, thank you, Mr. President. I would just add that I think this is a fair bill. I think it's a reasonable compromise. There's been a lot of hours of hard work put in on it trying to work it out for both sides and I would ask for a favorable roll call.

PRESIDENT:

Question is, shall House Bill 1093 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 46 Ayes, 8 Nays, none voting Present. House Bill 1093 having received the required constitutional majority is declared passed. 1113...Senator Hudson, for what purpose do you arise, sir?

SENATOR HUDSON:

...point of personal privilege, Mr. President.

PRESIDENT:

State your...state your point.

SENATOR HUDSON:

In the gallery, to my back here, on the left hand side

looking back, are members of the Kendall County Farm Bureau who have come here to Springfield for a couple of days to observe us in action.

PRESIDENT:

Will our guests in the gallery please stand and be recognized. Welcome to Springfield. Senator del Valle, for what purpose do you arise, sir?

SENATOR del VALLE:

Point of personal privilege, Mr. President.

PRESIDENT:

State your point.

SENATOR del VALLE:

In the gallery we have from my district a number of representatives from community organizations that have come in with public aid participants and they are here in Springfield and I'd like to welcome them today.

PRESIDENT:

Will our guests in the gallery please stand and be recognized. Welcome to Springfield. 1113, Senator Hawkinson. On the Order of House Bills 3rd Reading is House Bill 1113. Read the bill, Madam Secretary.

SECRETARY:

House Bill 1113.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Hawkinson.

SENATOR HAWKINSON:

Glad this isn't 2853. Thank you, Mr. President...

PRESIDENT:

They don't know about the amendment, that's all. Senator Hawkinson.

SENATOR HAWKINSON:

...thank you, Mr. President. This was a bill that was on

the Agreed Bill List. I pulled it off in order to...to delay the effective date for a year and to give any counties a...the chance to switch over. What this bill does, it's an Act concerning the selection of jurors and right now the law provides that the list of jurors...can be made solely from the list of voters. This bill provides that they can be made from a list of drivers license holders or from a combination of lists of drivers license holders and registered voters. The amendment delays the effective date to July 1, 1988. Amendment No. 2, which I explained yesterday, was an amendment regarding what had been the subject of House Bill 1768 of Senator Marovitz. It was an amendment that was agreed to by the House sponsor and Senator Marovitz, but because of the timing of the Agreed Bill List, I was unable to present it and I placed it on this which sets the population limit for counties...the maximum limit for counties that wish to do away with the jury commissioners at sixty thousand and I would ask for the adoption of House Bill 1113.

PRESIDENT:

Discussion? Any discussion? Senator Marovitz.

SENATOR MAROVITZ:

Just rise in support of the bill and concur with what Senator Hawkinson said, he did work with us on the bill with the effective date and amending the bill for one county, and I certainly concur with the amendment and the intent of the bill.

PRESIDENT:

Question is, shall House Bill 1113 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. House Bill 1113 having received the required constitutional majority is declared passed. 1120, Senator Davidson. On the Order of House Bills

3rd Reading is House Bill 1120. Read the bill.

SECRETARY:

House Bill 1120.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, this bill was on the Agreed Bill List and we took it off to put an amendment on to correct a problem which Department of Aging was having in relation to community care program. Apparently, unbeknownst to the people who were furnishing the community care, they had hired some individuals who had been convicted of elderly abuse who did abuse some of the clients and what the amendment did was put into effect that the community care program that a employee or prospective employee would have to authorize a criminal background check. This does not...does not call for mandate...mandated fingerprinting. I'd appreciate a favorable vote.

PRESIDENT:

Discussion? Any discussion? Senator Marovitz.

SENATOR MAROVITZ:

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

PRESIDENT:

Indicates he'll yield, Senator Marovitz.

SENATOR MAROVITZ:

Senator Davidson, is there...is there anything in this bill that would permit the Department of State Police to expand on their fingerprinting of individuals?

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

No.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

...I...I beg to differ with you. I understand that that's completely false and that's coming directly from the Department of State Police who have told us that the only way that they can effectively do these criminal background checks that you're talking about...is to fingerprint, and now we're talking about a tremendous expansion of the powers and the fingerprinting of individuals and...and I don't think that's...I...I know that's not your intent and I don't think that's what we want to do but that's what the Department of State Police say will be the result of this bill...that's what they have told us will be the result of this bill regarding the criminal background checks.

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Well, Senator Marovitz, I can't respond for the State Police, only thing I know this sets up the same kind of procedures that's already in place today because the community care provider who asked for this would have to go to the State Police to ask to perform this as it's done right now. If they're saying they have to fingerprint them, that's unbeknownst to us. I...the information given to us...the...to mandate fingerprints was not part of it and, apparently, we're getting two different kind of signals.

PRESIDENT:

All right, further discussion? Any...Senator Marovitz.

SENATOR MAROVITZ:

I'd also like to know now in addition to the fingerprinting expansion what is the cost of this legislation? We...we've been talking on that side of the aisle

particularly about cost, let's talk about cost. What's the cost of this legislation?

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

The cost will be bore by the vendor who will request the...the check done in relation to one of their employee.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Could you repeat that? I'm sorry, I didn't hear it.

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

My understanding is the cost would be borne by the vendor who would be...making the request for the investigation of their employee or prospective employee.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Well, I am told by the Department of State Police that they would need twenty million dollars...twenty million dollars to process the background checks mandated in this bill. Twenty million dollars not in the Governor's budget plus additional fingerprinting.

PRESIDENT:

Senator...further discussion? Is there any further discussion? Senator Davidson, you may close.

SENATOR DAVIDSON:

Well, I got to say that part of the figures which was kicked around is unbeknownst to me and if the vendors are going to...furnish the cost of it, it's not state funds. This was done to correct a problem which arose out of the community care program which happened not by the vendor know-

ing that the person had been guilty of...or had been convicted of such a...who did abuse some elderly person and I believe this is a good program and I would appreciate a Yes vote. I've been informed that a mandatory fingerprinting was not part of it. It was not necessary and apparently the State Police and...we're not getting the same kind of information if the people who gave me my information checked with them. I'd appreciate a Yes vote.

PRESIDENT:

Question is, shall House Bill 1120 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 36 Ayes, 18 Nays, 1 voting Present. House Bill 1120 having received the required constitutional majority is declared passed. Senator Smith, 1145. On the Order of House Bills 3rd Reading is House Bill 1145. Madam Secretary, read the bill, please.

SECRETARY:

House Bill 1145.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 1145 prohibits the state from awarding funds or grants or doing business with any organization that discriminates on the basis of sex, race or religion. It prohibits private organizations which sell goods or services to the state. It prohibits meetings from being held at discriminatory clubs except for meetings to be held at private clubs that are fraternal or religious organizations normally restricted in its membership, and it prohibits state offi-

cials or employees from obligating the state to any...discriminatory club. That was a technical amendment placed on this that it would clarify that the Comptroller's responsibility would...by requiring the Department of Human Rights to notify the Comptroller as to what clubs are discriminatory. This bill passed the House 76 to 25 and I certainly ask your cooperation for this.

PRESIDENT:

Discussion? Senator Schaffer.

SENATOR SCHAFFER:

I don't happen to be Catholic but it is my understanding that in the Catholic Church they do not allow women to be priests. It could be argued that that is a form of discrimination. I also happen to know that we happen to support a great deal of organizations run by the Catholic church, Marysville comes to mind...Catholic Charities, through its various good works, receives a considerable amount of state money. They obviously discriminate against women. Are you saying that we can no longer support those good works?

PRESIDENT:

Senator Smith.

SENATOR SMITH:

Thank you. Senator Schaffer, no, I think we're talking in two different veins. The Catholics would be under the Open Meetings Act. This is totally discrimination that's unlawful under the Human Rights Act. No.

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

The Catholics are covered under the Open Meetings Act? I'm sorry. I...I didn't know that, out what does that have to do with the bill?

PRESIDENT:

Senator Smith.

SENATOR SMITH:

...Senator Schaffer, discrimination has the same...definition as unlawful discrimination under Human Rights Act and so, therefore, the Catholics are certainly excluded.

PRESIDENT:

Further discussion? Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. I just want to tell Senator Schaffer that the Catholic Church does not discriminate against women in any way or form or shape, and they would accept you as a member if you'd so inclined to change to that denomination.

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

When they make Senator Netsch a priest, I'll see if I'm interested.

PRESIDENT:

Further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. This...this bill is rather straightforward. It's...bill is rather straightforward, there's no hidden ball trick here, it's the same as discrimination in any other place and we're asking the state to restrict its activities of those organizations that do not discriminate. It's simple on its face and I stand in support of it and will vote for it and hope you get fifty-nine lights up on the board on it.

PRESIDENT:

Further discussion? Further discussion? Senator Smith may close.

SENATOR SMITH:

Thank you. I merely want to say to Senator Schaffer that

the Catholic Church is not a private organization. We're merely talking about organizations that do business with the state, that's what we're trying to protect and I certainly ask your favorable vote.

PRESIDENT:

Question is, shall House Bill 1145 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, 5 Nays, 4 voting Present. House Bill 1145 having received the required constitutional majority is declared passed. 1148, Senator Newhouse. On the Order of House Bills 3rd Reading is House...oh...top of page 11, 1149, Senator D'Arco. On the Order of House Bills 3rd Reading is House Bill 1149. Read the bill, Madam Secretary.

SECRETARY:

House Bill 1149. ✓

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. 1149 provides that in juvenile court proceedings the court shall appoint a interpreter in a juvenile court proceeding where the person charged does not speak English. The Department of Registration and Education would develop standards for qualifications for the appointment of such court interpreters. I would ask for a favorable vote.

PRESIDENT:

Discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Will the sponsor yield?

PRESIDENT:

Indicates he'll yield, Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator D'Arco, is there a price tag on this bill?

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

I don't know. I don't...I don't see a fiscal note here. I don't think one was filed actually.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Is there an estimate as to how many court interpreters would have to be hired?

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

Is there an estimate? Not that I'm aware of, no.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

As between the county and the state, who would pay for the interpreters?

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

The state.

PRESIDENT:

Senator Barkhausen.

SENATOR BARKHAUSEN:

I would just point out, Mr. President and members, in...in opposition to the bill that this is a new initiative, it has an unknown cost attached to it and the Department of Registration and Education is opposed to the requirement that they would have to develop standards for the certification of

the interpreters. Two...two good reasons to vote No on the bill. Thank you.

PRESIDENT:

Further discussion? Senator Dudyocz.

SENATOR DUDYOCZ:

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

PRESIDENT:

He indicates he'll yield, Senator Dudyocz.

SENATOR DUDYOCZ:

Senator, does this bill include all foreign languages or only certain ones?

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

It doesn't specify any language, so I...I...it would apply, presumably, to anyone that does not speak English.

PRESIDENT:

Senator Dudyocz. All right. Further discussion? Any further discussion? Senator D'Arco may close.

SENATOR D'ARCO:

Thank you, Mr. President. The problem in our court system today...in the juvenile court system particularly is that the...the interpreters that are being appointed by the judges are not qualified to interpret the language that is spoken by the person being charged, and the proceeding is...is getting a translation that is not accurate and especially when we're talking about criminal defendants who are being charged with crimes that potentially hold the possibility of going to jail for, you need someone who is going to accurately interpret the law. That's why we need qualified people and that's why we need R and E to administer the provisions in order to develop the qualifications for these people. This is a good bill and I would ask for a favorable vote.

HB 1154
3rd Reading

PRESIDENT:

Question is, shall House Bill 1149 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 33 Ayes, 24 Nays, none voting Present. House Bill 1149 having received the required constitutional majority is declared passed. 1154, Senator Degnan. On the Order of House Bills 3rd Reading, top of page 11, is House Bill 1154. Read the bill, please, Madam Secretary.

SECRETARY:

House Bill 1154.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. I would call the members' attention to an error in the Calendar which says that 1154 deals with all felony cases. In fact, 1154 provides the state the right to a jury trial in three additional areas; first degree murder, Class X felonies and criminal sexual assault. Senate...House Bill 1154 should be more correctly defined as the victim's right to a jury or the people's right to a jury. The US Supreme Court describes the state's right to a jury as the constitutionally preferred method of trial. This method is currently available in thirty-two states and in our Federal system. Be happy to answer any questions.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall House Bill 1154...I beg your pardon. Question is, shall House Bill 1154 pass. Those in favor vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish?

Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, 3 Nays, none voting Present. House Bill 1154 having received the required constitutional majority is declared passed. 1163, Senator Carroll. On the Order of House Bills 3rd Reading is House Bill 1163. Read the bill, Madam Secretary.

SECRETARY:

House Bill 1163.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is the court of claims awards bill for those awards that have been signed by the requisite number of judges. The total amount appropriated for claims at this stage is three million two hundred thirty-three thousand five hundred. I would ask for a favorable roll call on...on passage of the awards bill.

PRESIDENT:

Discussion? Discussion? If not, the question is, shall House Bill 1163 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. House Bill 1163 having received the required constitutional majority is declared passed. 1167, Senator Luft. 1168, Senator Netsch. On the Order of House bills 3rd Reading is House Bill 1168. Read the bill, Madam Secretary.

SECRETARY:

House Bill 1168.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Netsch.

SENATOR NETSCH:

Well, here goes one possible vehicle for the income tax bill. This bill...no, this bill has no amendments. What it does in its present form is two things. It provides that where a jobs tax credit is authorized and to be taken that beginning from the effective date of the Act and...and that date forward, it must be taken in the year following the year in which the employees are actually hired. This was a request of DCCA. It was originally, as I understand it, a House bill which somehow got lost in the shuffle over there and it was, as I say, done at the request of DCCA, as I understand it, for administrative convenience. The second thing that the bill does is to...is a request from JCAR that provides that where the Department of Revenue is making references in the Income Tax Act, it is not required to update its references to...or it may update its references without specifying the exact date and location of the rules that are being incorporated. Again, a JCAR recommendation, a DCCA recommendation. I would be happy to answer any questions.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall House Bill 1168 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, no Nays, none...2 voting Present. House Bill 1168 having received the required constitutional majority is declared passed. 1174, Senator Luft. On the Order of House Bills 3rd Reading is House Bill 1174. Read the bill, Madam Secretary.

SECRETARY:

House Bill 1174.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. House Bill 1174 as amended extends to a township or multitownship assessment district with population of fifteen thousand or more, the eligibility requirements that candidates for an appointee to the office of assessor passed assessment certificate. It requires continuing education courses for assessors including a course in business and computer techniques. It requires at least one course of continuing education be offered annually in DuPage and Lake Counties. It requires a county that elects a board of review to elect its members from substantially geographically equal districts within the county. It authorizes all counties to...divide themselves into equal assessment quadrants and subjects to property taxation private entities using Illinois Toll Highway Authority property pursuant to an arrangement. Adds language stating that the assessors evaluate and appraise real property.

PRESIDENT:

Discussion? Senator Karpiel.

SENATOR KARPIEL:

Never mind.

PRESIDENT:

Discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDENT:

Indicates he will yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, as I understand it, this bill does not require

any counties to elect their boards of review. Is that correct?

PRESIDENT:

Senator Luft.

SENATOR LUFT:

That's correct.

PRESIDENT:

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

This sounds like one of those dinosaurs where they collapsed everything together over in the House, took eight or nine bills and tossed them all in bearing subjects all having something to do with government. Is that about right? You mentioned something about the tollway. What is that?

PRESIDENT:

Senator Luft.

SENATOR LUFT:

The individuals and corporations operating restaurants or...gasoline stations on property of the Illinois Toll Highway Authority are franchisees and not leasees and, therefore, exempt from property taxation. They apparently have been exempt from property taxation. We include franchisees within the meaning of leases and, therefore, subject to taxation this type of property.

PRESIDENT:

Further discussion? Any further discussion? If not, the question is, shall House Bill 1174 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays none voting Present. House Bill 1174 having received the required constitutional majority is declared passed. 1176, Senator Alexander. On the Order of House Bills 3rd Reading, the middle of page 11, ladies and gentlemen, is

House Bill 1176. Read the bill, Madam Secretary.

SECRETARY:

House Bill 1176.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Alexander.

SENATOR ALEXANDER:

Thank you, Mr. President and to members of the Senate. This piece of legislation, House Bill 1176, extends to the Calendar Year 1986, Chicago's current acceleration of the property tax levies for building purposes. This is the piece of legislation that this General Assembly has so adamantly helped the Chicago Board of Education in their drive to keep up with the school financing authorities mandate of their actions. I would ask your Aye vote on this piece of legislation.

PRESIDENT:

Is there any discussion? Any discussion? If not, the question is, shall House Bill 1176 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 40 Ayes, 17 Nays, 2 voting Present. House Bill 1176 having received the required constitutional majority is declared passed. 1194. On the Order of House Bills 3rd Reading is House Bill 1194. Read the bill, Madam Secretary.

SECRETARY:

House Bill 1194. ✓

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Alexander.

SENATOR ALEXANDER:

Thank you. Mr. President and to the General Assembly, this bill amends the...Minority and Female Business Enterprise Acts. DCCA is to make a special and continuing effort to assess minorities and female business and an additional effort to assist those located in labor surplus areas. This piece of legislation would increase from six to eight the representation of the council. It also would empower the council to order that state contracts issued to business shall not require that the business...furnish a performance bond. It also requires the council to establish a toll free telephone number, and I sincerely request your Aye vote on this piece of legislation.

PRESIDENT:

Any discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDENT:

She indicates she will yield, Senator Fawell.

SENATOR FAWELL:

According to our analysis, the construction industries...was...was eliminated from the nonrequirement of...of a bond. In other words, if you are in the construction industry and you are female or minority, you would be required to have a bond as all other construction companies would. Is...is that true?

PRESIDENT:

Senator Alexander.

SENATOR ALEXANDER:

Senator Fawell, you would be required to have a construction performance bond.

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

And what kind of companies would not be required to have a bond if...if they were...if they fall under this that would normally require a bond?

PRESIDENT:

Senator Alexander.

SENATOR ALEXANDER:

Thank you...Senator Fawell, any contract...state contract other than a state...construction contract which is explained by Amendment No. 1 would be required to furnish a performance bond.

PRESIDENT:

Further discussion? Senator Schuneman.

SENATOR SCHUNEHAN:

Thank you, Mr. President. What this bill does, of course, is set up a double standard, one for everybody else in which case all other businesses have to provide a bond...a performance bond, and if you're a female or a minority business, they'd be allowed to get a contract without a performance bond. Purely and simply, that's what this is and you ought to be aware of what we're doing.

PRESIDENT:

Further discussion? Senator Collins.

SENATOR COLLINS:

I rise in support of House Bill 1149 and, Senator Schuneman, the whole intent of the Minority and...and Female Business Act was to...a recognition on the part of...of the state that this group of people had not been given equal access or opportunities or to contract procurement in the State of Illinois...doing business with the state and that this Act was specifically designed for that purpose. One of the primary reasons for lack of participation even to the point of meeting the goals of the set-asides is...is...is the inability to...to acquire bonds under the...under...in the normal market. So, I don't think that this is an unreason-

able request and, therefore, I would urge a...a favorable vote for House Bill 1194.

PRESIDENT:

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Question of the sponsor.

SENATOR DAVIDSON:

Sponsor indicates she will yield, Senator Davidson.

SENATOR DAVIDSON:

Senator Alexander, I thought with the Amendment 1 and 2 we put on in committee that we removed that part which waived the bond for those individuals and the...Amendment No. 2 put into the law saying that no premium bond rate of a surety company for a bond required for a minority or female owned business bidding for a state contract shall be higher than the lowest rate charged by a surety company for similar bond in the same classification, and...I...I'm on the horns of the dilemma, I certainly don't want anybody doing state work without a bond, but I thought the two amendments we put on in committee removed that and that's how come the construction energy and IDOT and all those people signed on then in favor of this bill.

PRESIDENT:

Senator Alexander.

SENATOR ALEXANDER:

Thank you. Senator Davidson, you are perfectly correct. They can still be required to get a bond but, however, the rate for the performance bond cannot be any higher than the lowest rate charged by the company for similar bonds and similar types of classification of work.

PRESIDENT:

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

SENATOR ALEXANDER:

I would sincerely request that this Body as it has in the past in trying to enable minority and female business enterprise persons to be a part of the work force in this State of Illinois would sincerely think about an Aye vote with regards to this piece of legislation.

PRESIDENT:

Question is, shall House Bill 1194 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 24 Ayes, 25 Nays, 5 voting Present. House Bill 1194 having failed to receive the required constitutional majority is declared lost. 1202, Senator Dunn. Oh, I beg your pardon, you wish further...sponsor requests that further consideration of House Bill 1194 be postponed. Without objection, it's so ordered. Senator Dunn on 1202. Senator Degnan on 1219. Senator Lechowicz on 1223. On the Order of House Bills 3rd Reading is House Bill 1223. Read the bill, Madam Secretary, please.

SECRETARY:

House Bill 1223. ✓

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill provides that home repair advertising by unlicensed plumbers violates the Consumer's Fraud and Deceptive Business Practices Act. If enacted, House Bill 1223 would facilitate enforcement actions by the Consumer Protection Division of the Attorney General's Office and the State's Attorney of Cook County against con men who prey on elderly homeowners. Basically, this is the bill that I

*HB 1225
3rd Reading*

received a letter of support from Neil Hartigan and...and Rich Dailey and also the Illinois Retail Merchants Association on behalf of this bill. I don't...I know of no objection and I strongly recommend a...a favorable vote on House Bill 1223.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall House Bill 1223 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. House Bill 1223 having received the required constitutional majority is declared passed. 1225, Senator Kelly. On the Order of House Bills 3rd Reading, bottom of page 11, is House Bill 1225. Read the bill, Madam Secretary.

SECRETARY:

House Bill 1225.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and members of the Senate. House Bill 1225 would codify the teaching of sexual abstinence until marriage in the schools...in the public schools. I understand this is a practice that's already being done in most of the sex education courses and I would appreciate your support. The bill did pass the House by a 95 to 5 vote and there wasn't any opposition in committee and I solicit your support.

PRESIDENT:

Discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, if I might ask the sponsor just for some legislative intent. Are you...

PRESIDENT:

Indicates he will yield, Senator Topinka.

SENATOR TOPINKA:

Okay. Are you addressing this from a health standpoint or a moral standpoint or a health and moral standpoint?

PRESIDENT:

Senator Kelly.

SENATOR KELLY:

I...I...I would say you're covering a lot of bases that I would...would favor. Yeah.

PRESIDENT:

Further discussion? If not, the question is, shall House Bill 1225 pass. Those in favor will vote Aye. Opposed voted 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 54 Ayes, 2 Nays, 2 voting Present. House Bill 1225 having received the required constitutional majority is declared passed. 1229, Senator Marovitz. On the Order of House Bills 3rd Reading is House Bill 1229. Read the bill, Madam Secretary.

SECRETARY:

House Bill 1229.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. Last year the Governor amendatorily vetoed House Bill 3340 and he removed the Mortgage Counseling Act and the Foreclosure Act. As a result of that, Illinois continues to have one of the highest foreclosure rates in the nation.

During the 1980's, both Illinois and the City of Chicago have suffered from these high foreclosure rates. According to the Mortgage Bankers' Association, the...annual quarterly delinquency survey in '83, the delinquency rate of mortgages thirty days or more delinquent in Illinois was ten and a half percent and the number of property foreclosures was over five thousand. The cash value amounts to a loss to the state of two hundred and sixty million dollars. This piece of legislation establishes a mortgage assistance payment program administered by IHDA and it requires IHDA mortgagees to send a...not IHDA but requires mortgagees to send a counseling notice to mortgagors prior to the filing of a foreclosure complaint. Failure to send a notice doesn't deprive the court of jurisdiction nor invalidate the judicial sale...the judgment sale. If a mortgagor files a motion before the expiration date of the redemption period and the court finds that the counseling notice was not sent, the court can stay the foreclosure proceedings for ninety days. This would also allow IHDA to use five million dollars of its reserve funds for second mortgages for those who were not able to work their problems out, sell ten million dollars of bonds. It limits the loans to the amount of equity available in the home, reduces the maximum monthly payments paid by the authority to eight hundred dollars as was requested in the committee; and I would be happy to answer any questions and solicit your...your Aye vote for...for a bill that I think deals with a serious problem in the State of Illinois and the City of Chicago.

PRESIDENT:

Discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDENT:

Indicates he'll yield, Senator Fawell.

SENATOR FAWELL:

...in our original analysis, we were talk...talking about fifteen million dollars and it says that similar Pennsylvania law now costs fifty million dollars. You're now saying that what we're talking about going with the amendment is to take IHDA funds for ten million. Is that...is that the bill now?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

...the Pennsylvania law takes all the money from general revenue funds. This bill does not deal with...general revenue funds at all. This bill allows IHDA to send up...to sell up to ten million dollars in bonds and to use five million dollars of its reserve funds.

PRESIDENT:

Further discussion? Senator Schaffer...Schaffer.

SENATOR SCHAFFER:

...sponsor to add...

PRESIDENT:

Well, the sponsor is going to have an opportunity to close. Senator Schaffer.

SENATOR SCHAFFER:

Well, I'll give him a little more to answer. As I understand this proposal, and I'm...I'm, frankly, looking at the handout passed out by the proponents, it says that the first five million is going to be transferred from the IHDA reserve funds. Well, I'm told that the IHDA reserve funds are committed, locked down funds that are there in good faith for other bonds and that if...you know, we can't just...that's like saying, well, we'll take it out of the Pension Fund, you know, the reserves to the pensions. You can't do that. The second thing, which I find kind of interesting, is that the second ten million is going to come from bonds that are going

to be sold and the bonds are going to be backed up by contributions from the people whose mortgages went belly up 'cause they couldn't pay their mortgages. Now, I'm not a bond person but I would be a little reluctant to buy a bond that was backed up from a pool of people whose one collective past history is that they couldn't pay the mortgage. That would make me mighty nervous. The third point is...and reading again from the handout of the proponents, it says funding from 1988 through 1991 will be determined by the Legislature each year. Well, if we go back to the original intent of the bill where they talk about fifteen million dollars of GRF, we are locking ourselves into a long-term, multimillion dollar commitment; and I'm not saying there isn't a problem out there, but it seems to me we've come up with one unworkable solution coupled to another unworkable solution followed by an unfundable solution. I think it's a noble gesture, Senator, but I...I just don't think it's workable and I don't think we have the money for it.

PRESIDENT:

Further discussion? Senator Zito.

SENATOR ZITO:

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

PRESIDENT:

Indicates he will yield, Senator Zito.

SENATOR ZITO:

Senator Marovitz, to continue on Senator Schaffer's train of thought, I...I...you explained the funding, the five million dollars of the IDHA funds and the ten million dollars in bonds. What happens after that? How...how do you...how do we propose to pay for it?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

That's the end of the program. I mean, there's no...that...that is it. If there's...if the...if the reserve funds are committed, then the reserve funds cannot be used. If the bonds cannot be sold under Senator Schaffer's scenario, then the ten million dollars in bonds can't be used and then there's no program. So, there's no additional liability on the state because this is the way we've limited the program. If the reserve funds are...are already committed, then you can't use the reserve funds. If the bonds can't be sold, then he can't use the bonds, although the bonds are secured by the...by the property. There's a...there's a lien provision in the legislation so that the bonds are secured by the property, but the fact is, there's no greater commitment to the state, there's no greater risk to the state. It's only fifteen million dollars and if those...if the five million dollar reserve funds are not available, then, obviously, you can't use them, there's no...there's no greater risk; and if the...if the bonds can't be sold because of the foreclosure and the second position, then the bonds can't be sold and the program will not be in effect.

PRESIDENT:

Senator Zito.

SENATOR ZITO:

Well, you're...you're talking about the fifteen million dollars. If, in fact, the fifteen million dollars through the ten million dollars in bonds and the five million in the IHDA funds is secured...or are secured, where we go after that? Let's assume that that...those...that fifteen million dollars has been secured. What...what plans...are there plans for the future? Will it come from GRF?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

...think...I think if...if I understand correctly, if you're talking about commitments which can't be met over and above that, the property is still secured by the lien, IMDA takes the property back.

PRESIDENT:

Senator Zito.

SENATOR ZITO:

Just another question,...I don't think the...my question was after the...the fifteen million dollars had been secured but it's also my understanding that VHA and FHA loans are exempt. Is that correct?

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Correct.

PRESIDENT:

Senator Zito.

SENATOR ZITO:

Well, it's strange, Senator Marovitz, because those loans are the problem loans that we're supposed to be...are supposed to be addressing. I'm curious to know as why...yeah, why they're exempt.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

They're exempt because VHA and FHA loans have their own procedures in and of themselves, so they don't need our additional bureaucratic procedures, they have their own procedures.

PRESIDENT:

Senator Zito.

SENATOR ZITO:

Yeah, to the bill, Mr. President. I rise in opposition. We heard this bill in committee and those were several of the

questions that I had and I don't think they were sufficiently answered. The other problem is somebody had mentioned the State of Pennsylvania. I understand that this program in Pennsylvania, for all of you that are interested, cost approximately seventy-five million dollars in its first year, and I don't know if that's something the State of Illinois would...would like to enter into this point. I stand in opposition and would urge others to do the same.

PRESIDENT:

Further discussion? Senator Alexander.

SENATOR ALEXANDER:

Thank you, Mr. President. In answer to Senator Zito, if I'm understanding the bill correctly, in the first year of this operation or during this sunset time, we are limited as to the amount of monies that can be put into this program. We are looking at a crisis here in Illinois with regards to the homeless. Either we're going to keep people in their homes and give them an opportunity to come back and secure their mortgages or their loans or advance or we're going to have a two-fold problem; people without homes who have tried to pull themselves up and to enter into the mainstream of life or we're going to have to go into a gigantic funding for the homeless. We cannot continue to allow this plight to happen here in the State of Illinois. For those of you who don't know it, this program is a worthy program. We've offered relief to everybody in this state except those who have homes, and I do feel that where there are children involved...I got a report this morning that the persons and advocates of the homeless are looking at a very bleak year with regards to women and children and families, not just single persons who we have considered, many of us, as being derelict in the street, that will be facing...be outside doors without homes in the next six or seven months. This piece of legislation is sorely needed to keep families

together and to give the working man who has utilized his strength here in this State of Illinois to build this state and fund these taxing programs an opportunity to stay in the mainstream of life. I would earnestly solicit all persons' Aye vote.

PRESIDENT:

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I rise in strong support of the bill. It is a watered down and refined version of a bill which I initially started in the Senate a few...about four years ago or six years ago, and I think it...the need for it is, if anything, even greater than it was at that time. I'm not going to go into any detail except, Senator Schaffer, to respond to one point that you raised about the reserve fund...number one, there have been prior proposed legislative matters that have...that would have tapped into the reserve fund. This is not money that has to be used by...it's...it's really in a sense excess reserve that is not guaranteed and committed and...and untouchable, and I would add, while Senator DeAngelis is expressing dismay, that IHDA itself although it resisted some of our prior legislative efforts to use the reserve fund has put out a release and I think it was at least last year or late the year before boasting about the fact that it had been using some of its reserve fund for some innovative programs which is, in a sense, precisely what many of us had tried to...to get it to do because it was sitting on such a large reserve. So, I think if you will check, you will find out that IHDA itself acknowledges that it can use the part of the reserve that is being talked about here for some other purpose. So, I think that is not really a...a reason not to support the bill, and beyond that, I would simply add that I think it addresses...a very important need that is not one that is particularly confined to Chicago; in

fact, much more, it's in other parts of the state and if some of you would look at the program, in, if I recall, Decatur you would see that this kind of a program both the...the financial help and the counseling really can help working people who may have lost their jobs for a short period of time or on layoff or something to...to get themselves back on their feet and not to lose their homes in the process. So, it addresses a very important constituency and it's one of the few things that we've been able to do to address that group.

PRESIDENT:

Further discussion? Senator Collins. Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the... of the Senate, I'm in sympathy with the bill. As a matter of fact, I cosponsored it last year, but as Senator Zito says, we are not in a...position now to go into any additional costs, and it's about seventy million dollar difference and I'm afraid I'm going to have to vote Present because we have a tight budget and people don't want to see a tax increase and that's where we stand.

PRESIDENT:

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

SENATOR MAROVITZ:

Thank you, very much, Mr. President. While...

PRESIDENT:

I beg your pardon, Senator Alexander wishes to be heard.

SENATOR ALEXANDER:

Thank you. I'm sorry to trouble the Senate again. This morning I received a call from Bill Whalen who is with the Illinois Foreclosure Coalition. He had been in constant conversation and dialogue with a Steve Nemerovski, who is the general counsel for IHDA, and he said that they had agreed

that the bill was not, as...as many of you believe, a bad piece of legislation. If I am incorrect, I thought that IHDA was statutorily...instituted to help people with housing and as many of you know and if you've read some articles about IHDA, about the kinds of housing that they have been putting up, nowhere have you been reading about them taking care of the small, moderate income family or single family dwelling.

If, and God forbid, a person would receive such an advance to save their homes and they would be unable to do so, I am praying that if the home is lost and IHDA redeems the property, it then becomes a sellable market item out there for IHDA to recover, and I sincerely hope that you think about this piece of legislation. It is really needed in two instances. Thank you.

PRESIDENT:

Senator Schaffer.

SENATOR SCHAFFER:

Well, two quick points, not to belabor it. One, IHDA is in opposition to the bill. Two, IHDA has single family loans out to over ten thousand people of moderate income. I don't understand it...or a matter of public record and, frankly, that raid on the reserve fund may jeopardize future programs. If we start raiding that fund, all the good they've done may go down the chute.

PRESIDENT:

Further discussion? Senator Marovitz may close.

SENATOR MAROVITZ:

Thank you, very much, Mr. President. I just...first of all, I'd like to clarify something that Senator Zito said and Senator Geo-Karis...and...and...so that when...when you vote...no matter how you vote,...you...you understand what the bill is. This is not a cost on the State of Illinois. Senator Zito threw out seventy-five million dollars from Pennsylvania and Senator Geo-Karis has said, we're talk about

a tax increase, these are tough budget times. There is no cost to the State of Illinois. This is not a program that's coming out of General Revenue Fund or that is involved with any efforts at a tax increase. There is no cost on this bill whatsoever. There's no money...coming out of General Revenue Fund. If the bonds can't be sold...the ten million dollar authorization, if the bonds can't be sold, then there is no program. It's just that simple, if the bonds can't be sold. The five million dollar reserve fund existing now in IHDA can be used and it's only that existing five million dollar reserve fund. There's no drain on the...on the state economy. There's no money coming out of this. So, Senator Geo-Karis and Senator Zito, I hope that you would understand that. This is a pilot project that ends automatically in 1992. The purpose of this bill is to establish a bailout mechanism for...for people who can't meet their mortgage payments due to job loss, sickness or other financial hardship and these are...these are things that we ought to really think about and put at the top of our priority list, especially when it doesn't cost the state any money at all. I think perhaps the most persuasive argument that this is a fiscally and financially responsible position is that Senator Keats is for this bill.

PRESIDENT:

Question is, shall House Bill 1229 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 22 Ayes, 29 Nays, 2 voting Present. House Bill 1229 having failed to receive the required constitutional majority is declared lost.

PRESIDING OFFICER: (SENATOR LUFT)

On the Order of 3rd Reading is House Bill 1234, top of page 12, Senator Etheredge. Read the bill, please, Mr.

HB 1237
3rd Reading

Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1234.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Etheredge.

SENATOR ETHEREDGE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is the CDB reappropriations bill. I'd be happy to respond to any questions.

PRESIDING OFFICER: (SENATOR LUFT)

Any questions? Any questions? If not, the question is, shall House Bill 1234 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 56, 1 voting No, none voting Present, and House Bill 1234 having received the required constitutional majority is declared passed. On the Order of 3rd Reading is House Bill 1237, Senator Barkhausen. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1237.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, House Bill 1237 would permit a township to cut overgrown weeds on the property of a...of a resident within such township. It has been amended to exempt municipally designated conservation areas and to require notice to the resident before the township takes action to cut weeds that have been unattended to.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator...

SENATOR BARKHAUSEN:

I know no opposition and I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR LUFT)

She indicates he'll yield.

SENATOR FAWELL:

Yes, as minority spokesman on this committee, I...I note you do have an amendment that will exempt municipal conservation areas. The problem that I have is, I have some people in my area who deliberately do not keep portions of their yards cut because they want it as protection for whatever, pheasants...they feel it's a conservation area that they themselves are maintaining, and as we said in committee, for legislative intent, you are not talking about allowing the townships to come in and cut somebody's back yard that they feel is beautiful and their next door neighbor may feel is a weed patch, are you?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Barkhausen.

SENATOR BARKHAUSEN:

I can't imagine that a...that a township official would want to do that and it would certainly be my intent through this legislation to protect such areas.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? If not, the question is, shall House Bill 1237 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who

*HB 1242
3rd reading
HB 1244
2nd Reading*

wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 57, none voting Nay, none voting...1 voting Present and House Bill 1237 having received the required constitutional majority is declared passed. On the Order of 3rd Reading is House Bill 1242, Senator Jeremiah Joyce. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1242.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President. 1242 provides as the Calendar indicates. It passed out of here 58 to 0 when it was Senate Bill 771. I'll be happy to answer any questions, otherwise, ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR LUFT)

Is there any discussion? Any discussion? If not, the question is, shall House Bill 1242 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 59, none voting Nay and none voting Present. House Bill 1242 having received the required constitutional majority is declared passed. On the Order of 3rd Reading is House Bill 1244, Senator Jones. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1244.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones.

SENATOR JONES:

Thank you, Mr. President and members of the Senate. House Bill 1244 is a JCAR bill which clarifies various provisions of the School Code relative to...to administrative rules. State Board must adopt rules which...which prescribe testing service to be used by school districts on how schools may be evaluated. It clarifies the educational service centers may be established in Cook County. Rules must be promulgated to define the scope and content of educational service centers and so forth, and I know no opposition to the bill. State Board supported it. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall House Bill 1244 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 58, the Nays are none and those voting Present are none and House Bill 1244 having received the required constitutional majority is declared passed. On the Order of 3rd Reading is Senate Bill...House Bill, I'm sorry, 1256, Senator Fawell. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1256.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Fawell.

SENATOR FAWELL:

Thank you, very much. This does a number of things. One of the things it does is it allows county forest preserve district members to receive a...a salary instead of a per diem if they so vote. It also exempts forest preserve districts from eminent domain proceedings. It requires bidding for all forest and park districts to have...over a certain

threshold for all counties and the threshold bid is ten thousand dollars, and it also allows Cook County to have the right of first refusal of any golf course in Cook County. I'll be glad to answer any questions.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Schaffer.

SENATOR SCHAFFER:

I think I'm for the bill but I...I noticed earlier we passed a bill raising the salary of the county commissioners in the southern part of the state and since the forest preserve board members tend to be the...as I understand it, the county board members and...and the ones I'm familiar in my part of the state, I just have to ask the question, aren't these the same people who in the last two or three years have been so vitriolic about any pay increases for sheriff and other county officials and now do we discover them down here looking for pay increases for themselves? Is this a consistent policy? I think the bill has merit. I'm going to vote for it, but I wonder if these people have noticed any inconsistency in their policy for others versus themselves.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Fawell.

SENATOR FAWELL:

Well, first of all, you would have to have a forest preserve district in your county in order to come underneath this bill. Second of all, I...at least as far as my county is concerned, they already get twenty-nine hundred dollars for being forest preserve commissions. We're raising them a hundred dollars and you may have a...a point. I shall ask them.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? If not, the question is, shall House Bill 1256 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all

voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 41, 11 voting Nay and 7 voting Present. House Bill 1256 having received the required constitutional majority is declared passed. On the Order of 3rd Reading is House Bill 1258, Senator Jerome Joyce. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1258.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. This makes various changes in the schedule of flat weight taxes. It...what it does, it splits up the classification and...on license fees for trucks. The...as I understand it, they felt that some of the trucks were having to buy a license fee for a much heavier load than they were carrying. It also does virtually the same thing for farm trucks and it also includes rendering trucks. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall House Bill 1258 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, the Ayes are 59, none voting Nay, none voting Present. House Bill 1258 having received the required constitutional majority is declared passed. On the Order of 3rd Reading is House Bill 1260, Senator Schaffer. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1260.

*NB 1268
3rd reading*

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and members of the Senate, this is an administration bill for the Department of Mental Health. It allows the department to reduce the amount of money it gives service providers and by taking offset against any Federal benefits or...pension benefits that the...recipient might be getting. Apparently, there was a court decision which cast some doubt on the department's policy. Simply put, if they're paying someone eight hundred dollars a month or six hundred dollars a month to take care of one of our clients and that party or nursing home gets four hundred dollars a month from social security, then our payment is only the other four hundred. Apparently, there's a court decision which clouds their statutory authority to do that and they'd like to have this codified. I don't think there's any opposition. No one really argues against it.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall House Bill 1260 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, please, Mr...Mr. Secretary. On that question, the Ayes are 57, none voting Nay and none voting Present. House Bill 1260 having received the required constitutional majority is declared passed. In the Order of 3rd Reading is House Bill 1268, Senator Marovitz. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1268.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President and members of the Senate. This bill has to do with the use of blood that is used for testing for HIV and the virus. This bill mandates DPH to establish rules and regulations for testing of all blood for evidence of exposure to the HIV virus. It requires the disposal of all blood showing evidence of exposure. It...personal and confidential notification of the donor is required if the results are positive and a blood donor shall be given notice that blood will be drawn and tested. A donor can refuse to consent to the withdrawal of blood and it provides civil and criminal immunity to anyone who notifies a donor of the results in good faith and in accordance with the rules. I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall House Bill 1263 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 58, none voting No and none voting Present. House Bill 1268 having received the required constitutional majority is declared passed. On the Order of 3rd Reading is House Bill 1275, Senator Carroll. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1275.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Carroll.

SENATOR CARROLL:

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

Senate. As this bill now stands, House bill 1275 is the spending level equivalent of FY '87 for the Office of the Attorney General plus the money necessary for moving their space temporarily and relocating and...and refurbishing due to the asbestos problem at their Springfield building. It is approximately twenty-five million six hundred and ninety thousand. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall House Bill 1275 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 58, none voting Nay and none voting Present. House Bill 1275 having received the required constitutional majority is declared passed. On the Order of 3rd Reading is House Bill 1276, Senator Carroll. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1276.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 1276 is the authorization authority for the various separate grant funds in the Office of the Attorney General, Violent Crimes Victim Assistant Fund, Gaming Law Enforcement Fund and so on. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall House Bill 1276 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish?

Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 58, none voting Nay, none voting Present. House Bill...1276 having received the required constitutional majority is declared passed. On the Order of 3rd Reading is House Bill 1284, Senator Vadalabene. Please read the bill, Mr. Secretary.

END OF REEL

REEL #4

ACTING SECRETARY: (MR. HARRY)

House Bill 1284.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President and members of the Senate. House Bill 1294 is identical to Senate Bill 440 which passed out of here unanimously. What it does is provides for five hundred civil service...university...SIU-Edwardsville civil service employees to be paid semimonthly rather than once a month, and I know of no opposition to this bill.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall House Bill 1284 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 58, none voting Nay, none voting Present. House Bill 1284 having received the required constitutional majority is declared passed. On the Order of 3rd Reading is House Bill 1295, Senator Weaver. Out of the record, please. At the top of page 13 on the Order of 3rd Reading is House Bill 1299, Senator Friedland. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1299. ✓

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

HB 1301
3rd reading

Senator Friedland.

SENATOR FRIEDLAND:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 1299 would permit a county by resolution to request construction and participate financially in...in building an interchange in...in a neighboring county. It was on the Agreed Bill List in committee and IDUT has no problems with the bill and it's supported by the county and township officials. I'd urge your favorable consideration.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall House Bill 1299 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 58, none voting Nay, none voting Present. House Bill 1299 having received the required constitutional majority is declared passed. On the Order of 3rd Reading is House Bill 1301, Senator Severns. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1301.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 1301 requires school boards to meet with their teaching and support staff for the purpose of developing paper work and routine tasks, productions planned for certified teachers. This bill is in response to the second wave...of education reform panels such as the Carnegie Report on Teaching, the Holmes Report on Certified Staff and the Illinois Blue Ribbon Task Force which reviewed the role of

teachers in our schools. These reports all suggest that an important component in teaching the education reform movement on track is to...attempt to let teachers teach, that is to reduce the routine task and paper work duties that teachers now have and provide them with more time to teach. This bill is not the ideal, it is the possible. Ideally our teachers should be provided sufficient support staff made available to other professionals, but such requirements are not feasible. Similar plans have received bipartisan...support from the Blue Ribbon Task Force which included Illinois leaders in education such as Senator Art Berman and Senator John Maitland. I would urge its adoption.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Keats. Senator Keats.

SENATOR KEATS:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR LUFT)

She indicates she'll yield.

SENATOR KEATS:

As...as she knows, we've mentioned, this is just a legislative intent question. It's not the point of this bill to say that the school boards give up their management rights in terms of operating their schools and it doesn't say that the teachers aren't supposed to do things like lesson plans and whatever, this is if they're to meet and discuss these topics in a mutually acceptable manner.

PRESIDING OFFICER: (SENATOR LUFT)

Do you wish to respond? Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President. Yes, Senator Keats, you're...you're right on the mark. This is not the intent of the bill. The...the intent involves local control and it would continue that absolutely.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. I guess we've established by now in this Body that there are good mandates and bad mandates. There are very few of us who can always stand in support of all of them or against all of them. I just have to say that as mandates go, and I've supported some of the most crucial ones like physical education and driver's education, this ranks way down there at the bottom of what we, in this Senate, ought to be doing and forcing upon our local school districts. I...I don't understand for the life of me why we need a law that tells school districts and teachers to sit down and talk about paper work reduction. I heard Senator Severns say on two or three occasions that Blue Ribbon Task Force somehow have recommended this. Senator Severns, if this bill passes, I suggest that we add to the list of reduction efforts these local school districts enter, maybe they should look at the reduction of Blue Ribbon because, obviously, those task forces have lost there...there meaning if this is all they can come up with. I think we ought to kill the bill. I'm sorry.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you, very...very much, Mr. President and members of the Senate. Thank you, Senator, for those kind words, I think. I...I...I was a member of the...of the Blue Ribbon Task Force and there were a number of things that we suggested ought to be legislated and we have done that. We passed out of this Chamber some weeks ago some legislation that was a result of that task force and this issue was discussed, but it certainly wasn't discussed as a legislative issue and we agreed on the issues that would be legislated and those that would not, and this definitely was not one of

those...those areas. This...this really, ladies and gentlemen, get...get into the...the overall management...of the...of the school system, I think, will...will tend to tie management's hands in a number of areas. It, quite frankly, is very trivial. If you really read the bill, it really doesn't mean a great deal. It's something we ought not do and...and ought to defeat the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Severns, you wish to close?

SENATOR SEVERNS:

Thank you, Mr. President and members of the Senate. Government seems to lead sometimes in increasing paper work that is mandated. This bill is not a mandate; in fact, it keeps control within the local hands and diminishes the possibility that our teachers' time will be wasted by all kinds of paper work tasks that too often is the result of government. Its intent is pure and simple. Its intent is to let teachers teach. I urge its adoption.

PRESIDING OFFICER: (SENATOR LUFT)

All right, the question is, shall House Bill 1301 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 36, 23 voting No, none voting Present. House Bill 1301 having received the required constitutional majority is declared passed. On the Order of 3rd Reading is House Bill 1310, Senator D'Arco. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1310.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. House Bill 1310 provides that field sanitation...under the Field Sanitation Act that farm operators must provide sanitary facilities whenever ten or more workers are employed regardless of the amount of time employed. Senator Keats had a question about the seed operators and that's been resolved, and I don't know of any opposition. Ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Fawell.

SENATOR FAWELL:

Thank you. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR LUFT)

He indicates he'll yield.

SENATOR FAWELL:

Couple of years ago we had a similar bill and I was talking to some of the farmers and some of the agricultural workers and at the time they were saying that the problem with a bill like this is that the fields are quite frequently larger than this and that when you talk about doing this you're talking about, in effect, taking one of these...portable sanitary toilets and putting it in the middle of a field and, in fact, some of the comments that were made by some of the farmers, and I believe Senator Demuzio was the one that made the comment, was that...you know, are you going to put this thing on wheels and...and run it over a field? You know, I'm not a farmer, but that was the conversation held a couple of years ago. I wish some farmer would get up and tell me if this a good bill or not.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? I think Senator Maitland is about to tell you that. Senator Maitland.

SENATOR MAITLAND:

Well, thank you, Mr. President and members of the Senate.

I...I remember debating this issue a couple of years ago and I thought we had the problem resolved, and I've got to admit to you not being on the...on the Ag. Committee and I guess this went through the Ag. Committee, assume it did, I didn't even know the bill was around...I guess it went through Labor and Commerce but, nonetheless, let me...might I ask the...the sponsor a question?

PRESIDING OFFICER: (SENATOR LUFT)

He indicates he'll yield.

SENATOR MAITLAND:

Senator D'Arco, I...I'm a farmer. I think you probably know that and...and we from time to time have young men and women who...who walk our bean fields and glean the weeds. As I recall, we had an exemption for this a...a couple of years ago. I'm wondering, are they included now in this legislation?

PRESIDING OFFICER: (SENATOR LUFT)

Senator D'Arco.

SENATOR D'ARCO:

The exemption is out of the Act now and apparently the Farm Bureau has no problem with that, and as far as portable facilities for the workers, it seems to me that the Act already requires that sanitation facilities be in the fields so that you have to give these people proper facilities now, and all this is doing is saying that every quarter mile or so they have a right to have a facility there in order...in order for them to do their work properly. I don't think that's horrendous. I don't know anybody who does and I think that this is a good provision.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Maitland, again.

SENATOR MAITLAND:

Well, Senator D'Arco, this is a terrible bill. You know, I...two years ago, again, we supported a reasonable bill to

deal with the issue that you're...really trying to deal with, but this affects virtually every farmer in this state. I mean, we have ten or twelve or fifteen young men and women who come out and walk soybean fields, we have crews that...that help bail hay. It just...this thing covers a very broad area. I don't know why you want to do this. Senator Joyce, you're on that side of the aisle, maybe you can convince them it's a bad bill, but I think this bill ought to be defeated.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Jerome Joyce.

SENATOR JEROME JOYCE:

Yes, thank you. I...we did go through this...I don't...it...it went through Public Health Committee and I'm not on that committee either. You know, we have half mile rows and to put port-a-potties in the middle of a field would be impossible...well, it wouldn't be impossible but it'd sure be impractical. I...I just think that, you know, when the...when the rounds are half mile long, that makes it pretty prohibitive. I don't know where...the farm...Farm Bureau was mentioned...the last time this came up they didn't take any objection to it either, it's a...I...I don't know why they didn't do that, but...I think it certainly needs a little more looking at.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Donahue.

SENATOR DONAHUE:

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

PRESIDING OFFICER: (SENATOR LUFT)

He indicates he'll yield.

SENATOR DONAHUE:

Well, first of all, this went through the Senate Labor and Commerce Committee. It didn't go to Ag. and it didn't go to Public Health, both of which I'm on, but I have a question

about Committee Amendment No. 1. Is that still on the bill?

PRESIDING OFFICER: (SENATOR LUFT)

Senator D'Arco.

SENATOR D'ARCO:

Yeah, that's still on the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Donahue.

SENATOR DONAHUE:

As I read our analysis of Committee Amendment No. 1, it changes the definition of agriculture worker to any individual who is engaged in employment involving the harvesting, planting or cultivating of food or nursery products by manual labor, and I think that this would be devastating to our farm communities as it reads right now and...go ahead and respond. You're shaking your head.

PRESIDING OFFICER: (SENATOR LUFT)

You wish to respond, Senator D'Arco? Senator D'Arco. We have two lights flashing and, Senator D'Arco, you have to close. So, let's try to hurry this up a little bit.

SENATOR D'ARCO:

Let me...let me explain that. We added...we added the words "by manual labor" to the existing law so that what we meant by someone who is doing labor was someone who is doing labor in the fields. So, it would be exclusive in that sense in that it only pertained to those people who are working in the fields, not somebody who is working for the farmer in some other capacity. By adding the words "manual labor," we limited it to those workers who are doing the work in the fields only.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Donahue.

SENATOR DONAHUE:

Well,...I'm not...I don't happen to be a farmer, but I assume that that's detasseling of corn and things of this

nature are covered under that definition, and that's very harmful, Senator D'Arco, and I would hope we could defeat this legislation.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator D'Daniel.

SENATOR D'DANIEL:

Thank you, Mr. President. I...you know, I...I think if this addressed migrate workers or...or workers that were taking care of specialty crops, it...there'd be no problem with it, but...I think if this addresses all of agriculture, I...I think there's a problem. I know...I farmed on a large scale and had more than ten farmer...employees but they were scattered out over five or six miles, and I...I don't think the detasseling is probably any problem 'cause they probably have facilities within, but I think if this is...the thing maybe should be amended to...to just address the migrate worker or the...or the specialty crop worker and...and I'm not sure it does that. Does it do that?

PRESIDING OFFICER: (SENATOR LUFT)

Senator D'Arco.

SENATOR D'ARCO:

Yeah, it just applies that of the migrate worker because we limited it to manual labor, you know, and that was the reason for the amendment, so it only applies to...the migrate worker whose doing...well, you know, you're...you're nodding like...you know, you know what you're talking about. The fact is, it applies to manual laborers. Now, you know, those are the people that work with their hands in the fields. I don't know how else to explain it to you.

PRESIDING OFFICER: (SENATOR LUFT)

Is there further discussion? Senator Schuneman. Can we have some order, please. We're getting a little out of hand.

SENATOR SCHUNEMAN:

Question of the sponsor, Mr. President.

PRESIDING OFFICER: (SENATOR LUFT)

He indicates he'll yield.

SENATOR SCHUNEMAN:

Senator, where in the bill does it say that this only applies to migrate workers?

PRESIDING OFFICER: (SENATOR LUFT)

Senator D'Arco.

SENATOR D'ARCO:

It says, "manual laborers," you know? You know, those are...what's the difference?

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, to close, I think the sponsor's last question illustrates what's wrong here is a complete lack of understanding of Illinois agriculture. This is a terrible bill for...for traditional Illinois agriculture because whether you think so or not, Illinois agriculture involves a lot of manual labor. There's still a lot of people walking bean fields. There's still a lot of people making hay. There's still a lot of...of heavy manual labor and if the bill were amended to only apply to migrate workers, it would be one thing, but that isn't what it says. Nowhere in the bill that I can find does it mention migrate workers. This bill applies to Illinois agriculture. It should be stopped.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator D'Arco to close.

SENATOR D'ARCO:

Well, Cal, you and I finally agree on something. You're right, it applies to manual laborers and I don't care who

they are. I don't care what title you give them, this bill applies. And I'm going to tell you something, if you think this is bad, you haven't seen anything yet, because the USHA regulations are going to mandate this under the Federal law. So, the question is, do you want the Department of Public Health to regulate this activity or do you want the Federal Government to regulate it? That's the issue. Make no mistake about it, farmers, that's the issue. You either want IDPA to regulate it or you want OSHA to regulate it because it's going to be the same across the board. All these farm activities are regulated and will be regulated and, John, the exemption came out because the OSHA regs. required it to come out. That's why the exemption came out. I...I would prefer the exemption to be in there. Okay? So, I want to leave it in the State of Illinois. I want the State of Illinois to regulate these kinds of activities, not the Federal Government, and that's why the Farm Bureau supports this bill because they want Illinois to regulate the activities; and as far as portable toilets are concerned, Beverly, they're the most efficient way to provide the service to these people. So, take it upon yourself, whatever you want to do with this bill is fine with me, but I'm telling you, this is the way to go.

PRESIDING OFFICER: (SENATOR LUFT)

The question is, shall House Bill 13 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Aye are 20, 37 voting Nay, none voting Present. House Bill 1310 having failed to receive the required constitutional majority is declared lost. On the Order of 3rd Reading is House Bill 1319, Senator Friedland. Is Senator Friedland in the Chamber? On the Order of 3rd Reading is House Bill 1320, Senator Demuzio. Read the bill, please, Mr.

Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1320.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 1320 started out as a bill that would provide that during the harvest season that vehicles of two axles...two-axle single vehicles would be exempt from the permit process and provide that they could exceed their weight limits by thirty-five percent if they were...hauling or moving loads of corn, sweet corn, soybeans, wheat, milo or other grains in silage only during the harvest season. Representative Klemm put an amendment on it that would grant relief from liability to local authorities for injury or damage to persons or property that arise out of the use of private streets or roads, I assume that means in subdivisions and...for such private streets and roads to enforce provisions of the code except for willful and wanton misconduct. I am not as familiar with that particular section of this bill as I am with the one that provides that during their harvest season that no permits will be required for the two-axle single vehicles. I would ask...be happy to respond to any questions.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Davidson.

SENATOR DAVIDSON:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR LUFT)

He indicates he'll yield.

SENATOR DAVIDSON:

Senator Demuzio, isn't it presently the law that these individuals can get a permit by calling IDOT and for a ten dollar fee which waives...they can cross that bridge or whatever as many times as they want by simply calling IDOT and sending it in? Isn't that correct?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Demuzio.

SENATOR DEMUZIO:

Yes, I think what you alluding to is the...is the bridge issue which, in fact, we talked about in committee in which I responded to you during that period of time that this simply does not exempt any farm vehicle that exceeds the weight limits by thirty-five percent to afford them the opportunity to legally cross any bridge.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Davidson.

SENATOR DAVIDSON:

That's true, you did respond, but let me ask you this question. Isn't it true before IDOT issues that permit, they check the bridges along the routes to make sure these bridges can accommodate any excess load?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Demuzio.

SENATOR DEMUZIO:

Well, I don't have firsthand knowledge of that, but I am told the answer to that is yes.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Davidson.

SENATOR DAVIDSON:

Well,...and...and as you stated earlier and as you stated in committee...you give them the permit, it doesn't allow them to exceed the weight limit on the bridge. Now, you grew up in the farm community and so did I; in fact, I grew up on a farm and I got a number of relatives who farm, and as most

of...some of the others that are in here have the same situation, and I'll lay you odds if this bill would become law, you're going to have those people exceeding that weight limit regularly, you know that and I know that, so they did exceed it and someone might once in ten years give them a ticket, but in the meantime, who's going to check the bridge that's going to collapse and who's going to be responsible if it kills somebody?

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator O'Daniel.

SENATOR O'DANIEL:

Mr. President, I rise in support of this legislation. I see Senator Davidson doesn't understand the legislation any better now than he did in committee. This doesn't exceed the limit at all...I mean, the bridge limit or anything and...and all this does is clear up some existing legislation that was passed here a few years ago where they have to have a permit to...for every time they...they go on the road. This...this gives them a blanket permit and there...there isn't anything about this legislation. This just lets them...not overweight, but get overlicensing...overaxles is all it does. They have to have a license plate to...to carry that weight. It just let's them get overaxed. If the load isn't distributed evenly over the entire body of the truck, then the...then they...they won't be liable for any...any kind of a fine. This doesn't have anything to do with overloading the bridges or anything.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Davidson, you wish to speak again? Senator Davidson.

SENATOR DAVIDSON:

I'm sorry to speak a second time but seeing that he mentioned by name, I understand it clearly and I also have...IDOT claims that those vehicles which are allowed to

be overweight on one axle damage is three times...three times more than a legal loaded truck. Sure, you're not expanding the...the gross weight, I understand that clearly, but what you're doing is increasing the load per axle and that's where the damage is done. You know that...you're...you were in the trucking business or part of your family were, you know that, I know...anybody in here. Any time you overload that axle, you compound the amount of damage done because of the pounding by that extra weight on that axle, that's why the...the laws are written so that you have a gross weight and then you have an axle...so they don't overload that axle so it can compound the problems that you're creating. I understand clearly. For those people who want to vote for this, you're talking about four hundred and fifty bridges in the state system, thirty-six hundred of them in township system also who are going to be subject to damage on this kind of a situation and I urge you all to vote No.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Demuzio, you wish to close?

SENATOR DEMUZIO:

Yes, I...

PRESIDING OFFICER: (SENATOR LUFT)

I'm sorry. I'm sorry. Senator Watson.

SENATOR WATSON:

Yes, thank you, Mr. President. I'd like to rise in support of this and explain one more time that this does not change the maximum weight on bridges. It has absolutely nothing to do with that. It doesn't change that whatsoever, and I have a situation in my district and I know many of you in the rural area have the same kind of a situation where here comes the harvest season and then some poor guy out there that's trying to make it plowing the fields and brings in his corn and the...and the state police set up a portable scale and nail this guy and he has to pay a big exorbitant

fine for being four thousand pounds overweight, I...I think is...is ridiculous, and this...this legislation will...will help in regard to that and help the ag. community. I think it's a good piece of legislation and support it.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Demuzio to close.

SENATOR DEMUZIO:

Well, I...I have to concur with...with Senator Watson that, again, the misrepresentation as to this would afford them any opportunity to...to be overweight on bridges is totally inaccurate and...and I think the points have been made and I would ask for support of the Senate.

PRESIDING OFFICER: (SENATOR LUFT)

The question is, shall House Bill 1320 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 45, 10 voting Nay, none voting Present. House Bill 1320 having received the required constitutional majority is declared passed. On the Order of 3rd Reading is House Bill 1326, Senator Lechowicz. Out of the record. On the Order of 3rd Reading is House Bill 1336, Senator Donahue. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1336.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. Before I talk on the bill, I'd like to rise on a point of personal privilege, please.

PRESIDING OFFICER: (SENATOR LUFT)

State your point.

SENATOR DONAHUE:

In the gallery is one of my favorite future voters and his family, Jimmy Flynn, and the Flynn's are here from Quincy and I'd just like to have them rise and be recognized.

PRESIDING OFFICER: (SENATOR LUFT)

Would our guests please rise and be recognized by the Senate.

SENATOR DONAHUE:

Okay. Senate Bill...or House Bill 1336 amends the Public Aid Code and it enables the Department of Public Aid to improve the administration of public assistance programs and it's just kind of a clarifying bill and I know of no opposition. I would move for its adoption.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall House Bill 1336 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 57, none voting Nay, none voting Present. House Bill 1336 having received the require constitutional majority is declared passed. On the Order of 3rd Reading is House Bill 1353, Senator Brookins. Senator Brookins, House Bill 1353. Out of the record. On the Order of House Bills 3rd Reading is House Bill 1359, Senator Jerome Joyce. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1359.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Joyce.

SENATOR JEROME JOYCE:

Thank you, Mr. President. This permits the Emergency

Service and Disaster Agency to issue exemptions from filing chemical safety contingency plans requiring...requires ESDA and EPA to develop an informational and technical assistance program related to emergency preparedness. This bill allows ESDA to exempt businesses if they have a...if a business has just a...a minuscule amount of chemicals that are stored, used or manufactured...an innocuous amount is what it says. I'd...happy to answer any questions.

PRESIDING OFFICER: (SENATOR LUFT)

...discussion? Discussion? If not, the question is, shall House Bill 1359 pass. Those in favor will vote...vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 57, 1 voting No, none voting Present. House Bill 1359 having received the required constitutional majority is declared passed. On the Order of 3rd Reading is House Bill 1365, Senator Smith. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1365.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 1365 seeks merely to increase the tax levy of six percent...one hundred dollars to equalize assessed valuation to eight percent and to...so that they can continue the operation of the school playgrounds, the...the social center programs and the restoration of the summer swimming pools for this coming year. The present tax of six percent was established in 1969, and it is inadequate to pro-

vide for a full operation program for this summer. There would be no impact on state finance but it will be essential to meet the community demands that will require the increase of two million dollars over four hundred and fifty thousand dollars current allocated. Restoration of the summer swimming pool program will require an increase of this needed money. I'm asking that you be considerate in this because this is merely increase is going strictly for the children of our schools to help with the buildings and their summer program. No adult salaries or anything is involved in this and I'm asking for your consideration...

PRESIDING OFFICER: (SENATOR LUFT)

Discussion?

SENATOR SMITH:

...because it's sorely needed.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? If not, the question is, shall House bill 1365 pass. Those in favor shall vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 37, 18 voting No, none voting Present. House Bill 1365 having received the required constitutional majority is declared passed. On the Order of 3rd Reading is House Bill 1368, Senator Lechowicz. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1368.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President. House Bill 1368 appropriates three million six hundred and eighty-four thousand dollars

for the ordinary and contingent expenses for the state's attorney's appellate prosecutor. This is an amount which is two hundred and ninety thousand dollars below its introduced level of three million nine hundred and seventy-five thousand dollars. The GRF total equals two million two hundred and ninety-six thousand in other state and federal funds, total one million three hundred and eighty thousand dollars. I'll be more than happy to answer any questions; if not, I ask for your support.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall House Bill 1368 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 55, none voting Nay and none voting Present. House Bill 1368 having received the required constitutional majority is declared passed. On the Order of House Bills 3rd Reading is House Bill 1391, Senator Berman. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1391.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House bill 1391 establishes a process whereby the...issuers of personal, private passenger automobile liability insurance would disclose their policy limits to the attorneys of a claimant would...to a claimant. The bill requires that a description of the nature and extent of the injuries, amount of medical bills, copy of medical records be

supplied in order to require this disclosure. The purpose of the bill is to cut down and minimize the amount of litigation involved where there is a question...affecting the question of the policy limits in a claim. Be glad to respond to any question. Ask for a favorable response.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? If not, the question is, shall House Bill 1391 pass. Those in favor shall vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary...or Madam Secretary. I'm sorry. On the question, the Ayes are 55, 2 voting No, none voting Present. House Bill 1391 having received the required constitutional majority is declared passed.

PRESIDING OFFICER: (SENATOR D'ARCO)

House Bill 1401, Senator Luft. House Bill 1411, Senator Netsch. Read the bill, Mrs. Secretary.

SECRETARY:

House Bill 1411.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. House Bill 1411 and House Bill 1412 which will, obviously, follow shortly are two extremely important bills to this legislative session that may actually have been somewhat overlooked by many because they are...are not a subject of controversy. They are so widely approved. They grew out of a study, "New Strategies for Tax Delinquent Properties in Chicago," which was done by a group under the Center for Neighborhood Technology aegis and what they do really is to address two fundamental problems that are not absolutely unique to Cook County and Chicago but certainly

are particularly important there. One is the problem of tax delinquency. There is a growing amount of property that is on the tax delinquent roles and it just goes...on year after year after year, and that is a terrible problem for the taxing districts in the Cook County and Chicago area because, obviously, they are losing that revenue. The other problem really is the abandonment of multifamily residential property and, therefore, the shortage of...of housing units available, particularly to low and moderate income families and these two things are very closely tied together. So, this package of bills is intended to dress...to address those two critical problems. The first one is...oh, let me add one other thing before I describe 1411. The groups who are supporting this package of legislation are virtually everyone in the Chicago metropolitan area and many statewide that are equally concerned about tax delinquency and the abandonment of residential housing and include, for example, the Center for Neighborhood Technology, Chicago United, the Urban League, the Civic Federation, the Cook County Assessor, the Illinois Housing Development Authority, the Statewide Housing Action Coalition and others. Now, just very briefly, House Bill 1411 is intended to permit, not mandate but permit, tax abatement to be determined by the governing body of a taxing district with respect to two new programs. One would involve multifamily residential property which is acquired pursuant to tax sales when the property is to be used for low income housing according to the HUD definition. In that case, abatement is permitted for a period up to ten years. The amount abated cannot exceed the total amount to be invested in the rehabilitation of the buildings which are the subject of the abatement. The second program would allow a tax abatement up to five years, again, only on multifamily residential properties when they are acquired if...by the city or county if the new owner is an incorporated...

PRESIDING OFFICER: (SENATOR D'ARCO)

Let's have some order, please.

SENATOR NETSCH:

...tenant association or a...a nonprofit organization that is involved with this kind of housing. Those are basically the two programs involved in House Bill 1411. It is permissive but it is a critical part of this program. I would be happy to answer any questions.

PRESIDING OFFICER: (SENATOR LUFT)

Any discussion? Any discussion? If not, the question is, shall House Bill 1411 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, one voting Present and House Bill 1411 having received the required constitutional majority is hereby declared passed. House Bill 1412, Senator Netsch. Read the bill, Madam Secretary.

SECRETARY:

House Bill 1412.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Netsch.

SENATOR NETSCH:

Thank you. This is the second part of the two...the two-part legislative package. In brief, again, it reduces from five to two years the period during which property is in tax...delinquency before it may be put up for scavenger sale. That will, again, allow us to get at this property before it has deteriorated to the point where it cannot be reclaimed effectively by anyone. The bill also increases the circumstances under which a receivership for tax delinquent property may be appointed, again, with the same purpose in mind.

And, finally, it permits where tax delinquent property or property acquired by the city or county pursuant to the foreclosure of other liens is, in fact, acquired where it is allowed to be used by a tenant association or other groups that are going to rehab. the party...the property, that must be made known by the...by notices which are authorized to be placed by the city or county. Again,...critical part of the attempt to both collect more taxes and to prevent the deterioration of the housing market.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and members of the Senate. I realize that this is intended to just address multifamily...I guess six units or more. So, we're talking about the bigger structures or housing, but my concern is that if we get into a very serious recession or a depression, a two-year period may not be a very long time to...to...you may not be able to pay your taxes, even...and I'm talking about the good people. I'm going to support this, but I...I do think there is potentially a...a problem involved with this if we get into some very serious financial depression.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Netsch to close.

SENATOR NETSCH:

...again, just very briefly, both of these bills, including House Bill 1412, are extremely important to the long-range interests of both recovering lost taxes and preventing the abandonment of housing in any area of the state, but this is particularly directed at Cook County and Chicago and I would earnestly...ask for your support.

PRESIDING OFFICER: (SENATOR D'ARCO)

The question is, shall House Bill 1412 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open.

HB 1415
3rd reading

Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. House Bill 1412 having received the required constitutional majority is hereby declared passed. House Bill 1415, Senator Jeremiah Joyce. Read the bill, Madam Secretary.

SECRETARY:

House Bill 1415.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President and members of the Senate. 1415 has two provisions, one that requires that an abortion be performed in a hospital if the fetus is viable some time after the twenty week period. The other part clarifies the present law with respect to a doctor's right to refuse to actively perform or assist in diagnostic tests which would...determine abnormalities which would lead to a...an abortion. The bill is supported by Right-to-Life, I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? Any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President and Ladies and Gentlemen of the Senate, I find no fault with the antiabortion provision in it; however, I do find fault where the doctor...does not have to counsel or suggest or recommend or do anything about diagnostic testing to someone who is pregnant and that might cause the life of that person. And I do object to that provision of the bill and I did in committee and, therefore, although I am in favor of the first half of that bill, I cannot be for the last half of that bill because I think it's

dangerous to the women who are pregnant being counseled by...by these doctors who do not...will not give any advice on anything if they ask them, if they don't want to, simply because they feel it's against their conscience to speak. So, therefore, I'm going to vote...vote Present.

PRESIDING OFFICER: (SENATOR D'ARCO)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you, very much, Mr. President. I would like to just read just a very brief paragraph from letters that we all have received and perhaps some of you missed it. One is from the Lutheran General Prenatal Center and it's signed by five different doctors. It talks about this bill and it says, "It is our experience that individuals may be too afraid to undertake a pregnancy if they remain ignorant of the testing options available. Such options very rarely result in the ending of a pregnancy; far more often, the options allow one to undertake and continue a pregnancy. A patient has the right to be educated, not to remain ignorant about the options available, then the patient can use his or her right of conscience to make the informed decision." Another one from the Cook County Hospital, let me briefly say that says basically the same thing. It is this...it says, "It is my understanding...that under this bill not only may a doctor withhold information regarding prenatal diagnosis, but he or she may potentially also choose to...withhold the results of a prenatal diagnostic test. Though many couples do choose pregnancy termination when test results are abnormal, there are also more couples who use this information to prepare both medically and emotionally for the birth of their handicapped child. As a professional who works very closely on a day-to-day basis with patients who are in the unfortunate situation of dealing with their children with...with genetically inherited birth defects, I feel that it is

vitaly important that doctors inform their patients of the best quality prenatal care that is available to them including prenatal diagnosis. Upon informing the patients of these options, the patient then has the opportunity to make the best decisions within their own moral and ethical value for their own family." What we are doing with this bill basically is taking that right away of whether a person has the right to know in advance whether that child that they have conceived is going to be a normal child or not. A lot of people who do have what we consider not normal children have made the choice to have those children but at least they have been prepared for that. I don't think we have the right to take that away. If, indeed, as the bill was talked about it, it is just the right of the doctor's conscience to not perform these tests, I would be in agreeance with this bill, but that is not what the bill says. The bill says that he can also withhold that information from the parents, and since it does that type of...withholds that type of information, I will have to oppose the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR D'ARCO)

He indicates he will yield.

SENATOR HAWKINSON:

Senator, that's the...the crucial distinction with me on this legislation as well and that's why I want to ask the...the question. I have the analysis in front of me but not the language of the bill. Does this bill allow a doctor to withhold the information completely from his patient or her patient or does it merely allow the doctor not to advise or perform the procedure? In other words, will the patient

in all circumstances still be advised of this available procedure?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Number one, the doctor may not withhold any information that he has with respect to the patient's condition. He may not withhold any information that he has received or obtained as a result of tests. He may...he will advise the patient that these tests are available in those situations where he himself does not...he or she does not want to actively participate in any of these. That's what the bill says.

PRESIDING OFFICER: (SENATOR D'ARCO)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you. I'm not sure that that...that quite does it, Senator Joyce, and...and I wonder, Senator Hawkinson, if...if I might just read the language as such because it seems to me that...that it really is a matter of very serious concern, that it goes much beyond that. "Such physician shall be under no duty to perform...to perform, assist, counsel, suggest, recommend, refer or participate in any way in any form of medical practice or medical care that is contrary to his or her conscience." That's existing law, now this is the new language beginning. "Including but not limited to his or her refusal to perform, assist, counsel, suggest, recommend, refer or participate in diagnostic testing to detect fetal abnormalities which may lead to an abortion regardless of whether such tests are considered routine or normal medical practice." That is the exact language and it seems to me that it does, indeed, permit the physician not to recommend, counsel the availability of the tests or anything related to it; and...and however you feel about the...the general conscience right of a physician to...not to engage in an abor-

tion is something which I could respect, it seems to me that...that this goes way beyond that and does deal with tests that are life saving not only of the mother but of the...the fetus also, and I think it's...it's way beyond the bounds.

PRESIDING OFFICER: (SENATOR D'ARCO)

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, if I may ask a question of the sponsor, sir.

PRESIDING OFFICER: (SENATOR D'ARCO)

He...he indicates he will yield.

SENATOR TOPINKA:

First of all,...in...in...in concurrence or at least in the queasiness, I suppose, with the language that Senator Netsch has just read and also with the uneasiness here about how this impacts on just good medical practice and public health and that's just...with that as the background, if I might just question. If a physician now would...would live under your proposed bill, this physician could put forward the fact that these procedures exist period and not go beyond that in any type of a judgmental way? Is that what your bill says and is that what it is limited to?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

What...what Senator Netsch has just said...basically her interpretation and what she read to you is in error. There are five states that have this, okay...she did interpret, Senator Collins, you could put your...button on and tell us. You...what I have said and what this bill provides is that the doctor can inform you of the availability of the tests, that these tests exist, he does not have to say, you go down to this clinic or you go to this doctor or you go to this place...he...he doesn't suggest, he doesn't refer, he doesn't

recommend, he doesn't advise. He'll say, we...tests are available to determine this, this, this and this; I will not do those tests, end of conversation.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Topinka.

SENATOR TOPINKA:

Okay, so he just puts that out in a nonjudgmental fashion. Does this preclude him in any way from saying, I don't...I don't go along with these tests, I don't get involved in these tests, I don't approve of these tests, whatever; therefore, if you wish to go elsewhere, I have no problem with that. Does it preclude him from doing that?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

No.

PRESIDING OFFICER: (SENATOR D'ARCO)

Further discussion? Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and members of the Senate. I think that a doctor or any medical profession...person...professional should have a right to refuse. This...this allows them to refuse participating in an abortion procedure, and if they by conscience do not want to, I don't think that they should be forced to nor provide the information if they don't believe, because if they do provide that information to the...the parent...to the mother, we know that it's going to increase the incident of abortion, if it's known, in fact, that there is an abnormality. We even know right now because of advanced...so-called advance medical techniques that a child's sex has even entered into it where there's an increase incident of abortion if the parents know of a particular sex and they don't want that sex. So this is an excellent proposal, it's supported by Illinois

Right-to-Life. I am very proud to support Senator Joyce.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Senator Joyce, would you yield to a question?

PRESIDING OFFICER: (SENATOR D'ARCO)

He indicates he will yield.

SENATOR BERMAN:

I'm looking through the file and I'm looking at the...Senator Joyce,...Senator Joyce, I'm looking through the file for the committee notes and I don't see a witness slip from the Illinois State Medical Society. Did they appear at the hearing?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

I don't honestly recall.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Berman.

SENATOR BERMAN:

Do you know if they have a position on this bill?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Joyce.

SENATOR JEREMIAH JOYCE:

No, I don't.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Berman.

SENATOR BERMAN:

All right, on...on the bill. I...I listened very carefully to Senator Netsch's comments and Senator Joyce's response and I...I'm reading the bill and maybe courts have interpreted this different than the way I read it, but I am greatly disturbed by this language because...and I'm greatly

disturbed by the absence of the Medical Society. Senator Netsch read this to us and I've got to tell you that in the plain language...plain new language of the bill...

PRESIDING OFFICER: (SENATOR D'ARCO)

...let's have some order, ladies and gentlemen.

SENATOR BERMAN:

...in the plain language of the bill, under this bill the doctor can refuse to assist, counsel, suggest, recommend or refer a patient that...regarding diagnostic testing to detect fetal abnormalities. Now, ladies and gentlemen, I can understand...and I think our existing law says that a doctor doesn't have to participate in an abortion, but a doctor takes an oath to counsel and to recommend and to guide their patient. This bill gives the sanction of law to prevent that and I find it very interesting and I...I hope the...representatives from the Medical Society are listening. They take positions on dozens of bills in this General Assembly. This bill undermines the very oath of their profession. How they could allow this bill to be heard without taking a strong position in opposition, I cannot understand that. If I go to a doctor who has been...highly recommended and let me...let us say that that doctor...or I take my wife to a doctor and she is pregnant and it turns out that that doctor happens to be a believer in the right-to-life movement, he doesn't want to participate in an abortion. I expect that doctor...I expect that doctor to say, Mr. Berman, I will not participate in an abortion, but let me tell you what is involved and I expect him to guide me and to guide my wife. That's the oath that he is pledged to, that is the basis upon which we license him in this state. I think this is outrageous...outrageous, not for the bill, but for the Medical Society to be silent. I'm...I'm ashamed for them and I think that this is a terrible imposition on what the people of Illinois expect from their doctors. I'm not talking about

the right-to-lifers or otherwise, I'm talking about the wall...the wall that this bill creates between patient and doctor, and you've heard me on this Floor defending attorney and client...relationships. In my opinion, those are sacrosanct, same with parishioner and clergyman and doctor and patient and this bill puts a wall between that. I urge a No vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, I regret that I'm rising a second time. I'd just like to quote from our analysis, "The existing law gives immunity to a doctor who refuses to perform a medical procedure against his conscience, but the existing law still retains the duty in that physician to inform the patient of his or her condition." Now...if you pass this bill, that duty is eliminated on the part of the doctor and I think that's wrong and I'd heartily concur with Senator Berman's remarks. This bill would be a devastating...have a devastating effect on the...on the health of a woman who is pregnant if a doctor doesn't have the duty anymore to do what is right.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Collins.

SENATOR COLLINS:

Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR D'ARCO)

He indicates he will yield.

SENATOR COLLINS:

Senator Joyce, I...I guess have a problem with how in practice that a doctor could, in fact, abide by this law as it is written...amended. Now let me give you an example. If...if a woman, which is happening more and more today, in her late thirties or maybe even early forties gets pregnant

under...and...and has that...that woman has some concerns about whether or not she will have some problems or something would be wrong with the child because that category...because of age is...is a high risk...is among the high risk. To ease her mind...and she goes to her doctor and she asks him if, in fact, he would perform the test of embryocentesis, I think it is, how then could a doctor say to her, under your bill, I don't want to...no, I will not do it because of my conscience but...you know...and...and then say...not say but you can go to someone else? So then what...he would be in violation of this law if he said to her, you...there's another doctor that will do it.

PRESIDING OFFICER: (SENATOR D'ARCO)

Was that a...are you asking him a question? I don't...I...

SENATOR COLLINS:

...I guess my...my real concern is, if he...if he then refuses to do it and then leave the lady in limbo there, how in God's name, you know, can...can you...can you justify that if he refuses to do it...

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Joyce.

SENATOR COLLINS:

...himself and refuse to recommend her to someone else?

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Joyce.

SENATOR JEREMIAH JOYCE:

Well, Senator Collins, he would...he can tell her that the test is available, that he will not do it. He...he has...he has no responsibility if we enact this to refer...as he does not now under the present law to refer her to a physician. And...and, Senator Berman, you're going to be a little bit more ashamed because now I am told that the Medical Society has reviewed this legislation and they have no

position on it. So, you know,...what we are saying here and...are there other speakers...I might as well as close.

PRESIDING OFFICER: (SENATOR D'ARCO)

...no, you might as well close.

SENATOR JEREMIAH JOYCE:

I might as well close. What we are saying is this that if the doctor knows that there is something wrong with the patient, he must tell her, that is...that is clear. He has no duty to actively...no active duty to refer her to somebody else or to recommend that one of these procedures be employed. Probably from where the Medical Society is coming, Senator Berman, is they believe that this is already the law, that this is present law so they have no position. I ask for your support.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. The question is, shall House Bill 1415 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 31 Ayes, 20 Nays, 4 voting Present and House Bill 1415 having received the required constitutional majority is hereby declared passed. Senator Berman, for what purpose do you arise?

SENATOR BERMAN:

Verification, please, Mr. President.

PRESIDING OFFICER: (SENATOR D'ARCO)

A verification of the affirmative vote has been requested. Will all members be in their seats. Madam Secretary, call the roll.

SECRETARY:

Davidson, Degnan, Demuzio, Donahue, Dudycz, Thomas Dunn, Etheredge, Friedland, Hall, Hawkinson, Hudson, Jeremiah Joyce, Jerome Joyce, Karpriel, Kelly, Kustra, Lechowicz, Luft,

Madigan, Mahar, Newhouse, O'Daniel, Philip, Poshard, Raica, Savickas, Vadalabene, Watson, Welch, Zito and Mr. President.

PRESIDING OFFICER: (SENATOR D'ARCO)

Do you question the presence of any Senator,...Senator Berman?

SENATOR BERMAN:

I won't question Rock and I won't question Philip.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Rock is in the Chamber.

SENATOR BERMAN:

I said, I won't. Senator Newhouse.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Newhouse. Is Senator Newhouse in the Chamber?

Senator Newhouse. Strike his name, Madam Secretary.

SENATOR BERMAN:

Senator Savickas.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Savickas is to the left of the Podium.

SENATOR BERMAN:

No other questions.

PRESIDING OFFICER: (SENATOR D'ARCO)

No other questions. On a verified roll call, the Ayes are 30, the Nays are 20 and 4 voting Present. The roll call here has been verified. House Bill 1429. Read the bill, Madam Secretary. Oh, I'm sorry,...I'm sorry, 1415...House Bill 1415 having received the required constitutional majority is hereby declared passed.

SECRETARY:

House Bill 1429.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Jones.

SENATOR JONES:

HB 1432
3rd Reading

Thank you, Mr. President and members of the Senate. House Bill 1429 is the real estate fee bill...real estate brokers fee bill as worked out and agreed between the R and E and the realtors. It increases the license as a salesperson to the rate of ten dollars for year from five dollars and that of a broker from ten dollars to twenty dollars. I...know of no opposition and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? Any discussion? Seeing none, the question is, shall House Bill 1429 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, 1 voting No, none voting Present and House Bill 1429 having received the required constitutional majority is hereby declared passed. House Bill 1430, Senator Jones. Take it out of the record. House Bill 1432, Senator Zito. Read the bill, Madam Secretary.

SECRETARY:

House Bill 1432.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Zito.

SENATOR ZITO:

Yes, thank you, Mr. President and members of the Senate. House Bill 1432 is the Pharmacy Practice Act sunset rewrite. This bill as amended represents the agreement of the Department of Registration and Education, the Illinois Pharmacists Association and the Illinois Retail Merchants Association regarding the Pharmacy Practice Act of 1987. Legislation extends the Act until 1987. It places two consumer members on the Board of Pharmacy and allows for the transfer of prescriptions between pharmacies. This bill is a product of

many hours of negotiations and I honestly know of no opposition and would urge for its passage.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? Any discussion? Seeing none, the question is, shall House Bill 1432 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, none voting...none voting No, 1 voting Present and House Bill 1432 having received the required constitutional majority is hereby declared passed. 1433, Senator Luft. Read the bill, Madam Secretary.

SECRETARY:

House Bill 1433.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. House Bill 1433 is the amendment we adopted to the bill yesterday. It rewrites the Nursing Home Administrators Licensing Act. It creates the Nursing Home Administrators Licensing and Disciplinary Board consisting of six nursing home administrators and public members appointed by the Governor. It sets forth requirements for an exam, continuing education, fees that must be assessed. It has...sets forth a disciplinary board and provides for penalties. This is an agreed bill between the nursing home industry and the Department of Registration...of Education, and I know of no opposition.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? Any discussion? Senator Schaffer.

SENATOR SCHAFFER:

Well, apparently, the bill is worked out between about a

thousand people, now representing the other eleven million. Here we go licensing another quasi-profession. I, frankly, know a lot of people who are nursing home administrators in my district. They're all wonderful folk. Why in the world we need to register them. Not one of them has contacted me on behalf of this bill; literally, not one person has contacted me saying there is any reason at all to license these people. I...I don't know what public interest is served by this licensure. I have heard of no public outcry, no legal reason, no adverse publicity, nothing. There's just no argument at all for licensing these people. I guess were going to license anything that moves, but, gosh, what this is going to mean, I assume, is it drives up the cost of nursing homes, which we don't want to fund anyway; but there is, as far as I know, no public interest served by this bit of added bureaucracy and regulation and, boy, please, think about what you put in your last campaign pamphlet and remember it on this roll call.

PRESIDING OFFICER: (SENATOR D'ARCO)

Further discussion? Senator Luft to close.

SENATOR LUFT:

Thank you, Mr. President. Senator Schaffer, this is a rewrite of the existing bill that was sunsetted by law. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR D'ARCO)

The question is, shall House Bill 1433 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 45, 11 voting No, 1 voting Present and House Bill 1433 having received the required constitutional majority is hereby declared passed. House Bill 1434, Senator Jones. Take it out of the record. House Bill 1446, Senator Vadalabene...Poshard. Sorry. Senator Poshard. Read the bill,

Madam Secretary.

SECRETARY:

House Bill 1446.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Poshard.

SENATOR POSHARD:

Yes, thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill would increase the annual salaries of all regional superintendents of schools by five thousand dollars. It started out at fifteen thousand dollars over in the House. It's been amended down to five thousand dollars. I'm not aware...I'm not sure that every member of the General Assembly is aware of all the duties and responsibilities the regional superintendents perform. Just let me give you an indication of some of those things. There are twenty-nine specific duties that the General Assembly has by law prescribed for the regional superintendents, and amongst...among those are the distribution of state funds, assuming responsibility relative to holding institutes and in-service workshops, directing and advising teachers and school officers. They have the responsibility of inspecting buildings and plans for buildings, appointing truant officers, running truant alternative programs, directing cooperative education programs, many lawful duties and responsibilities that we ourselves have prescribed for this office. Aside from that, there are all kinds of additional services that the regional superintendents offices have taken on voluntarily in the last several years. Some of these are adult education, education for employment programs, gifted ed. programs, the optional education programs, career guidance centers, adult basic education centers, math-science cooperatives, computer consortium cooperatives which many of our downstate districts

have...have formed through the regional superintendents. There's many duties and responsibilities here that justify this increase. It's a five thousand dollar increase over the next four-year period because these people are seated in August and they cannot come in for another raise while they're seated for four years until that term ends. So, this is fully justified and I would ask for your support of this bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? Senator Kustra.

END OF REEL

HB 1469
2nd Reading

REEL #5

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. It's with reluctance that I rise to oppose my colleague, Senator Poshard. I wish we could handle the issue of regional superintendents' salaries like we do with so many other pieces of legislation and that is separate downstate regional superintendents from Cook County. The only reason I rise to oppose this particular bill is because it does include the salary of the Cook County regional superintendent of education. Time and time again that man demonstrates that he's not worth what we pay him now much less give him an extra five thousand dollars, and until this bill takes his salary out of there, I can't support it.

PRESIDING OFFICER: (SENATOR D'ARCO)

Further discussion? Seeing none, Senator Poshard to close.

SENATOR POSHARD:

Well, Mr. President, I would just ask for favorable consideration of this bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

The question is, shall House Bill 1446 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 42, 11 voting No, 2 voting Present and House Bill 1446 having received the required constitutional majority is hereby declared passed. House Bill 1454, Senator Degnan. Senator Degnan here? Take it out of the record. House Bill 1469, Senator Carroll. Read the bill, Madam Secretary.

SECRETARY:

House Bill 1469.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill known as the Family Preservation Act of 1987 is designed to provide better statewide services for abuse and neglected children in an effort to preserve the family. The issue seems to be to make counseling more available to families in an effort to avoid as much trauma as possible and if appropriate try and maintain the child in an appropriately serviced family. Those services would be provided under the Juvenile Court Act through the auspices of the Department of Children and Family Services and would allow Illinois to comply with Federal Law 96-272 which is a necessary element of receiving Federal funds for child welfare. It appears to be an effective solution to the growing number of abused and neglected children...entering the welfare system. As I think most people know, it has a large cadre of support from those who have been...the not-for-profits providing service, most namely, the Child Care Association of Illinois. It has a minimal cost impact different from some original projections that allegedly came from the department. The fiscal note signed by the director indicates potentially the high point would be a three million dollar impact, but a very needed service and I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? Any discussion? Seeing none, the question is, shall House Bill 1469 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all

voted who wished? Take the record. On that question, the Ayes are 56, none voting...No, none voting Present and House Bill...1469 having received the required constitutional...majority is hereby declared passed...House Bill 1473, Senator Zito. Read the bill, Madam Secretary.

SECRETARY:

House Bill 1473.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Zito.

SENATOR ZITO:

Yes, thank you, Mr. President and members of the Senate. House Bill 1473 as amended now represents a simple change in the provisions of the circuit breaker pharmaceutical assistance program. The legislation assures that all licensed pharmacies in Illinois will have the right to participate in the program thereby guaranteeing the elderly and handicapped beneficiaries of this program that they will have its services readily accessible. The Department of Revenue has no objections to the bill in its current amended form and I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Just briefly and this is addressed in part to Senator Rigney. The part of the bill that increased the authorized fee, as Senator Zito has indicated, was removed and that is just subject to whatever the various parties decide at some point in the future. So the only part remaining in the bill is that which effectively permits all pharmacies to participate without having to sign a contract. That was the most important part of the bill. It remains intact and I think it is something that everyone

agrees is...is quite acceptable.

PRESIDING OFFICER: (SENATOR D'ARCO)

Further discussion? Seeing none, the question is, shall House Bill 1473 pass. Those in favor vote Aye. Those opposed vote No. 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, none voting No, 1 voting Present. House Bill 1473 having received the required constitutional majority is hereby declared passed. House Bill 1484, Senator Friedland. Read the bill, Madam Secretary.

SECRETARY:

House Bill 1484.

(Secretary reads title of bill)

3rd reading of the...(machine cutoff)...

PRESIDING OFFICER: (SENATOR D'ARCO)

What happened? Senator Friedland.

SENATOR FRIEDLAND:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 1484 establishes some procedures for investigations of child abuse in...in the schools, and it was on the Agreed Bill List and I removed it to add an effective date amendment. It's supported by the Association of School Boards, IEA, PTA and Principals Association. I'd urge your favorable consideration.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? Any discussion? Seeing none, the question is, shall House Bill 1484 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, none voting No, none voting Present and House Bill 1484 having received the required constitutional majority is hereby declared passed. House Bill 1485, Senator Weaver. Senator

Weaver, 1485? No, take it out of the record. House Bill 1498, Senator Lechowicz. Read the bill, Madam Secretary.

SECRETARY:

House Bill 1498.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 1498 was introduced at the request of the State's Attorney of Cook County. Mr. Daley recommended that the Juvenile Court Act provide that if a minor has been previously adjudicated delinquent for an act which is a felony, a motion to prosecute as an adult shall be allowed. Unfortunately, because of the serious rise in gang crime activity in the City of Chicago, I was...based upon the recommendation from his office that this bill...was introduced and I'll be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? Any discussion? Seeing none, the question is, shall House Bill 1498 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, 3 voting No, none voting Present and House Bill 1498 having received the required constitutional majority is hereby declared passed. House Bill 1508, Senator Schuneman. Read the bill, Madam Secretary.

SECRETARY:

House Bill 1508.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill came to the Senate as a rather insignificant election bill which would simply allow a village to decide to elect its village clerk rather than appoint the village clerk. But since the House apparently killed all the Senate bills on election issues that were passed out of the Senate and sent to the House, the Election Committee asked if they could use this bill as a vehicle bill to reinstate the Senate bills that had previously passed the Senate. So this bill now includes some eleven Senate bills under both Democrat and Republican sponsorship that we had passed out of the Senate by overwhelming majorities. Basically that's what it...what it does, it...it reinstates bills that we have previously passed out of here. Be happy to respond to any questions if there are any.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, I was just curious if...if there was...if Senate Bill 10 was included in this...in this provision.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Schuneman.

SENATOR SCHUNEMAN:

No, Senator, it is not and I...I would be happy to read the bill...the...recite the bills if you want me to.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Demuzio.

SENATOR DEMUZIO:

Well, Senate Bill 10 left here and left the House and is downstairs and I was just wondering maybe if you could find out what's going to happen to that and maybe we could take this one out of the record and if...we had a problem with

that one, we could amend that bill onto your bill and make sure it gets passed.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, Senator, I was one of the members who voted for that bill when it was here and...and if you'd like to take another roll call on it, I...I'd be happy to accommodate you. I don't think that's really what you want to do. Let me...I see some people nodding their heads that they'd like to know which bills are in here. This...this would reinstate Senate Bill 20 which was sponsored by Senators Collins, Jones and Smith, passed out of here 58 to 1; Senate Bill 88, by Senator Etheredge, passed out at 57 to nothing; Senate Bill 137 which was Dudycz, Degnan and Raica, 50 to 3; Senate Bill 176 sponsored by Senator Zito, passed at 52 to 3; Senate Bill 609 sponsored by Senators Degnan, Dudycz,...Lechowicz and Macdonald, 59 to nothing; Senate bill 641, Macdonald, Lechowicz, Dudycz and Degnan, 59 to nothing; Senator...Senate Bill 642, sponsored by Senators Macdonald and Dudycz, 59 to nothing; Senator Philip's bill, SB 644, 59 to nothing; Senator Demuzio's bill, Senate Bill 1208, 41 to 3; Senator Lechowicz' bill, SB 1319, which was passed 49 to 14; and Senate Bill 1320 by Senators Rock, Philip, Degnan and Dudycz which passed 58 to nothing.

PRESIDING OFFICER: (SENATOR D'ARCO)

Well, I think you've covered everybody. Let's see, Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I intend to support this bill. I was curious, however, as to the status of the what appears to be universally agreed need for an increase in the fees paid to the judges of election. Where are we with this one? It is in here

and...what level are we at and who pays it?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, if I may, I think I should defer to Senator Dudycz who is the minority spokesman here or the chairman, Senator Degnan, I think.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Dudycz.

SENATOR DUDYCYZ:

Yes, thank you, Mr. President. Senator Rock, are you...which bill are you referring to? Are you referring to the one sponsored by Senator Lechowicz, Senate Bill 1319?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Rock.

SENATOR ROCK:

No, I'm referring to House Bill 1508. I want to know...I've heard five different proposals as to the payment due to judges of election. I happen to think they are worth a hundred dollars a day, at least in the county that I represent, and I just want to know where we are, how much and who's paying it?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Dudycz.

SENATOR DUDYCYZ:

Yes, Senator Rock, the provision incorporated in 1508 is what we passed out of the Senate 49 to 14 as Senate Bill 1319, sponsored by Senator Lechowicz. It would increase the salary of election judges in DuPage and Cook Counties to one hundred dollars per day plus ten dollars additional for taking the training course. Currently, in the Cook and DuPage Counties, the election judges are paid only forty-five dollars per day, as you well know, and in the remainder of the state the judges are paid between thirty-five and fifty

dollars per day. And, in all cases, the judges who take the training course receive an extra ten dollars which the state pays, the counties pay the remainder of the salary. I hope that has answered your question, Senator.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Rock.

SENATOR ROCK:

Well,...all I want to do is...and I...and I agree that we...I think the Senate has a better version. My understanding is that the House in its lack of wisdom has now said that the judges of election are only worth sixty dollars a day and twenty-five...up to sixty...somewhere between zero and sixty and up to twenty-five if they take the...take the course. I just happen to think that we ought to feel strongly enough about this to stand firm as a...as a Senate and just say, look it, we're going to give you one more chance at this, let's make it a hundred.

PRESIDING OFFICER: (SENATOR D'ARCO)

Further discussion? Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Yes, Senator Rock, I agree with you. We haven't seen the House version of what they are proposing, all we know is what we have incorporated in House Bill 1508. And to Senator Demuzio, as you well know, Senate Bill 10 is currently on the Governor's Desk awaiting his signature, we have no control over that.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Woodyard.

SENATOR WOODYARD:

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

PRESIDING OFFICER: (SENATOR D'ARCO)

He indicates he will yield.

SENATOR WOODYARD:

Senator, I don't know whether you can answer this ques-

tion or not, but is this the only election bill that we now have?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Yes, it's my understanding that this is the only vehicle that's alive in the Senate.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Woodyard.

SENATOR WOODYARD:

Well, Senate Bill 745 is not in this...in this bill, is it...that deals with elected county highway superintendents?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Schuneman.

SENATOR SCHUNEMAN:

No. It...it is not and it's my understanding that this bill contains only those provisions that have been agreed to by both sides of the aisle. Apparently, that particular bill was not for some reason, I'm not familiar with the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Woodyard.

SENATOR WOODYARD:

Well, then, what we have is one county in the State of Illinois that happens to be in my district that by referendum opted to elect their county highway superintendent, and without Senate Bill 745 or any other mechanism, I don't know how on earth they can even hold an election for that but I guess nothing we can do about it now.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator DeAngelis.

SENATOR DeANGELIS:

Yeah, thank you, Mr. President. Could I have that vote on 1319 again, Senator Dudycz?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Dudycz.

SENATOR DUDYCYZ:

The vote on Senate Bill 1319 was 49-14.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator DeAngelis.

SENATOR DeANGELIS:

That has to be a Cook County vote, there's only fifty-nine members, that's...that's...that...no wonder we're in trouble.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Lechowicz.

SENATOR LECHOWICZ:

A point of order, Mr. President, those Republicans still can't count.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Ladies and gentlemen, any further discussion? Senator Degnan.

SENATOR DEGNAN:

Thank you, Mr. President. I thought I might answer Senator Woodyard's question. On 745 which was mistreated in the House after we sent it over there, I think there will be an opportunity again, Senator, to...to try that concept.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Rigney.

SENATOR RIGNEY:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR D'ARCO)

He indicates he'll yield.

SENATOR RIGNEY:

Are we passing this today for the purpose of getting it into a Conference Committee?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, I don't know that that's the avowed purpose, but that's...the likely outcome I think that this may very well become the election vehicle for the Session. We, as you know, Senator, can't control what the House does with these issues.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Rigney.

SENATOR RIGNEY:

Well, the reason I raise that issue is because I passed a bill out of here as I recall without a dissenting vote that didn't show up on this list, and I hope that we have not by this...taken an action to mean that we'll never see that again. I was kind of hoping that it would be revived somewhere along the way.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Dudycz.

SENATOR DUDYCZ:

Yes...yes, sir, Mr. President. To answer and to clarify my last answer to Senator DeAngelis, it was actually 44 to 14, it was a typographical error. And to Senator Lechowicz regarding our accounting techniques, those of us on Republican side, we learn very well from our Democratic colleagues in Cook County.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right, I think that'll do it. The question is, shall House Bill 1508 pass. Those in favor vote Aye. Those...opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, 3 voting No, 1 voting Present. House Bill 1508 having received the required constitutional majority is hereby declared passed. 1531, Senator Zito. Read the bill, Madam Secretary.

SECRETARY:

House Bill 1531.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Zito.

SENATOR ZITO:

Yes, thank you, Mr. President and members of the Senate. House Bill 1531 ensures that liquidated damage clauses in residential real estate contracts shall be in reasonable amounts and in an amount that compensates parties for the actual losses rather than the...losses which are dictated by a broker. This consumer oriented legislation is an effort to keep the initial liquidated damage percentage at a lower figure which is presumed. One of the reasons I ask you to endorse this concept is because at the time of the contract agreement, both the seller and the buyer have no idea of what that liquidated damage would, in fact, be. House Bill 1531 still allows the seller to require an unlimited amount of earnest money. I honestly believe that this concept...this is a concept that consumers desperately need and will not adversely affect the industry, the broker or the seller and I would ask for its passage.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? Any discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR D'ARCO)

He indicates he will yield.

SENATOR BARKHAUSEN:

Senator Zito, is...is...I haven't had a chance to...to check quite yet. Is this bill in the form it was in when it passed our committee?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Zito.

SENATOR ZITO:

Yes, Senator, it is.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members,...some of you may have heard from the Illinois Association of Realtors on this subject. My...my concern is that the...Mr. President, it...it's sort of hard to make oneself heard.

PRESIDING OFFICER: (SENATOR D'ARCO)

Let's have some order, please.

SENATOR BARKHAUSEN:

My concern is that the standard real estate contract that we're talking about that most people in the trade whether realtors or attorneys are used to dealing with these standard contracts provide for a ten percent earnest money deposit and further provide that upon the default of a buyer in a real estate transaction that that earnest money is...is potentially forfeited to the seller. And, it seems what we're doing here with this legislation is to break from longstanding tradition in the real estate trade and for no good reason or no reason that is...that is easy to...to fathom, and it just doesn't seem to be a compelling reason for us to come along and interfere with longstanding contractual practice in this area, and...and for that reason, I would suggest that we probably ought to withhold our support here.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I couldn't disagree more with Senator Barkhausen. This piece of legislation is intended to afford some legitimate protection to a potential residential home buyer, and it says very simply that if for one reason or another that buyer

cannot fulfill the contract...cannot go through with the purchase, you can't lag him for anymore than three percent as liquidated damages. So if you're going to buy a twenty-five thousand dollar bungalow, instead of getting whacked for twenty-five hundred as the earnest money as liquidated damages, we're saying in recognition of the fact that this is a residential purchaser...this is a consumer, this is the little guy, this isn't the First National Bank buying the...the corner of State and Madison, we're saying you can't get any more than three percent because everybody well knows that you're...you, Mr. Real Estate person, are going to be able to turn that house and...and just sell it immediately anyway. Three percent is plenty, that's all this says, it's not that big a deal. It doesn't abrogate anybody's existing contractual rights or obligations. It just says three percent of the purchase price is plenty for liquidated damages. I urge an Aye vote on House Bill 1531.

PRESIDING OFFICER: (SENATOR D'ARCO)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR D'ARCO)

He indicates he will yield.

SENATOR HAWKINSON:

Senator, does this...will this legislation apply to contracts for deed between two private parties that are to be performed within one year?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Zito.

SENATOR ZITO:

No.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Hawkinson.

SENATOR HAWKINSON:

Even if they're to be performed within one year?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Zito.

SENATOR ZITO:

The answer still is no, Senator.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator...further discussion? Senator Alexander.

SENATOR ALEXANDER:

Thank you, Mr. President. I agree with President Rock in part, but I cannot agree with the three percent interest amount that is going to be effected in this bill. It means that if I was buying a house for a hundred thousand dollars and put up five thousand dollars of my earnest money and with times being as...they are, five thousand dollars is a lot of money to some people; and if just before I...close the deal, I refuse to close or for some other reason I lose my job, let's say, and I cannot go forth with my closing, then the person who's selling the home would be entitled to three thousand dollars of my earnest money and I would receive two. And I think that percentage amount is just a little high for a person out there at this particular time. I understand what you're trying to do, Senator Zito, is to protect the buyer, but I do think that...the percentage point is too high for the way the homes are today and the conditions as they are.

PRESIDING OFFICER: (SENATOR D'ARCO)

...further discussion? Senator Rock.

SENATOR ROCK:

Just a point of order so that the...the gentielady does not misapprehend what I said. Current law affords the...the seller the opportunity to collect the entire earnest money, whether it's five or ten or fifteen or whatever it is, usually in an amount of ten percent of the...of the proposed

purchase price. This says whatever amount of earnest money I put down, the most you can get...in the event that I default is three percent, the most you can get instead of the ten or the five or whatever.

PRESIDING OFFICER: (SENATOR D'ARCO)

Further discussion? Senator Zito to close.

SENATOR ZITO:

Well, thank you, Mr...President and members. I honestly believe that the three percent figure again is an assumed or a presumption and if there are no other circumstances, the seller may, in fact, demonstrate those and recover even more. Senator Barkhausen spoke of standards, I'm not so sure any standard of a contract is something that the consumer certainly can live with. I think this is fair, I think it's reasonable and I would honestly urge for your adoption of this consumer oriented legislation.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. The...the question is, shall House bill 1531 pass. Those in favor vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, the Ayes are 19, the Nays are 36, 1 voting Present. House bill 1531 having failed to receive the required constitutional majority is hereby declared lost. Senator Zito, for what purpose do you arise?

SENATOR ZITO:

I'd just like to remind everybody, that...that was Representative Farley's bill, he will get a roll call and I'm sure he'll be visiting you. Thank you.

PRESIDING OFFICER: (SENATOR D'ARCO)

House bill 1556, Senator Schaffer. Senator Schaffer. Read the bill, Madam Secretary...Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1556.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and members of the Senate, before I address the bill, I would like to acknowledge the presence on the Senate Floor of three 4-H's from my district and from Senator Barkhausen's district, Paul McCloud and Laura Sherwitz, I'm going to mispronounce it, and Tony Salamore, all of Lake County and northern Cook who are behind us here in the Senate.

PRESIDING OFFICER: (SENATOR D'ARCO)

Will our guests in...in the Chambers please stand and be recognized by the Senate. Welcome to Springfield.

SENATOR SCHAFFER:

They're obviously astute, they have concluded that we're a much more deliberative Body than the House, the only logical conclusion. This bill...Senate Bill...pardon me, House Bill 1556 is one that's been proposed and supported by some of the state's attorneys and the Mothers Against Drunk Driving from my area. And what it does is amends the Bill of Rights for Victims and Witnesses of Violent Crimes to allow them to file a victim's impact statement with the Prison Review Board when that board is considering the early release of a defendant from prison. Obviously, the intent is those people who commit horrible crimes and when they come up for a parole, the victims wish to be able to file a statement with the...parole board. In addition, in the Senate we amended on to this a bill that had been sent out by the Senate I think virtually unanimously which had been mistreated in the House which would allow a person convicted of a felony but pardoned by the Governor to apply to the

commissioner...or the director of the state police for a...a fireowner's identification card, I want to call it a FOID card. That bill did not have any opposition that I recall in the Senate and I don't believe this bill has any opposition.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right. Discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I just wanted to call attention to...and I'm...I appreciate the fact that Senator Schaffer did allude to the amendment...call attention to the fact that what we are doing by virtue of this proposal is affording the opportunity to one who has previously been convicted of a forcible felony and has now received a pardon, we are affording that person the opportunity to have a firearm legally. That's just the kind of stuff, unfortunately, that the news media has a great deal of fun with at our expense. I'm not so sure it's a good idea and I would just urge caution by everyone.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Schaffer may close.

SENATOR SCHAFFER:

Senator Rock, I...I am normally one of the people that would be most cautious on a proposal of that type. As I mentioned, this is identical language to a bill the Senate has already passed out virtually unanimously; in fact, I...I think it was unanimously. And in explaining that bill which I handled earlier in the Session, the situation is that very few people really go through the formal problem...or process of getting a pardon after they've served their time, but in my case a couple of people who had made mistakes early in their life and then had wanted to go into law enforcement were told the only way they could do it was to get a pardon which they then did which took several years and, at least the two cases I'm familiar, and then they went to work in law

enforcement. And here we are fifteen or twenty years later and they're being told they can't carry a firearm anymore, that's why I become involved. The Governor's Office tells me that a very small number of people are pardoned each year. So we're talking about an extremely small number of people and there are other exemptions of this type. And, again, the director of the state police on a case-by-case basis has to review these people and see whether they should be issued a card. I think we've built the safeguards in. I just share your concerns but I think we're...I think we're doing the right thing and would appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DEWUZIO)

The question is, shall House Bill 1556 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 23, the Nays are 24, 6 voting Present. House Bill 1556 having failed to receive the required constitutional majority is declared lost. Senator Schaffer requests postponed consideration. Postponed consideration. 1560, Senator Karpel. House Bills 3rd reading is House Bill 1560, Madam...I'm...Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1560.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEWUZIO)

Senator Karpel.

SENATOR KARPIEL:

Thank you, Mr. President. House Bill 1560 is a JCAR bill. It amends the Illinois Administrative Procedure Act to provide that the joint committee shall have the authority to require an agency to submit to the committee copies of all public comments in writing that are received by the agency

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2nd Reading

concerning a rule making. It also allows OCCA to use the definition of the Small Business Development Act in its analyses for the Administrative Procedure Act.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 1560 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, none voting Present. House Bill 1560 having received the required constitutional majority is declared passed. House Bill 1567, Mr. Secretary, read the bill.

ACTING SECRETARY: (MR. HARRY)

House Bill 1567.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, House Bill 1567 does two things. First, it removes the automatic crediting of time served on probation, conditional discharge or supervision and it makes...makes such credit optional with the sentencing court rather than making it automatic. Secondly, we amended the bill the other day to add to it a provision dealing with the death penalty that incorporates a bill that has passed out of this Chamber on two separate occasions by overwhelming margins. It adds as an aggravating factor which a court or jury could consider in imposing a death penalty the fact that a murder is committed in a cold, calculated and premeditated manner pursuant to a preconceived plan and contains some additional language. As I explained when the amendment was adopted, this proposal is based on the Florida Statute which includes language dealing with cold, calculated and

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3rd Reading

premeditated and this particular proposal goes on...beyond the Florida Statute in that it further requires that the murder has to be committed pursuant to a preconceived plan. The Florida Statute has been tested in court and has been upheld and it's an attempt...this bill is an attempt to get at a significant number of murders that are committed in this manner and...and, yet, we see the offenders spending their lives in prison at taxpayers' expense rather than receiving what many of us feel is a more fitting penalty, the death penalty. I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? If not, the question is, shall House Bill 1567 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 3, none voting Present. House Bill 1567 having received the required constitutional majority is declared passed. 1559, Senator Barkhausen. House bills 3rd reading is House Bill 1569, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1569.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and members, House Bill 1569 would change the characterization of a minor whose environment is injurious to his or her welfare from abused to neglected. The reason for this is that parents who are respondents typically in juvenile court proceedings often are willing to admit that the environment they are providing to their child is injurious to his or her welfare but for one reason or another are

not willing to...admit that the child is abused. Thus, they refuse to stipulate to the juvenile court petition and this forces the court to waste resources on a hearing even though the facts of the case are not in dispute. This legislation would...would permit a change in this practice...by finding the...the minor neglected rather than abused, parents would most likely be more willing to stipulate to a...to a...a petition and, thus, we could save...and economize on our judicial resources. I know of no opposition to the bill and ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DERUZIO)

Discussion? If not, the question is, shall House Bill 1569 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open.

PRESIDENT:

All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. House Bill 1569 having received the required constitutional majority is declared passed. Senator Marovitz, 1572. On the Order of House Bills 3rd Reading is House Bill 1572. Mr. Secretary, read the bill, please.

ACTING SECRETARY: (MR. HARRY)

House Bill 1572.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, very much, Mr. President. A couple of years ago we passed the safe school zone legislation dealing with weapons and drugs around every school in the State of Illinois. This bill expands that to public parks and...but only deals with controlled substances and not weapons in any man-

ner. It increases the penalties for the sale, manufacture or delivery of controlled substances committed in or on any public park and applies to violation of any public way within a thousand feet of that park. The bill only applies to the sale and manufacture of controlled substances or look-alike substances, does not apply to weapons or possession offenses. It is an enhancement only and I think that we've seen...I know that we...we have this around Cook County in the City of Chicago, an awful lot of drug dealing goes on in our public parks and I think we've attempted to do something around the schools where we have our young people. I think a lot of that also occurs where young people congregate, gang members congregate in the parks. This is an attempt to do something about that and I would solicit your Aye vote.

PRESIDENT:

Discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Senator, I'm going to support your bill but I also would like to suggest that...that this has all kinds of possibilities for next year, being street corners, public streets and...and this could be one that we could...could load up just like we're doing the aggravated battery. The real problem is the delivery and the manufacture of drugs, something that we want to deter and...and punish as severely as possible. And although I'm supporting the bill, I think that's it's a...this is part of the subject matter we ought to take a look at in that committee so that we develop a consistent pattern for these and do the...the best we can to...deter this kind of crime without just coming in, as I suspect we will, naming location after location when really what we want to get after is the crime itself.

PRESIDENT:

Discussion? Further discussion? If not, the question is, shall House Bill 1572 pass. Those in favor will vote

Aye. Opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. House Bill 1572 having received the required constitutional majority is declared passed. Senator Fawell. On the Order of House Bills 3rd Reading is House Bill 1583. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1583.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Fawell.

SENATOR FAWELL:

Thank you, very much. There are really two parts to this bill, there's the original bill where we are talking about shifting some money to some very, very special education children. These are the children who are not only receivers of special ed. but quite often are...are, in fact,...at all times are multihandicapped. This is the deaf-blind child, this is the child who has cerebral palsy and is also retarded. We are talking about shifting money to these children because, obviously, it is that type of child who receives...has to receive some very special training that is not normally available within school districts and quite often the school districts will...will have to get together with other school districts in order to take care of these children. We just did save approximately ten million dollars and this could easily be substituted for that. Second part of the bill is...is Senate Bill 698 which did pass out of the Senate on a 48 to 7...vote. It is basically Senator Carroll's bill about the Chicago schools. It sets up four pilot projects. I think he has worked out all of the problems with the unions. He has now...it will now be still up

to the Chicago school boards to fix the salaries of the teachers and the noncertified personnel, not the administrative personnel,...and...it was also up to the Chicago school boards to negotiate with bargaining representatives of school employees which seem to be the stickler in the problems. I would be glad to answer any questions and I would solicit an Aye vote.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall House Bill 1583 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 57 Ayes, no Nays, none voting Present. House Bill 1583 having received the required constitutional majority, declared passed. 1590, Senator Welch. Senator Welch has asked leave to take pictures of his shoe. Is leave granted? Leave is granted. 1597, Senator D'Arco. On the Order of House Bills 3rd Reading is House Bill 1597. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1597.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. This bill gives the savings and loan the option of obtaining insurance coverage from a trust or bond company as well as...which is the present law, a fidelity insurance company as is now required and I would ask for a favorable vote.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall House Bill 1597 pass. Those in favor will vote Aye.

Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. House Bill 1597 having received the required constitutional majority, declared passed. 1616, Senator Raica. On the Order of House Bills 3rd Reading is House Bill 1616. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1616.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill was introduced to protect the owners of mobile homes...were forced to take their antennas off and pay for cable TV services that they did not want. The bill was amended to give the definition of...cable TV people at their request and I ask for a favorable roll call on this 1616.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall House Bill 1616 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, 1 Nay, 1 voting Present. House Bill 1616 having received the required constitutional majority is declared passed. Senator Jacobs. On the Order of House Bills 3rd Reading is House Bill 1623. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1623.✓

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Jacobs.

SENATOR JACOBS:

House Bill 1626 establishes a statewide education program to provide for the dissemination of state employees of information relating to all aspects of alcohol abuse and drug abuse. It's informational only and would ask for its support.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall House Bill 1623 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, 1 voting Present. House Bill 1623 having received the required constitutional majority is declared passed. Senator Carroll, 1636. On the Order of House Bills 3rd Reading is House Bill 1636. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

House Bill 1636.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 1636 is the ordinary and contingent expenses for the operations of the court system. It is at a level that is within a no tax increase budget of some...one hundred forty-one million. I would ask for a favorable roll call.

PRESIDENT:

Discussion? Senator Keats.

SENATOR KEATS:

I think everyone is aware of the problem where the Auditor General has been attempting to audit the funds of the State Supreme Court. They have declared an interesting judgment that fees paid to the Supreme Court are not state funds. All of their fees paid to State Government every other area are considered state funds and are audited. The only nonaudited funds in this entire state are two Supreme Court funds. If you follow their rule based upon what funds should be audited, over six billion dollars of the state budget would not be audited by the Auditor General. So we are asking the members of the Senate to just plain hold up until we can get the Supreme Court to concede that state funds should be audited by the Auditor General. They have set an interesting legal precedent where they say we will establish the law and we will demand that the Auditor General audit our funds in violation of basic auditing principles. We've asked each member to hold back on it. I know for many of the attorneys it's a problem for you, 'cause the Supreme Court regulates you. We understand that problem and we ask maybe you should vote Present because it is not reasonable for other people who have professions that are covered, they vote Present too and are sometimes held off bills for reasons like that. We would appreciate your consideration of the fact that the Supreme Court is in direct violation of the State Constitution, in direct violation of the law and set a precedent that if we followed it, almost one-third of the entire state budget would not be auditable. So we ask you to vote Present on the appropriation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. That just goes to show what a wrong premise can do, it leads to a wrong conclusion, obviously. The only one

that's in violation of the law at this moment is the Auditor General and I'm sorry to say he's an agent of ours. The twenty dollars or hundred dollars that lawyers pay to the Attorney Registration Commission is not Supreme Court money, it is not appropriated by this Body and it is not subject to audit by the Auditor General. The Auditor General in his dash of arrogance has said if I can't audit that fund, I'm not going to audit any funds, which I think is a horrible, horrible mistake on his part. So don't draw the conclusion that six billion dollars is somehow out there free floating unaudited. That simply is not accurate and you and I both know it, and the Attorney Registration and Disciplinary Commission is subject to an audit each and every year by Pete, Marwick and Mitchell, which is one of the big seven, I'm told, and which is under contract to the Auditor General, I'm told, for a substantial amount of state work and that copy of that audit is available to him, to all of us who are registered attorneys and to the general public. And so I think the Auditor General is just plain wrong and I would urge an Aye vote on this and every other appropriation bill.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

All right. Further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. Pursuant to Statute, I would arise to declare a conflict of interest in that relatives of mine are paid out of this fund and I would be voting Present.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I think we're setting a bad precedent here. If any budget should be strongly endorsed and adopted it is probably this and...as Senator Rock pointed out, the other...budgets that have been submitted to the Appropriations Committee of

this Body. We have tried to be as responsible as possible in cutting back every agency to last year's budgeted dollar amount providing for a modest increase...proposed increase as far as cost of living factor. The Supreme Court was also amended a reduction in a like amount. I think that...if you're trying to set an example, this is a very poor example to follow. I think Senator Keats is absolutely, totally wrong and I strongly encourage an Aye vote on this budgetary matter.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. I think that this may be the only time that I have ever risen on...an issue of an appropriation bill. I think this goes beyond any personality conflict and I don't think that is really the issue here. I think this is a constitutional issue and I think that each of you in the Senate got a packet that I put together. As a former Constitutional Convention delegate, I...I really find that I don't believe that these court funds are being audited appropriately. The very fundamental and basic reason for establishing the Auditor General was to audit all of the divisions in government...of government and their subdivisions, and I...I just happen to think that even Supreme Court justices can be wrong and in this instance I believe that they are wrong. This has absolutely nothing to do with the personality of the...current Auditor General. This is an issue of principle and I certainly would recommend that we do send a message and that we do not vote for this particular appropriation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Watson.

SENATOR WATSON:

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

question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Watson.

SENATOR WATSON:

Our analysis refers to shorthand reporters. Can you give me the definition of a shorthand reporter?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Carroll.

SENATOR CARROLL:

I'm tempted to say it's not the little people you always hear referred to around this Chamber. That is the language of art of what is a court reporter. They used to take shorthand; some of them, in fact, still do in some of the proceedings. Most of them...use that automatic machine, that automatic machine is technically shorthand and some of them actually...they do a transcription of tapes, but those who use those machines in court, that is a shorthand version of...of taking notes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Okay, thank you. I see that Senate Amendment No. 1 took out about a million and a half in appropriations for the shorthand reporters. My question is, Senator, could you tell us what a shorthand reporter...what the salary is and...I understand it's set by Statute and then also if you wouldn't mind...elaborate a little bit on the additional pay that they may get for subsequent type work, if it's copying or page work or whatever it may be. I...I'd just like to get a good idea of what a...really a court reporter does. I...I honestly don't know, I don't realize the training that they go through and, Senator, you and I were in the committee in which Mr. Madden came in and he talked to us about court reporters and the fact that some of these court reporters in

the State of Illinois are making seventy thousand dollars a year. I just...that...that's beyond my comprehension and...and I just would like to have an explanation if I could. Thank you.

PRESIDING OFFICER: (SENATOR DEMUOZIO)

Well...was...Senator, was that a question? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I don't, unfortunately, have the number...immediately in front of me; however, the representative of the court did indicate that they can earn up to that amount. It is not unusual for the reporters to also get paid on a per page basis when either side orders a copy of the transcript. That's usually done by the reporting service, not necessarily that reporter nor are they necessarily compensated, but somebody working after...on other hours, usually someone else, then transcribes those proceedings and the...there is a fee charge for that on a per page basis.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. What is left in the budget then for court reporters since we've taken out 1.5 million?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Carroll.

SENATOR CARROLL:

If you'll give me a second, I'll try and get that number for you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

(Machine cutoff)...Watson.

SENATOR WATSON:

I imagine I can find that out from our...our handlers too, Senator, and we'll let that question go. The...the only

comment I'd like to...to further make is that I would like for somebody to come up and justify to me why in the world do we pay these people these type of salaries and how in the world we can justify giving somebody seventy thousand dollars a year to be a court reporter. I do not understand that, I have questioned this for several weeks now and no one has come up to me and asked...and answered that particular question. And I just...I...I just don't understand it. I don't see how the...the education that they have justifies this type of a salary which is totally state reimbursed. We are paying those people out of general revenue funds...someone shaking their head no. I'm told that that's...okay...well, whatever it is, it's still too much money.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra. Oh,...Senator Carroll has the answer, Senator Watson. Senator Carroll.

SENATOR CARROLL:

Thank you. Senator Watson, the...the line is still nineteen million seven; however, I...my recall is that the general salary level is about thirty-one thousand dollars for a court reporter. The attorneys in a case would pay the court reporting service, not general revenue, for the per page charges if someone were to order a transcript of the proceedings or any portion of the proceedings. So that I would assume what...what Mr. Madden was saying, in effect, is that if a reporter worked overtime, that they could earn up to that kind of money by a per page charge paid for not out of general revenue but out of private funds of...of lawyers involved in the litigation. But I think the number is somewhere around thirty-one thousand dollars that...thirty-two thousand...thirty-two thousand is the number.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Vadalabene.

SENATOR VADALABENE:

Yes, thank you, Mr. President. I just want to get some advice from Senator Etheredge. We both have an honorary degree in law and, Senator Etheredge, would we have a conflict if we vote on this bill?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I concur fully with what Senator Macdonald said about the...sort of running battle between the Auditor General and the Supreme Court. I think it is not a personality battle, it is not a petty battle, it is a matter that involves important constitutional principles, and there is no question in my mind that the Auditor General is correct and those funds should be subject to audit by the Auditor General. I fully understand they are audited by someone else and I think that is an important issue that has to be resolved at some point. I'm not positive that the best way to send that message is by not voting for the appropriation that is involved in House Bill 1636, but I do think that we ought not to lose sight of the fact that we still have outstanding a major constitutional issue that has got to be resolved satisfactorily at some time.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and members of the Senate. I find myself in the same position as Senator Macdonald, I don't think I've ever stood up on the Senate Floor and ask folks to vote against an appropriation, certainly not one as major as the Supreme Court's appropriation. I...I do want to remind the membership of one thing, regardless of whether Senator Rock is right or wrong, he lost that battle. On this Floor two weeks ago we passed a bill out of here that declared the Attorney Registration and Disciplinary Fund to

be a public fund. That bill went over to the House, that bill went to a committee, the State Government Committee. That bill then went to a subcommittee of the State Government Committee, that bill then was buried by that committee and by some folks over there who were taking their orders from the Supreme Court and were told that that bill should never see the face...the light of day. I don't think there's any reason at all why we can't stand up here today in the Senate and vote Present on the appropriation for the Supreme Court until that bill gets nothing more than a fair hearing on the Floor of the House. I urge a Present or a No vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator Keats.

SENATOR KEATS:

I appreciate it and I would not have risen for a second time if it were not for the fact that...while I appreciate the President of the Senate's opinion, he's just wrong. He said several things where he perhaps took what I said out of context. When I said based on the Supreme Court decision six billion dollars of state funds would not be audited, that is factual. We are auditing those today 'cause the Auditor General follows the law. If he follows the Supreme Court decision, six billion dollars of our state budget will not be audited based on what the Supreme Court says. Now, if they want to say, do as I say but not as I do, that's the Supreme Court's decision. They...they may want to play loose with the law, that's their business, I'm not arguing the point. But I am saying, their legal decision says six billion dollars in state funds should not be audited. All I say is, why can't it be audited? I appreciate what Senator Netsch is saying. Well, gee, it...it's a problem and we got to deal with it. But, Dawn, we're going to be dealing with this thing when you and I are dead and buried unless we stand up on the issue. Howard, don't put that to a vote 'cause I'd be

in trouble.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Which one, Dawn or Keats? Howard, which one, Dawn or Keats?

SENATOR KEATS:

...wait a minute. If we could get a discount out of Howard, we'd both go on the same day if he'd give us twenty-five percent off. But...but this is the kind of decision...and I remind Senator Netsch, we say this often, gee, we've got to deal with this; gee, we got to do this and, gee, we never, never, never, never do it. There is a constitutional principle, should we audit fees that are collected? There's only one pair that is not audited, period, that's it. Is the Supreme Court part of the Illinois State Government? Are they subject to the Constitution? If they are, they should follow that Constitution. If they say they are not subject to the Constitution, that's a different issue; and I also say with Senator Watson, seventy grand for court reporter, boy, I wish I could find a job like that. We would ask a Present vote or a No.

PRESIDING OFFICER: (SENATOR SAVICKAS)

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

SENATOR CARROLL:

Just a couple of quick things. One, the maximum statutory salary...maximum...the minimum for court reporters is six thousand, the maximum of thirty-seven thousand two fifty. So the average of thirty-one thousand...thirty-two thousand is about correct. Any indication to the contrary is...is again what the court reporting services may receive on the per diem basis. This is the appropriations for the ordinary and contingent expenses of the third coequal branch of government. It is for the entire operations of the entire judicial system, not only the Supreme Court but all of the

courts and all of the appellate and circuit districts throughout this state. It is at the level of spending of FY '87 or a hundred and forty-one million thirty-two thousand five hundred under a no-tax-increase basis. We have reduced from it significant dollars in terms of vacancies and other factors and I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall House Bill 1636 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 32, the Nays are 1, 25 voting Present. House Bill 1636 having received the constitutional majority is declared passed. Senator Keats, for what purpose do you arise?

SENATOR KEATS:

Verification.

PRESIDING OFFICER: (SENATOR SAVICKAS)

There's been a request for a verification. Will all the members please be in their seats and, Mr. Secretary, will you verify the Aye...the Aye votes.

ACTING SECRETARY: (MR. HARRY)

The following voted in the affirmative: Alexander, Barkhausen, Berman, Brookins, Carroll, Collins, D'Arco, Degnan, del Valle, Demuzio, Thomas Dunn, Etheredge, Hall, Hawkinson, Holmberg, Jacobs, Jones, Jeremiah Joyce, Jerome Joyce, Kelly, Lechowicz, Maitland, Harovitz, Newhouse, O'Daniel, Poshard, Savickas, Severns, Smith, Vadalabene, Zito, Mr. President.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Keats, you question any of the affirmative vote?

SENATOR KEATS:

Senator Alexander.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Alexander...she's standing next to Senator Carroll.

SENATOR KEATS:

Senator Barkhausen.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Barkhausen. Senator Barkhausen. Senator Barkhausen on the Floor? Strike his name from the record.

SENATOR KEATS:

Senator D'Arco.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR KEATS:

He just came in. Senator Jeremiah Joyce.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Jeremiah Joyce. Senator Joyce. Senator Joyce. Strike his name from the record.

SENATOR KEATS:

Senator Jerome Joyce.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Joyce...Jerome Joyce. Senator Joyce. Senator Jeremiah Joyce is here. Senator Jerome Joyce. Strike his name from the record. Put Jeremiah back on the...Mr. Secretary. On a verified roll, there are 30 Yeas and 1 voting Nay and 25 Present. The bill having received a constitutional majority is declared passed. House Bill 1646, Senator D'Arco. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1646.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. The bill requires the Depart-

ment of Public Health to establish a program to study the incidents of diabetes among Hispanics in Illinois and to conduct a public information campaign to inform them about the effects of such a disease. The bill was amended to include people of African descent, the elderly, the obese, persons with high blood sugar content and persons with a family history of diabetes. I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there discussion? Senator Topinka.

SENATOR TOPINKA:

Yes...yes, Mr. President and Ladies and Gentlemen of the Senate, apparently, this bill got quite a bit of play when it was in the House as the all-purpose, all-disease bill and every time someone came up with a new idea for a disease it was included. When it got over here, then it became all ethnic groups on top of it. I really don't know how this is going to be administered in a way that's going to be effective, I mean, it reads reasonably well. It has a nice God, motherhood and country type of a look to it, but at the same time, it may be just totally unworkable. How you're just going to be able to attract every obese person for starters might be a bit difficult just...just...just off the top. Furthermore, it has a fiscal impact of around six hundred thousand dollars which is not in the budget and I think that's worth some discussion as well. So I would speak in opposition to this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Dudycz.

SENATOR DUDYCZ:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR SAVICKAS)

He indicates he'll yield.

SENATOR DUDYCZ:

Senator, our...our analysis says this bill includes

Hispanics, Africans, elderly persons, obese persons, persons with high blood sugar, persons with a family history of diabetes. Where are the ethnics? Where are the other minorities? What about the American Indians? How come we are restricting this to these specific groups?

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco.

SENATOR D'ARCO:

I don't know.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Dudycz.

SENATOR DUDYCZ:

Well, since you don't know, I don't think we should vote on this. I...I urge at least a Present or a No vote on this 'cause I don't know...

PRESIDING OFFICER: (SENATOR SAVICKAS)

Is there further discussion? Senator D'Arco may close.

SENATOR D'ARCO:

Mr. President,...right. Sam,...Sam Vadalabena,...

PRESIDING OFFICER: (SENATOR SAVICKAS)

...Senator, before you close, Senator del Valle...Senator del Valle is seeking recognition.

SENATOR del VALLE:

Mr. President and members of the Senate, I stand in strong support of the bill. It is extremely important that we conduct this study. It has been documented that Hispanics have a high morbidity and mortality rate as a result of diabetes, and in order for us to really determine the dimension of this health problem, this study is necessary. So I urge members to support the bill. Thank you.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator...Senator Dudycz.

SENATOR DUDYCZ:

Will...will...yeah, I...I'm sorry for raising a...rising

a second time, Mr. President. Nobody is questioning the importance of this measure, Senator. What we're questioning...what we're questioning...and the sponsor of this bill is...is unable to answer, why are we restricting this to specific ethnic and minority groups and we are excluding others? And he is not able to give us any kind of an answer. So I think we should oppose this.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator D'Arco for closing.

SENATOR D'ARCO:

...I know...I want to answer your question, I do, out before I do that, Senator Vadalabene just got a call from Two Star Eagle. I don't know if you know Two Star Eagle, he's a prominent Indian American in Senator Sam's district and he raised the same question you did, why...why weren't the American Indians included. So I'm going to answer your question, because they're not a high risk group for diabetes. You know, this...this bill applies to those groups that have statistically been shown to have a high incidence of diabetes. That includes the Hispanics, people of African descent, the obese and other individuals included in that amendment. Now the problem is that the studies...you know, there really have not been any accurate studies done to show why these particular groups are high risk groups that contract this horrible disease. You know, I was being facetious a minute ago, but the fact of the matter is, the Department of Public Health is in a position and that's why we're asking them in this bill to conduct a study, to make a determination. What is it about these groups that...that...they incur this disease when other groups do not? It's an important issue for these groups and if they come up with some information, we're going to be able to combat the disease as it relates to these groups. It's a very important bill and if I gave, you know, the wrong impression, I didn't mean to

because it affects people...all these people in these high risk groups live in everybody's district and it's important that the department address this issue and educate people about the disease. There's much that can be known that the department can educate people about that isn't being known. And, therefore, it's...an important issue and we should vote for this bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

The question is, shall House Bill 1646 pass. Those in favor will vote Aye. Those opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 33, the Nays are 13, 7 voting Present. House Bill 1646 having received the constitutional majority is declared passed. House Bill 1647, Senator Collins. Read the bill, Mr. Secretary.

END OF REEL

REEL 06

ACTING SECRETARY: (MR. HARRY)

House Bill 1647.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR SAVICKAS)

Senator Collins.

SENATOR COLLINS:

Yes, thank you, Mr. President and...members of the Senate. House Bill 1647 has three major elements and the primary one having to do with trying to improve the Department of Transportation's existing efforts to ensure compliance to the state set-aside program for minorities and females and to also comply with Federal regulations as it relates to highway constructions and other programs that is used from Federal highway funds. The other...in doing so, what the bill requires is that...first of all, that the prime major contractors when they submit that bid that they submit some specific information along with the bids and that is including the...the name and address of the minority business enterprise or disadvantage business that will be involved with them in the contract, the description of the work that each of the name enterprise will be performing and the dollar amount of each of those subcontracts, and let me tell you why that is important. Currently what happens is that they submit the bid and each of the...prime contractors have to then ensure that minority participation in accordance to the percentage set-aside will be...involved in the actual performance of that work. But what happens often...so often is that after they receive the contract, for whatever reasons, they...they often say that they cannot find...

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Can we have some order, please. We have a long way to go yet. Senator Collins.

SENATOR COLLINS:

...they cannot find qualified persons to get the work done. That is not true. That may have been true at one point in time but now minority businesses are prequalified and the department has a list of those...groups...businesses now. So all they would have to do would be to go to that list and make the contacts and then get the approval and submit those along with their bid. So this is what this bill is doing in that...and...and...and one of the...the provisions of the bill. The other provision of the bill, which you probably will have some concerns or discussion on, it is intended to be a...a stage bonding provision. It uses the words "set-aside" but it is more or less a statement of...term of art rather than a literal...definition of set-aside, because what...what we are really talking about in the intent of the bill is that it would...would...would provide greater access to...state contracts because, currently, minority and female business cannot secure on the normal market at a decent rate the necessary bonding to meet the state's...requirement. And, so, what the bill...that provision does in the bill, it simply states that you could, in fact, bid on the contract, secure the contract but present the bonding only in two stages. For example, if you bidged on a contract that said that there were fifteen miles of construction on the state highways to be done, that you would then have to secure the bonds for only half of the work which would be seven and a half miles rather than the fifteen miles, the total contract. You would bid on the total contract but you would present evidence of the bonding for only half, that's what...that's all that section does in the bill. The other provisions of the bill simply states that if, in

fact, that you violate the Minority and Female set-aside...Business Act...Section 33 C which deals with deception, that you then loses your certification. I would be happy to ask...answer any questions; if not, I would appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Discussion? Senator Weaver.

SENATOR WEAVER:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Indicates she will yield. Senator Weaver.

SENATOR WEAVER:

Senator Collins, how do you identify a disadvantaged business? What...what...what's the criteria for establishing a disadvantaged business?

PRESIDING OFFICER: (SENATOR DEBUZIO)

Senator Collins.

SENATOR COLLINS:

Thank you...the...the criteria for...definition of a disadvantage...business is the same as set forth in the Federal regs. and I will read those to you. We do not...it is in the Federal regulation. "A disadvantaged business," the Federal definition," is one in which has fifty-one percent of the members...or the owners of that enterprise qualifying under the definition of a minority individual," and there is a Federal definition also for a minority individual.

PRESIDING OFFICER: (SENATOR DEBUZIO)

Senator Weaver.

SENATOR WEAVER:

Well, I...I'm sure there are minority owned businesses that are not disadvantaged. How...how is the Department of Transportation going to evaluate and come up with a list of...of disadvantaged businesses? I may have a business that's a disadvantage because I'm not making any money.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Well, I would hope that the Department of Transportation knows what a disadvantaged business is as defined by the Federal Department of Transportation and that is the definition that the state department uses as a definition of a minority business. We did not make the definition, the Federal Government did.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Watson.

SENATOR WATSON:

Yes, sir, thank you, Mr. President. I'd like to ask a question of the sponsor...question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well, go ahead.

SENATOR WATSON:

All right, thank you, I will. Senator, what is the situation in which we have a minority company from, let's say, St. Louis, outside of Illinois, and they come in to bid on a project in Illinois and they're bidding against an Illinois firm, somebody from...you know, wherever, but they're in Illinois. Do they get an...advantage of the...of this program...some out-of-state contractor simply because they're a minority contractor?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

This...this bill does not address that issue, it doesn't change it one...have any impact on that issue at all. It would be determined by existing rules and regs. and laws under the Department of Transportation. This bill wouldn't have any impact on it one way or another. So if it is current law or current practice, it would still remain, but if

it is not, it would not.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Watson.

SENATOR WATSON:

Yes, then what is current law? I'd just like to know if an out-of-state contractor simply on the basis of them being a minority contractor and qualifying under the rules and regulations of the Federal Government, if they get an...get an advantage in this. You know, are we setting up a special fund just simply for someone of that nature when we've got people in Illinois who are unemployed, out of work, looking for jobs and we're going to give somebody from outside of our state an advantage. I'd like to know that...answer to that question.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Collins.

SENATOR COLLINS:

I agree with you. I don't know but I would suggest I could get the information or you could get it from the Department of Transportation. However, the bill before us today has nothing to do with that issue.

PRESIDING OFFICER: (SENATOR DEMUZZIO)

Senator Watson.

SENATOR WATSON:

Well, thank you. I'd...just to comment on it, it...to me it...it does, Senator, and...and I understand what you're doing and I understand what the whole minority effort is all about, but...I...I see this in a...in a situation in which it's abused...totally abused. I know that many contractors...many business people bring minorities into their business, they bring their wives in, they do this just to get an...an advantage over the other guy who's out there trying to do it the way it ought to be done. I...I just have a real problem with this and it's...the abusiveness that I see in

regard to the program overall that...that really brings about my doubts, and I...I think we shouldn't pass this and the Department of Transportation, I mean, they've got the big arrow down on this one. This...this is something that's going to create a...a lot of problems for them. So I urge a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIDI)

Further discussion? Rhonda Johnson of the Randolph County Herald and Tribune has requested leave to take photograph. Is leave granted? Leave is granted. Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, this bill is not just some little innocent thing. As you all know, we already have on the books the minority-female business opportunity to ten percent, 'cause I happen to have been the sponsor of it. Now, if this is going to be such a simple thing, then you wouldn't have had the...Illinois construction industry, Illinois Department of Transportation, Small Business and Enterprise Association and the Midwest Contractors all in opposition to this. This bill is going to create havoc with a lot of individuals and a lot of individual businesses and with...for IDOT. IDOT already uses the Federal regulations in relation to minority and female; they have to, that's part of any highway project that is done that has Federal funds in it. And if this bill was so innocent, these people wouldn't have been lined up in opposition and I had a call from the Illinois Asphalt Paving Association and when you're going to start specifically saying twelve thousand tons of asphalt, this gets a real handle. All they have to do is bid eleven thousand nine hundred and ninety-nine and you're off the hook and anytime you have a project dealing with state money particularly the Department of Transportation where you're going to waive half of the bond security, that bothers me and I

think it should bother the rest of you 'cause we all have a responsibility to make sure when someone bids something, they're paid part of it, they have the ability to carry the project to its fullest. If they're only going to put up bond for half of the cost of the project, they can take the dollars and run and we can all scratch for the additional money 'cause the bond company isn't there to make up the difference. I think this is a bad, bad idea and I think you either ought to vote No or vote Present if you don't want to vote...against minorities, but I do want to tell you the law is already on the books. We passed it three years ago and I think we ought to stick with it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR COLLINS:

Yes, thank you. Let...let me first respond to Senator Davidson's statement. Senator Davidson, this bill does not...and let me...repeat again, does not waive bonding. What the bill does as it relates to bonding is allow it to be stage bonding which is not an uncommon practice. What the bill does in that instance is allow one to secure fifty...bond to cover fifty percent of whatever the project is and they would do that...specify that they would be doing that fifty percent only to cover that fifty percent. Once that is upon completion, they then get a bond...and I don't think the department is...is too far from agreeing to that kind of practice, it is a common kind of practice. As it relates to Senator...my...my good friend over there, Watson, this bill has nothing to do with the issue that you were raising. If you have some problems with the overall Minority and Female Business Act, then I suggest next year you come back, you look at that Act and...and you deal with that but it doesn't have anything to do with this bill. I think this

is a good bill. It would help Illinois to become in compliance with Federal regulations as it relates to highway money that's being spent here in the state and I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Macdonald, she had closed. The question is, shall House Bill 1647 pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 22, the Nays are 31, 3 voting Present. House Bill 1647 having failed to receive the required constitutional majority is declared lost. House Bill 1667, Senator Holmberg. House bills 3rd reading is House Bill 1667, Madam Secretary.

SECRETARY:

House Bill 1667.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 1667 creates the Household Hazardous Waste Collection Act, and, first of all, provides for the Governor to annually designate a week of the year as Household Hazardous Waste Awareness Week and requires the Department of Energy and Natural Resources to establish a public education program. It also establishes a Household Hazardous Waste Collection Grant Program administered by the department. The department can make grants to units of local government for the operation of programs to collect and properly dispose of waste believed to be hazardous that are used in households, but it also requires a thirty percent match by

the local governments and it requires the department to establish minimum standards. Another good part of the legislation is that it releases local governments and their employees from certain liabilities relating to household...hazardous waste collection and disposal programs and provides that no unit of local government nor their employees shall be liable and immune from damage suits from the operation of such programs...unless in cases of willful and wanton misconduct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is,...Senator Macdonald. Senator Macdonald.

SENATOR MACDONALD:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates she will yield. Senator Macdonald.

SENATOR MACDONALD:

Yes, in...in terms of establishing what the household...hazardous wastes are, what will the standards be, Senator Holmberg?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

That will be pretty much be up to the department, we'll use their expertise, their Hazardous Waste Research and Information Center. And many of the things that most of us are storing in our homes because we don't know what to do with them, waste oil, DDT, chloridane, maybe even explosives that might be present, all of those things would be listed as possibilities for people to dispose of during this disposal week.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Macdonald.

SENATOR MACDONALD:

With the thirty percent mandate...or...or thirty percent of matching grants from the local municipalities,...how...is the Municipal League in...in support of this bill...that it would be...it would seem to be a mandate if we say that thirty percent will come from the local municipalities.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

The legislation comes as a request of various municipalities that wish to move in this direction and would like some assistance from the department. It is my understanding that many of the suburbs have requested funds and that the City of Champaign is ready to go on a program like this.

PRESIDING OFFICER: (SENATOR DEHUZIO)

...Senator Macdonald.

SENATOR MACDONALD:

One...one more question. It is permissive legislation then...you...you initiate...the municipality then initiates to become a...a part of the program.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

Yes, absolutely. It's permissive legislation, we're there to help.

PRESIDING OFFICER: (SENATOR DEHUZIO)

Further discussion? Senator Weaver.

SENATOR WEAVER:

Well, thank you, Mr. President. I...say here we go again with a new program with a price tag of five hundred thousand dollars this year, it'll be five million next year. I...I have no problem with educational programs and having the EPA or someone provide a list of those...products that may be in the household that should have special attention as far as disposal but we're starting a new program again. This year

it's a half a million dollars and who knows where it'll go next year. I...I just don't think at this point in time we want to obligate ourself for anymore matching money.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Holmberg may close.

SENATOR HOLMBERG:

Yes. This program is the beginning of an attempt to save what I would say would be multimillions of dollars. These are the very products, almost an entirety, that are polluting our landfills. With a very small expenditure and education campaign we can virtually stop the very kinds of things that we are spending grants and programs and multipieces of legislation created to try to undo. It gives the average householder who now is being told by the department when they ask how do I get rid of it, they say, we don't have the means to do that or to help you, just store it a little while longer. They themselves cannot afford to bear the total expense and those who are conscientious continue to store or to pollute our landfills. I understand Senator Keats had an idea like this a few years back and this bill is probably a direct result of his entreaties to the department. Their information service, Hazardous Waste Research and Information Center and the department are behind this fully and I ask for your favorable support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 1667 pass. Those in favor will vote Aye. Those opposed Nay. The voting is open.
PRESIDENT:

All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 45 Ayes, 9 Nays, 1 voting Present. House Bill 1667 having received the required constitutional majority is declared passed. 1680, Senator Holmberg. On the Order of House Bills 3rd Reading is House Bill 1680. Read the bill.

SECRETARY:

House Bill 1680.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. First of all, if I might have permission of the Body, I would like to add Senator Donahue as hyphenated co-sponsor of House Bill 1680.

PRESIDENT:

With leave of the Body, the lady has requested that Senator Donahue be shown as the hyphenated cosponsor. Without objection, leave is granted. Senator Holmberg.

SENATOR HOLMBERG:

House Bill 1680 is one of two vehicle bills from the Small Business Division of the Department of Commerce and Consumer Affairs. This is a result of surveys they did amongst small businessmen about how the state could truly be helpful, do the right thing instead of the wrong thing to help them in what they're pursuing. It creates a funding program to allow high tech. small business in Illinois to compete for Phase II Federal monies under the Federal Small Business Innovation Development Act of 1982. DCCA now assists high tech. businesses interested in receiving those Federal Phase I awards which run around fifty thousand dollars, but many small businesses lack the know-how and expertise to move to the one-half million dollar grant level where the true research can take place. DCCA would like to copy the New York program and move in this direction to bring jobs and economic development to the State of Illinois.

PRESIDENT:

Discussion? Senator Schaffer.

SENATOR SCHAFFER:

Now, let me get this straight. Somebody has surveyed all the little businesses in this state and said, what do you want us to do to help and all the little businessmen said create another government program? I don't think that census was mailed to my district, maybe it was to yours.

PRESIDENT:

Further discussion? Senator Holmberg, you wish to close?

SENATOR HOLMBERG:

This is a program that everyone who does research in the area of economic development will say is the way to go to help small businesses create additional jobs...particularly in this day and age in the high technology field, is the way to truly bring jobs and economic development to the State of Illinois. To be able to assist them and tapping into those Federal dollars is an economical way to expend a small amount of money on the part of our department, and I...I advocate its passage.

PRESIDENT:

The question is, shall House Bill 1680 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. House Bill 1680 having received the required constitutional majority is declared passed. 1681. On the Order of House Bills 3rd Reading is House Bill 1681. Read the bill, Madam Secretary.

SECRETARY:

House Bill 1681.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Holmberg.

SENATOR HOLMBERG:

HB 1684
3rd Reading

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is the second of the bills as a result of that small business survey. House Bill 1681, it's not listed in the Calendar but also on the bill as hyphenated cosponsors are Senator Hudson and Senator Donahue. This does two things. First of all, it adds to DCCA the Private Enterprise Review and Advisory Board which is required to study the effect of State Government engaging directly in economic activities which have historically been the functions of private enterprise. Sometimes we meddle a bit...bit too much and this board which will go out of existence on December 31st, 1990, will take a look at what we're doing in this area. Secondly,...and, Senator Schaffer, you ought to like this one, is DCCA is going to establish a regulatory flexibility division within their Small Business Assistance Bureau to be sure that we aren't causing small businesses to be over regulated when it's totally unnecessary and to bring more flexibility into the system.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall House Bill 1681 pass. Those in favor will vote Aye. Opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. House Bill 1681 having received the required constitutional majority is declared passed. 1684, Senator Carroll. On the Order of House Bills 3rd Reading is House Bill 1684. Read the bill, Madam Secretary.

SECRETARY:

House Bill 1684.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

(Machine cutoff)...Carroll.

HB 1699
3rd Reading

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the bond authorization bill. We've amended it to be one dollar over in each category to get it back over to the House as we have always done, and then once the appropriations for capital gets signed, we would then move the bill at that point to the...authorization level up to the appropriation. I would ask for a favorable roll call.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall House Bill 1684 pass. Those in favor vote Aye. Opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, none voting Present...2 voting Present. House Bill 1684 having received the required constitutional majority is declared passed. 1685. 1699, Senator Jones. On the Order of House Bills 3rd Reading, bottom of page 16, and we will stop at the bottom of page 16, ladies and gentlemen, and go to the Order of 2nd Reading, is House Bill 1699. Read the bill, Madam Secretary.

SECRETARY:

House Bill 1699.

(Secretary reads title of bill)

3rd reading of the bill.

PRESIDENT:

Senator Jones.

SENATOR JONES:

Thank you, Mr. President and members of the Senate. House Bill 1699 requires preneed funeral contracts to be sold on a guaranteed price basis. It exempts certain services from definition of funeral directing. It allows preneed funeral contracts to be...irrevocable at the time of discretion of...of the buyer for the purpose of supplemental secur-

ity income benefits. It increases the allowable compensation for trustees of trust funds and sets a cap on forfeiture of payments or cancellation of contracts. House Bill 1699 reflects an agreement between the Cemetery Association and the Funeral Directors' Association of Illinois. I know of no opposition, I ask for a favorable vote.

PRESIDENT:

Discussion? Any discussion? If not, the question is, shall House Bill 1699 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,...1 voting Present. House Bill 1699 having received the required constitutional majority is declared passed. 1701. All right, ladies and gentlemen, in accordance with our earlier discussion, we will move to the Order of House Bills 2nd Reading...turn your attention to page 30. (Machine cut-off)...Joyce, for what purpose do you arise, sir?

SENATOR JEREMIAH JOYCE:

...am I correct in understanding that after we do 2nd readings we are going to go to the Order of Motions in Writing?

PRESIDENT:

That's correct.

SENATOR JEREMIAH JOYCE:

Thank you.

PRESIDENT:

All right, ladies and gentlemen, with leave of the Body, we'll move to the Order of House Bills 2nd Reading, Madam Secretary. On the Order of House Bills 2nd Reading is House Bill 789. Read the bill, please.

SECRETARY:

House Bill 789.

(Secretary reads title of bill)

2nd reading of the bill. The Committee on Appropriations II offers Amendment No. 1.

PRESIDENT:

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Let me explain what the amendment does and let me take a moment also to explain what the bill in its amended form does to attempt to avoid some of the confusion that exists. This amendment is to add money for commodities, et cetera to the Department of Corrections. As the bill came out of the House, there was not enough money to feed the prisoners or the prison guards within the institutions. We have corrected that by deleting such things as the director's plane. That is basically what the committee amendment would do. Let me identify, however, 'cause it will come up later what was not done. Not a penny was taken out of Menard and those who told you the members or you the audience any difference were lying, that's a word I have not used in seventeen years on this Floor, not a penny from the Governor's tax increase budget. The highest budget we have ever seen was taken by the House or Senate out of Menard. The bill as it came in is the way it exists today. All other budgets were reduced when it was felt that there was no tax increase legislation pending except for Menard and the other maximum security prisons, not one penny was reduced from those budgets as the Governor would have wished them had the billion seven hundred million dollar tax increase gone through which means no layoffs, no reduction in work force, no touching of vacancies at Menard or the other maximum security prisons. And as Senator Dunn, Senator Poshard and others have said, where in the budget has there been any decrease suggested in those lines and there have been none, not in the House committee, not on the House Floor, not in

the Senate committee, not on the Senate Floor, not one penny ever suggested to reduce the highest request for the operation of those maximum security institutions with recognition of what we need to maintain those institutions. This amendment corrected another defect and that was the feeding of those institutions and did so by taking away the planes and some of the other fringe benefits that went to that department. I would move adoption of Amendment No. 1.

PRESIDENT:

Senator Carroll has moved the adoption of Committee Amendment No. 1 to House Bill 789. 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 Maitland offers Amendment No. 2.

PRESIDENT:

Senator Maitland on Amendment No. 2. (Machine cut-off)...Maitland.

SENATOR MAITLAND:

I...I'm sorry, Mr. President, that was one that we spoke about the other day and we just...we don't like the amendment. We would just like to withdraw it.

PRESIDENT:

All right. That amendment has been withdrawn. Further amendments, Madam Secretary?

SECRETARY:

Amendment No. 2 offered by Senators Ralph Dunn and Poshard.

PRESIDENT:

Senator Dunn.

SENATOR RALPH DUNN:

Thank you, Mr. President and members of the Senate. This amendment adds thirty million dollars to the Department of Correction's budget, restoring it to the Governor's original FY '88 request. In less than ten years, just two-thirds of the years that I've been in this Body, the Department of Corrections has doubled...more than doubled in size from just over ten thousand inmates to twenty thousand currently. In addition, over the past two years, the department has had to cut back on many areas in order to have sufficient funds to keep up with the growth of the prisons. Without these additional funds, the Department of Corrections is faced with the conflict of eliminating four hundred community correctional center beds as well as to close the Menard Correctional Center while at the same time the prison population is expected to grow and grow and grow. Numerous bills are even pending before this Body and in the House now that will assure us an ever increasing number of people going to the jails and the prisons of our state. At this time, we should make it clear to these fine men and women, many of them who are in our galleries today...someone asked me who's guarding the prison, but I'm sure there's some left. We must...we want to guarantee these people that they have this difficult working condition and ensure them that we don't intend to turn them down and disregard the tremendous job that they're doing. I'd urge adoption of Amendment No. 2.

PRESIDENT:

All right. Senator Dunn has moved the adoption of Amendment No. 2 to House Bill 789. Senator Poshard.

SENATOR POSHARD:

Mr. President and Ladies and Gentlemen of the Senate, as cosponsor of this amendment, I rise in strong support of the amendment but let me preface my remarks with some personal feelings. We've had a lot of rhetoric lately in southern

Illinois about the Corrections Department budget, some of it from the Governor and some of it from Director Lane and some of it from our own people in retaliation for what they feel is...has been a blatantly insensitive approach to solving this situation. There's been a threat of nearly nine hundred jobs in one of the highest areas of unemployment in the state closing down and these aren't just numbers on corrections' personnel list, they're families, they're people that have children in school and people that have to get by from week to week just like the rest of us here. And I guess I've been really disgusted with the approach and...and I'd like to caution corrections to tread a little bit easily here, because there are other options available in this situation, and I think we pointed some of those options out along the way. These families and communities, they've endured enough threats, they've endured enough emotional turmoil. There are some of us here...I think a considerable number of us here who see a legitimate need for additional revenue so corrections can do the appropriate job that we have mandated for them to do, but, doggone it, sometimes with the way things have...have transpired in this situation is making us...tough on us. And, Mr. President, I think we do need these monies and I think just as we need additional monies for corrections, we need additional monies for DCFS. Senator Marovitz pointed out the other day that we have child abuse workers in DCFS who have fifty cases of child abuse, can't handle that, we all know that, has to come from somewhere. Mental health...but we can't overburden the correction system by laying off eleven hundred employees, if it's true that's what we're going to have to do, and that's not absolutely clear in my mind, but how can I take a chance on nine hundred of our people being laid off? It's ridiculous to think that we can transfer twenty-two hundred inmates, seventy percent of whom are murderers and Class X felons to other maximum...medium

security facilities in this state without destroying the credibility of the correction system in the state. We have to do what's right here and I think that's to...to find the money to save the jobs of our people and to keep the system intact and I rise in strong support of the amendment.

PRESIDENT:

Further discussion? Senator Watson.

SENATOR WATSON:

Yes, sir, thank you, Mr. President. I also rise in strong support. I have three correctional centers, two within my district and one within about fifteen miles of my district. I have heard from the people who work there, I have visited the prisons on several different occasions. I know the conditions in which these people...we ask...we ask them to work, it's not necessarily an...situation in which we'd like to find ourselves. I'm sure being a correctional officer or working within a penal system isn't for everybody, that...that's for sure, and these people endure a great deal of stress and pressure in their day-to-day jobs. And we sit up here and we pass bills and we get tough on crime and we want to put all these people behind bars really and that's where they belong. We pass legislation after legislation trying to put the criminal element behind bars. Well, if we're going to do that and if we're going to be responsible in...in taking that approach, then we've got to fund the Department of Corrections in order to do what has to be done. We need to send a message and we tried to do that last week with our 502 Program. We tried to set a...a system and a development of priorities on this side of the aisle in what we thought was agencies that deserved special consideration, and we felt that the Department of Corrections certainly did...did warrant that...that support and our provisions would have put back this thirty million dollars had...our program passed; unfortunately, it failed. We have a situa-

tion in...close to my district and my good friend Senator Dunn's district with Menard. Now what are we going to do with those people in that...that prison? What are we going to do with them? Those aren't just average everyday run-of-the-mill...minimum security prisoners, these are...hard rock criminals. Are we going to put them into Centralia and Vandalia and...the Grahams of this world? Those...those facilities weren't built for that type of prisoner and I heard today from the people from my area that are coming up here that are concerned about the element that will...that that type of criminal will bring to the correctional systems in...in my district and they're concerned and rightfully so. And now we're talking about layoffs. Not only are we talking about closing the prison at Menard but we're talking about correctional officers being laid off at the prisons in which are going to have to take these...these prisoners. I just don't think that we can really do this at...at this time and I think we do have to send a message, and we do have to establish some priorities and those priorities need to belong with the Department of Corrections and I support this thirty million dollars. Thank you.

PRESIDENT:

Further...further discussion? Senator Tom Dunn.

SENATOR TOM DUNN:

Thank you, Mr. President. It's, indeed, regretful that this issue was not talked about last fall when it should have been, but I rise in support of the DOC. They must be treated fairly, they have a difficult job. The line between the criminal and us is the Department of Correction, we must support the line. If there are, indeed, layoffs that means closings and closings means jamming more human beings in places and those places are the remaining prisons, Joliet and Stateville and other places. We don't need that.

PRESIDENT:

Further discussion? Senator Carroll.

SENATOR CARROLL:

Merely to point out, Mr. President, on the amendment and I know that Senator Dunn and the other speakers are well-intentioned. And I think it important that we just place in the record what was in the budget as introduced by the Governor with the tax increase for...excuse me, for Menard, twenty million one hundred twenty thousand six hundred dollars for Personal Services. That's the highest growth budget for Personal Services for Menard; eighteen million seven forty-two six hundred for Pontiac. Senator Dunn's amendment, twenty million one hundred and twenty thousand six hundred dollars for Menard, eighteen million seven forty-two six hundred for Pontiac, we can go through the rest of them. The point is not a penny more by this amendment is going into Menard or Pontiac or Joliet...not a penny more is going into Menard or Pontiac or Joliet...oh, yeah, the plane will be in there, not a penny more is going into Menard or Pontiac or Joliet or the other maximum security prisons by Senator Dunn's amendment or any other means because not a penny ever came out through the legislative process.

PRESIDENT:

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

SENATOR RALPH DUNN:

Thank you, Mr. President and members of the Senate. I certainly appreciate your Aye vote on this. If we don't get this thirty million dollars in here, we're going to have cutbacks all through the correction system. We're probably going to close one prison, we're going to close several correctional community centers and I'd appreciate an Aye vote...on...

PRESIDENT:

The question is the adoption of Amendment No. 2 to House

Bill 789. Those in favor indicate by saying Aye. Opposed. The Ayes have it. The amendment is adopted. Further amendments? Further amendments? Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. 1428, Senator Jones. Clear the board, Madam Secretary. Senator Jones, 1428. Senator Welch, 2051. Senator Lechowicz, 2319. On the Order of House Bills 2nd Reading is House Bill 2319. Read the bill, Madam Secretary.

SECRETARY:

House Bill 2319.

(Secretary reads title of bill)

2nd reading of the bill. No committee amendments.

PRESIDENT:

All right. Senator Lechowicz, we'll wait until the noise subsides a little better. Ladies and gentlemen, while there's lull, if you'll just...we are on 2319 and we will get to the amendment shortly. Let me just alert you to the fact that a...another...a second Agreed Bill List has been distributed. It is difficult at best, as I indicated, but because of the request of Senator Philip and others, we attempted to put together another one. Take a look at it, it'll show on the Calendar tomorrow. The procedure will be the same, any that are knocked off will be voted on immediately after...Friday is the deadline, obviously, so we'll do it Friday and then if any are knocked off or taken off by the sponsor, they will have obviously an opportunity to be heard immediately after the adoption of that list. It is an attempt to save some time, nothing more, nothing less. Senator Etheredge, for what purpose do you arise, sir?

SENATOR ETHEREDGE:

Mr. President, I seek leave to Table House Bill...

PRESIDENT:

Well,...we're in the middle of...of action on 2319. We'll get back to you, sir, that motion is always in order. All right, Madam Secretary, on the Order of House Bills 2nd Reading is House Bill 2319. The bill has been read, no committee amendments. Any amendments from the Floor?

SECRETARY:

Amendment No. 1 offered by Senators Lechowicz, Zito, Marovitz and Hawkinson.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I'd like to really thank the cooperation I've received from Governor Thompson and Jim Edgar on the preparation of this amendment as far as mandatory insurance. This legislation...this amendment as proposed is a little bit different from the mandatory automobile insurance that was considered in this Chamber last year. Now this legislation would make it illegal to operate, register or maintain registered or uninsured vehicle. Every motor vehicle subject to registration in Illinois would be required to carry liability coverage in the minimum amounts of fifteen thousand and thirty thousand for personal injury or death and ten thousand for property damage. Currently, it is legal to drive uninsured. Responsible vehicle owners are subsidizing the other owners. Nine out of ten Illinois residents are for mandatory insurance which was proven in the last gubernatorial campaign, and for that reason, I believe the Governor changed his position and...really came out in support of mandatory automobile insurance in conjunction with the Secretary of State. The procedure of this amendment would be as follows. Every person applying for registration will have to sign...an affirmation that the vehicle being registered is insured. Every insurance company upon receiving a premium payment will

issue an insurance card to the vehicle owner or lessee making the payment. The form and the contents of the insurance card will be prescribed by rules and regulations of the Secretary of State's Office. The enforcement...the Secretary of State will investigate applications for registration to verify that vehicle owners are insured. Questionnaires will be sent to vehicle owners selected at random...at random to require specific information about their vehicle insurance such as the names of their insurance company and policy numbers. That information in turn would be forwarded for verification by the respective insurance companies. The Secretary of State will suspend a drivers license, vehicle registrations or both of vehicle owners who either fail to supply the information requested or reported as not insured by the insurance companies named on their questionnaire. A follow-up verification would be to guard against repeated violators. Names of recent violators will be selected at random and added to the verification process. Any police officer who stops a vehicle for another traffic violation may request to see your drivers insurance card. If the driver cannot furnish a card, he or she may be ticketed; however, the case would be dismissed if at the court hearing the driver presents evidence that the vehicle was insured at...at the time the driver was ticketed. Also in this amendment there would be provisions for the Secretary of State to issue a driving permit so this process could be adjudicated properly...as far as the penalties, the first violation, a three months suspension of a drivers license, vehicle registration or both and prove insurance prior to reinstatement; if the violation involves the operation of an...uninsured vehicle, the penalty also includes a minimum two hundred and fifty dollar fine...subsequent violations same as the first violation except the...suspension is for six months, the minimum fine is five hundred dollars. Display of an invalid insurance card is a petty offense punish-

able for a fine up to five hundred dollars. Exceptions, the following vehicles most of which are covered by existing insurance laws would be exempt: government owned vehicles, insurance which transports passengers, for compensation for-rent vehicles, vehicles covered by certification of self-insurance, insured by Department of Insurance, farm vehicles not subject to registration. The effective date of this legislation will be July 1, 1908 to July 1,...1992 and it could be extended by enactment of a new law. That's exactly what this amendment does and I...solicit your support.

PRESIDENT:

Senator Lechowicz has moved the adoption of Amendment No. 1 to House Bill 2319. Discussion? Senator Collins.

SENATOR COLLINS:

Thank you, Mr. President and members of the Senate. Here we go again, every year just about this time this particular amendment usually surfaces here on the Floor which really bypasses the Insurance Committee for some legitimate debate and discussion on what is a very, I think, serious issue. There are many of us supports the general concept that everyone driving a motor vehicle out there should, in fact, have some kind of insurance coverage to protect others against damage...physical damage to...to themselves and...and to their automobiles. However, there are some of us believe that while that...concept is a valid one that in order to be fair that the State of Illinois should, in fact,...enact some kind of controls and monitoring systems to ensure that rates are accessible and that insurance is, in fact, affordable for all of the people of the State of Illinois who...many of whom depend upon their cars for...as a means to get to their jobs. This bill ignores the fact that Illinois is one of the...probably only states in...in the country which does not have some kind of form of regulations as it relates to the cost of insurance. If, in fact, that we enact this law, I

just simply believe that...which is...added to which is already a very serious financial burden on persons living in metropolitan area of Chicago who is currently now...paying just unreasonable prices for...insurance premiums that it would go up even higher than it is. One of the elements in this bill which...which calls for specifying the amounts for the...the coverage is a section that I would suggest that you pay close attention to. The other provisions of this bill which requires would simply put persons with...young people driving their automobiles in a...in a higher risk category if, in fact, that that automobile would have to...the insurance coverage would have to include everyone that would driving that...that...that car would be included under that insurance premium, so that when you go to acquire that insurance, you most certainly would have to...include everyone in your household that would be driving that car. So if you have some teenagers involved, then your...your...your insurance coverage would automatically be higher, you would probably be thrown in a higher risk category. I think this is a bad idea at the time in the absence of any regulations...rate regulation control in the state and that we should do as we have always done, defeat this amendment.

PRESIDENT:

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Well, I think Senator Collins mentioned some of the things that I had in mind. Certainly, you can tell that it's getting late in the Session, ladies and gentlemen, because this is when this amendment always appears. Now, Senator Lechowicz introduced Senate Bill 1260 which was mandatory insurance but, as I recall, even though he was in committee a number of times, he never called that bill. So this bill was not heard in committee, you ought to know that first of all. As to the political popularity of

this issue, I can't deny that. Certainly, if you ask the man on the street whether or not he favors car...mandatory car insurance, he's going to tell you, oh, sure I favor it. But as you speak with those people and get beyond that first question and explain some of the problems involved in this thing, you find that people aren't so sure that this is really what they want and I guess part of my problem is that...that I've been in this business for a number of years and I just don't think this is good for the people that you and I are here to represent. We have in Illinois laws that require insurance companies to make available coverages for you and I if we want to protect ourselves against the uninsured driver. Part of the problem with the uninsured driver is that in most instances that uninsured driver is an irresponsible...an irresponsible person before he becomes an...an uninsured driver. Either that or he simply can't afford it, he can't afford to buy the insurance. Now, if we pass this bill, I don't think it's going to change very much the numbers of people that are uninsured in Illinois. I think what it is going to do though is set off a movement in the state, and those of you from downstate ought to pay attention to this outside the City of Chicago, where...in Chicago where they pay very high insurance rates, you're going to hear the cry that that's...that it's unfair. Now that the law has been passed that makes everybody buy this product, it's unfair that people in Chicago have to pay so much, so those of us outside that Chicago metropolitan area are going to be called upon to help pay that cost. Believe me, this is what's going to happen. It's happened in...in all of the major states in the United States, particularly in the New York area. It...some states they have not succeeded in doing it yet; in others, they have. This is a very popular political idea which really isn't as good as...as the proponents indicate to you that it is. I suggest to you that we should

at least hold hearings on this very controversial, very comprehensive situation. So I would urge...rejection of the amendment.

PRESIDENT:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I think the time has come that we have to make drivers...be covered with insurance or they have no business driving. I have more cases every time I get out of Session, and I happen to be a lawyer by profession, of people getting hit by people without...without a...without insurance. I think we have to...make people realize there is a responsibility, and I can tell you from my area every time we've taken a poll on this subject, I've had ninety percent of the people who want mandatory automobile insurance. I think if...if we're going to have to...have to pay a little more premium, fine, but I'm tired of the insurance companies saying, oh, how high the premiums are going to go when I see all their big, beautiful buildings all over the place...skyscrapers all over and somehow they can afford them. It's high time that we make insurance companies show more responsibility. We're willing to do so...I'm willing to pay a little more and I'm sure my constituents are as long as they know there's coverage on the other side of the fellow who hits them, and I speak in favor of the amendment.

PRESIDENT:

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate, the people in my district have been in support of mandatory auto insurance for quite some time and I don't...dispute that it might not incur some increase in premiums straight across the board. And I have told them that

and I've told that to people on fixed incomes and I've told that to people who are in other dire straits and they said, fine, so it will incur more in terms of premiums, we feel that the issue is far more important to be dealt with than the concern we would have about paying something more on our premium. Well, in the past, as I said, I have always just supported the bill and have continued to move it out...or tried to move it out. As we know, this bill has been kicking around here in some form either in bill form or an amendment form for around eleven years now. In terms of hearings, it has been heard to the point where we don't have to have any more hearings, we know what it's all about. Let me bring it a little closer to home and that is that last night my mother was released from the intensive care unit of Loyola Medical Center. She's seventy-two years old, she's an insurance broker who also happens to be in support of mandatory auto insurance. She is a lady who you met here about a week ago when she was here visiting the Senate when she was in fine form. Well, Saturday night she was a pedestrian by her car...just standing by her car when a drunken, uninsured driver pulled in and pinned her up against her car, cut the main artery of her leg, broke her ankle and threatened us with the possibility of even amputation. It was not a pleasant weekend, and as we rolled her into the emergency room, her first comment was, is he insured? Then she called him a few choice words which have a tendency to run in our family even when one is sick and said, why doesn't Illinois have mandatory auto insurance? Why not? And I couldn't really answer her even though we've attempted to do it. It's that close to home and I've watched it happen firsthand. She...by virtue of being on Medicare will have eighty percent of her fees paid. It is very expensive in the hospital, she's already gone through two surgical teams, two surgeries and the costs keep mounting. Twenty percent of that, in her

case, will be covered by a supplemental insurance policy because, again, she's an insurance broker, she knows how to do that. A lot of other people don't, a lot of innocent people who are going to get nailed for this because we have irresponsible people on the street and they're going to be there till we like other states who have already moved progressively in this area have done something about it. I have a nineteen-year-old son and I can see what my insurance premiums are because he's under twenty-one and he travels on my insurance policy. It looks like the national debt, but I'm willing to pay more, my constituents are...are willing to pay more and even my senior citizen parents are willing to pay more. I think all of us can afford to pay more, and because of the incident of this weekend, I would submit that to you as prima facie evidence that this problem is not all that far away from us. It happened to my family this weekend, it can happen to you or your family tomorrow, the day after next week as well and I do support Senator Lechowicz' amendment.

PRESIDENT:

All right. The question is the adoption of Amendment No. 1. We have a number of...additional members who have indicated their willingness to...or their desire to speak. I would just ask them to be brief. Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President and members of the Senate. I've heard a lot of talk in this Chamber about issues and whether or not we're on the side of the consumer. I think this boat as well as any could serve as the litmus test. If you're going to drive, get insured; if you're not insured, don't drive. If you're truly on the side of the consumer, I urge your favorable vote on this amendment.

PRESIDENT:

All right. Mr. Minehart from United Press International

has requested permission to take some photographs. Without objection, leave is granted. Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I heard Senator Topinka and I heard Senator Severns and let me suggest to you that your arguments are very well-taken; the trouble is, this is the wrong bill and let me explain to you why. I have asked...I have voted on this issue for, I think Senator Topinka said, eleven years. I have questioned the Secretary of State who...year after year asks me to support this concept and I've said to him, I would vote for it if they made it an honest bill and what I mean by that is this; if you plugged in a method of enforcement and that method is a simple one. The Secretary of State should refuse to issue a license plate and the Secretary of State should refuse to issue a drivers license unless you show proof that you have insurance. That would make it enforceable. And then also in our computer age, if you have somebody that has to buy insurance on the installment plan, plug into your computer, Mr. Secretary of State, that when you fail to pay a premium...when you fail to pay a premium, it would pop up on the computer of the Secretary of State's Office and your plates and your license would be automatically revoked. But the Secretary of State and the sponsors of this bill...Senator Collins, I listened to your argument on this bill...

PRESIDENT:

We are attempting to wind down, if you would, please, I think...

SENATOR BERMAN:

The Secretary of State and the sponsors of this bill, and I don't mean Senator Lechowicz, refuse to incorporate that system. Now let me tell you what that means and it's not a political issue, it's a consumer issue. It means that I...if

this bill passes, I have to go home to my middle-class constituents who have insurance and when they say to me, can I drop my uninsured motorist coverage that cost me thirty bucks or fifty bucks a year, I have to say, no, you can't because in this bill the only enforcement procedure is what is called in the bill a random enforcement. That means if the Secretary of State sends out ten letters, he requests you to show that you've got it. That's enforcement? Jaloney, that's not enforcement. Now let me tell you what else it is. So it doesn't help the middle-income people, the responsible people, my constituents, your constituents that have insurance and to protect themselves they pay thirty bucks or fifty bucks; in fact, I looked at my premium, I think it costs me fifty bucks on my policy to have three hundred thousand dollars uninsured motorist coverage...fifty bucks for three hundred thousand dollars uninsured motorist coverage with a Grade A company. Now what does that mean? It means that if I get hit on my car with...by an uninsured motorist, my Class A company will pay my damages, legitimate payment of a legitimate claim up to three hundred thousand dollars. Now you know what happens to the people that live in Collins' district or Alexander's district or Jones' district or down in Poshard's district? I'll tell you what happens. Those poor slob that...can't afford insurance are going to have to be...are going to be made to pay two hundred dollars...two dollars for fifteen-thirty coverage...for fifteen thousand dollars of coverage. I apologize for using the word slob, because they're going to be...they're going to be sucked in by this bill, because the schlock insurance companies are going to go out there...is that good? They're going to go out there and sell these poor people...they're going to wave this bill and they're going to sell them fifteen thousand dollars of coverage for two hundred bucks. Now what does that mean to you and me? You may not represent any of these

people or you may have very few of them, but I'll tell you what happens. Let's talk about the person that's a claimant. Let's talk about Mrs. Topinka or whatever Mrs. Topinka's name is, all right? She gets hit by this guy who's now got fifteen thousand dollars of coverage with a substandard company, all right? They won't pay her bills, they won't pay her claim. She can't even tap into uninsured motorist coverage until five years in Cook County until the case comes to trial, because the uninsured motorist coverage or the underinsured motorist coverage won't plug in until the first carrier pays and they don't pay and they make you file suit even when it's a...a locked up legitimate kind of claim. So it's a sham, ladies and gentlemen; it's unenforceable, it doesn't help those people that pay coverage now that are responsible because you can't drop your uninsured motorist, they are substandard companies and won't pay the claims that will plug you into the underinsured coverage; it robs from the poor, it doesn't help the middle income. I urge a No vote.

PRESIDENT:

Further discussion? Senator Raica.

SENATOR RAICA:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. To echo Senator Collins' words, here we go again. Yes, here we go again, we're asking by a No vote people who pay to continue to pay and pay and the people who hide will continue to hide. Senator Collins, you mentioned the high insurance rate. They are high because we're paying for people who are not insured, people who have the privilege of driving but don't take the responsibility to drive and to take that responsibility. I ask that we support Senator Lechowicz' efforts and the Secretary of State with an Aye vote.

PRESIDENT:

Further discussion? Senator Joyce.

SENATOR JEREMIAH JOYCE:

Are there other speakers?

PRESIDENT:

Not yet, no.

SENATOR JEREMIAH JOYCE:

I was just going to move the previous question.

PRESIDENT:

Thank you. Further discussion? Further discussion?
Senator Lechowicz may close on Amendment No. 1.

SENATOR LECHOWICZ:

Well, let me just respond, Mr. President, if I may, to some of the debate that's...been raised on Amendment No. 1. On No. 1 as far as this amendment is quite a bit different than Senate Bill 1207 which was introduced and not called in the...in the Insurance Committee because of the fact that I couldn't get the bill out of committee. That's the honest to God's truth. You look at the...I'm not saying that there's anything wrong with the committee but, unfortunately, I believe the industry has quite a bit of control in that committee. Number two,...well, resent it or not, that's the way it is. Number two, as far as the schlock insurance companies in this state, if they're schlock insurance companies, we should drive them out of business. That's how strongly I feel about it and if you know of any, Artie, give me the list, I'll help you do it. Number three, if you believe that a minimum insurance policy of fifteen-thirty which is...that's the bare minimum you can receive in any type of policy is too much, I totally disagree. Something is better than nothing...driving in this state is a privilege as in every other state. Why in the world can't you be a responsible individual when you purchased that automobile to make sure...God forbid you strike somebody, God forbid they don't have uninsured motorist clause, God forbid they may

have been just walking to school and their families are protected to a certain extent with insurance...health insurance, but you know what's going on in this State as in any other states, there is a limit of protection; even as a state employee, there's a limit of protection. And if you go beyond that limit, the proceeds have to come from that family's proceeds in order to pay that bill. That's wrong and if you have a responsibility...if you're responsible enough to get a drivers license, if you're responsible enough to have a car, you should be responsible enough to have basic insurance. Now let me tell you also the difference as far as the Secretary of State's position on this bill...this amendment. Now we've worked long and hard on this, because I also thought that the easiest way to...would be to suspend the license, very difficult to do because of the concern within certain communities in our state. He wanted to have the ability of random sampling and working with the insurance companies and also the provisions which are in Section...page 7 of the bill as far as mandatory insurance permit to make sure nobody's due process were taken away from them. This is a good amendment and it deserves your support.

PRESIDENT:

Senator Jones, for what purpose do you seek recognition? The gentleman has closed.

SENATOR JONES:

Thank you, Mr. President, members of the Senate. I'd the record to reflect that the bill that Senator Lechowicz referred to in the Insurance Committee, he came into the committee and said he did not want his bill heard in committee. And that is the reason why the bill did not receive a hearing, and had it received a hearing, I'm quite certain that the intelligent members of that committee would have done the wisest thing as this body should do and defeat Amendment No. 1.

PRESIDENT:

The question is the adoption of Amendment No. 1 to House Bill 2319. 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 28 voting Aye, 27 voting Nay, 1 voting Present. Amendment No. 1 is adopted. Further amendments?

SECRETARY:

Amendment No. 2 offered by Senator Barkhausen.

PRESIDENT:

Senator Barkhausen.

END OF REEL

REEL #7

SENATOR BARKHAUSEN:

Mr. President, I would ask that my amendments, I believe there's 2 and 3, be withdrawn.

PRESIDENT:

All right. Senator Barkhausen wishes to withdraw his amendments. Madam Secretary, further amendments?

SECRETARY:

Amendment no. 2 offered by Senator Jones.

PRESIDENT:

Senator Jones on Amendment No. 2.

SENATOR JONES:

Thank you, Mr. President. Amendment No. 2 to House Bill 2319 would require that no rates for...the liability insurance according to the adoption of Amendment No. 1 shall exceed one hundred and ten percent of the statewide average charge for coverage...coverage...of this policy. What this does in essence is that with the adoption of Amendment No. 1 and...and I heard Senator Schuneman talk about the City of Chicago and...and other urban areas in the state where the people who reside within the...who reside within the City of Chicago do not cause the congestion within the City of Chicago. The highways...the Edens, the Eisenhower, the Stevenson, the Calumet Expressway are those persons in suburbia and the...and the six county area are the ones that's caused the congestion in the City of Chicago. When...when you increase the number of vehicles in the...on the streets, there's a likelihood of more possible accidents. What this amendment does is protect the consumers; that is, no rates in...any area can exceed one...hundred and ten percent of the statewide average for such rates and I move the

adoption of this amendment.

PRESIDENT:

Senator Jones has moved the adoption of Amendment No. 2 to House Bill 2319. Discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

I question the germaneness based upon Amendment No. 1.

PRESIDENT:

While the Parliamentarian is checking that, we will continue. Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you, Mr. President. As I mentioned in my remarks earlier today, that a few years after Illinois adopts any kind of mandatory insurance, you'd see an...an attempt like this one right here being made here in Illinois. Now what this means to those of you who are so anxious to vote for compulsory auto insurance, it means that you're going to get to help pay the cost of claims in Chicago; basically, that's what it means. The rates...the rates for auto insurance in this state basically start high in Chicago, they're a little bit less in the suburbs, they're a little bit less out in...in the collars and they're less in downstate. And the...the very nature of what we're about to do here, that is, adopt a law that says everybody in Illinois has to buy a product, creates the kind of...of social atmosphere in which those who are being charged more demand that they get some kind of a leveling of the premium. Now, those of us who are not in that high rate area are much better off under our present system. I've got to make some comments too about some of the...some of the things that were said earlier.

PRESIDENT:

Well, I...the Chair would just...direct you to keep your remarks to Amendment No. 2, if you please.

SENATOR SCHUNEMAN:

...I will, Mr. President, thank you. If a motorist in

Chicago is drunk and causes the kind of accident that Senator Topinka referred to earlier, what guarantee is there that that motorist even has a license? Drunk drivers and people who are completely irresponsible are known to drive all the time without licenses. Now those folks are not going to be insured whether we have this law or we don't have the law, but the issue in Senator Jones' amendment is the one that I think suburbanites and downstaters ought to...really be concerned about. I suppose if we adopt his amendment, we probably kill the bill. If we don't adopt his amendment, you got to know that it's eventually going to...going to appear some time.

PRESIDENT:

Further discussion? Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. I rise in support of this amendment. We're talking about a level playing field. I, unlike some of my inner city colleagues, are from a...what is called a middle income in a black community district and they are responsible people. They do have their insurance, they do have the coverage and I can remember years back when all them insurance companies came into the City of Chicago that sold insurances and did not honor any commitment. They would insure, pack up and leave. They did not pay the insurance, they fought every issue in court. This is a good...amendment, this makes it a level playing field. So I urge an Aye vote on this amendment.

PRESIDENT:

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes, I...I think Senator Schuneman really said all of what I wanted to say, but I would...just like to reemphasize two points that he made and that is the...the cost of this insurance and somebody have to pay and it's very evident that

many of the people now in the City of Chicago and in some other urban areas in this state will not be able to afford the insurance. So if, in fact, that we're going to mandate...at the rate...at...at the rate that the insurance will be after this law come into effect. So if we are going to mandate it, then somehow we have to equalize the...the burden and that's what this amendment is attempting to do. It is an amendment that I have introduced. Every year this time when this bill come up...this amendment comes up and I think it ought to be adopted so that we can spread the cost of the insurance out across the state so that it doesn't automatically force people to be in violation of this Act, because that's exactly what you're doing. If you don't relieve some of the burden, they're just going to be in violation of the law and more people are going to be out there without any insurance coverage at all, because they simply cannot afford it. Some of you who are concerned now about the reason for this law is because you assume...you...you're concerned about the fact that there are people out there without insurance coverage. Well, I'm saying that under this law unless we somehow spread out the cost, you will have more people without insurance coverage because you're probably going to...I'll be added to that list myself. Right now for two cars we pay almost three thousand dollars a year to cover my two cars in the City of Chicago. I can't afford that, most certainly I...I will not be able to afford an increase in insurance coverage. So you will probably have me added to the list of uninsurance coverage and maybe I'm not the best of driver. So, I say to you...you're going to defeat the purpose of the intent of this law if you don't adopt this amendment.

PRESIDENT:

Further discussion? Senator Joyce.

SENATOR JEREMIAH JOYCE:

Move the previous question, please.

PRESIDENT:

That motion is in order. Senator...Senator Jones on Amendment No. 2. The Chair is prepared to rule that the amendment is nongermane as it is an amendment to the Illinois Insurance Code and the...the bill as introduced and Amendment No. 1 amend the Illinois Vehicle Code. The amendment is out of order, Madam Secretary. Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Senator Schuneman, for what purpose do you arise?

SENATOR SCHUNEMAN:

Well, on your ruling, Mr. President. The bill addresses...although the bill amends the Vehicle Code and I agree with that, the bill speaks to...

PRESIDENT:

State your point, excuse me, Senator. Senator Lechowicz.
SENATOR LECHOWICZ:

Thank you, Mr. President. You made your ruling, there's no debate on the subject. He...what he has to do one way or another.

PRESIDENT:

...you are correct. Senator Schuneman, you and I can discuss this after adjournment at great length. Senator Schuneman.

SENATOR SCHUNEMAN:

My light was on as you were making your ruling, Mr. President. I was calling for attention. Now, you're...you're...

PRESIDENT:

Senator Schuneman, you go ahead, please.

SENATOR SCHUNEMAN:

...you have been very fair in the Chair, Mr. President, and I...I think I have a...a right to discuss your ruling. The bill does...does amend the Vehicle Code, I agree with that, but the bill...the amendment also speaks to insurance policies and to the subject of insurance. It seems to me that in order to be consistent, you would have to rule that the first amendment was out of order, because it...it speaks to...to subjects not only within the Vehicle Code but also those subjects within the Insurance Code...could I get a response from the Chair, Mr. President...

PRESIDENT:

The Chair is prepared to stand by the ruling as made that the...the bill and the amendment pertain to the Illinois Vehicle Code. Amendment No. 2 was an amendment to the Illinois Insurance Code and, thus, is nongermane. Senator Jones.
SENATOR JONES:

Why, if that is the case, then I...I agree with my colleague, Senator Schuneman. Amendment No. 2 is inserting language into the Vehicle Code which should not be there and that language refers to the insurance and...which is a different code, as...as you so stated. So I...I can't see how this amendment cannot be germane when we moved and we acted on Amendment No. 1.

PRESIDENT:

3rd reading, Madam Secretary. 2702, Senator Marovitz.
Senator Jones.

SENATOR JONES:

It...it is quite evident that with the adoption of Amendment No. 1, the fiscal impact of such an...an amendment will be tremendous. I don't know whether we have to increase the fees for the Secretary of State or the cost of administering such an Act will be passed on to all the other motorists or...so, therefore, I did file and ask for a fiscal note on Amendment No. 1 which was adopted.

PRESIDENT:

The Chair will recognize that such a...a request was filed. Senator Jones.

SENATOR JONES:

Also, that the bill be held on 2nd reading until such time as that amendment is...I mean, that fiscal note is filed.

PRESIDENT:

Well, that...that is subject to vote of this Body. Senator Lechowicz.

SENATOR LECHOWICZ:

Well, Mr. President,...as...it's quite obvious as far as the intent of these makers of these motions and I would just hope that...I will try to get the response, as you did today, before this bill is called on 3rd reading as far as if there's any fiscal impact at all. I will work with the Secretary of State's Office as diligently as I did in working with this amendment...with...with their office.

PRESIDENT:

Senator Jones.

SENATOR JONES:

Well, in...in response to your earlier statement, Senator Lechowicz, you indicated that you and the Governor conveniently bypassed the Insurance Committee which is...a standing committee of this Body and to come to 2nd reading indicating that you could not receive a vote in that committee. And in view of the fact that the Governor and the Secretary of State do not respect the committees of this Body, you being a member of such...of such, I cannot say that the bill can move on to 3rd reading without first having the fiscal note filed.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Just to correct the record. I never stated that the

Governor refused or didn't want to participate in the Insurance Committee in reference to Senate Bill 1207 nor the Secretary of State. I did that on my own volition, it was a totally different bill, Senator Jones. I tried to work this out with the cooperation of the Governor's Office and the Secretary of State's Office, that was Amendment No. 1 which is quite a bit different than Senate Bill 1207. I will try to continue along that vein. I think it's quite obvious exactly what everybody is trying to do here with the amendment that was ruled not germane because it wasn't and the actions on this bill right now. As I stated, I will try to work with the Secretary of State to give us a fiscal impact as required...as requested by Senator Jones and I ask the bill to be moved to 3rd.

PRESIDENT:

All right. Senator Jones.

SENATOR JONES:

Well, Mr. President, I respectfully request according to our rules as such that the bill be held on 2nd reading until such time that that fiscal note is filed.

PRESIDENT:

Well, the...the...the question will be put to the Body and let me just refer you all, as we have dealt with this before at least on a peripheral basis, Chapter 63, Section 42.37, Subsection 7 of Chapter 63 says that "A majority of such house", namely, the second house, "may propose that no action shall be taken upon the amendment until the sponsor of the amendment presents to the members a statement of the fiscal effect of his proposed amendment." So the question, Senator Lechowicz, in the event that Senator Jones is not willing to comply with your request is that we will take a vote and if the majority of the house proposes that no action be taken, the bill will remain on 2nd reading until such time as the fiscal note is filed. That's the way I read this.

Senator Joyce.

SENATOR JEREMIAH JOYCE:

In other words, my understanding is that it requires thirty votes in order to keep this bill on 2nd reading?

PRESIDENT:

That is the...that is the interpretation of the...

SENATOR JEREMIAH JOYCE:

So the motion that will be put to this body will be whether or not 2319 should remain on the Order of 2nd Reading and will require thirty votes?

PRESIDENT:

Yes. The question will be put that no action be taken on...on the amendment...that no action be taken, that it not be moved from 2nd to 3rd, yes. So that those who agree with Senator Jones and wish to delay action will vote Aye and those who agree with Senator Lechowicz and wish to move it to 3rd would vote No under this...yes, Senator Joyce.

SENATOR JEREMIAH JOYCE:

And...and Senator Jones...as I have stated, Senator Jones' position on this then requires thirty votes.

PRESIDENT:

Majority of such House, yes.

SENATOR JEREMIAH JOYCE:

Thank you.

PRESIDENT:

Yes, majority of fifty-nine is thirty, yes. Senator Jones.

SENATOR JONES:

Well, Mr. President, your interpretation of the rules...

PRESIDENT:

...this Statute, now, this is not a rule. We're in Chapter 53 and you're welcome to grab one of the red books and read it for yourself. I'm just trying to read what somebody at some point proposed and passed around here. Yes,

Senator Jones.

SENATOR JONES:

Perhaps in your interpretation of the Statutes as such, and I trust your reading quite well,...Mr. President, out your interpretation, would you kindly read that to the Body again because I want to be sure who...which...who has to have the thirty votes.

PRESIDENT:

Chapter 63 Section 42.37 says in part, "A majority of such house may propose that no action shall be taken upon the amendment until the sponsor of the amendment presents to the members a statement of the fiscal effect of his proposed amendment." The amendment has now been placed on 2319. The question is whether we adopt it and move it to 3rd...it has been adopted, whether the bill stays on 2nd until the fiscal note is filed. Senator Lechowicz.

SENATOR LECHOWICZ:

I ask this bill on 3rd reading...I think that's where you've got it, right?

PRESIDENT:

...technically, no,...you know, the...we're going to have to at some point deal with this motion, why don't we do it, all right? Senator Jones has moved pursuant to his filing of the request for a fiscal note that no action be taken on 2319 until that fiscal note has been filed...statement of the fiscal effect has been filed. Is that satisfactory, Senator Schuneman?

SENATOR SCHUNEMAN:

(Machine cutoff)...you, Mr. President. I'm not sure everyone in the Chamber understands exactly what the motion is and I...and...and the procedure and I would ask you to repeat it one more time, if you would, please.

PRESIDENT:

As...as I am sure everyone is aware, we have the absolute

unfettered right to request a fiscal note on a bill in the house of origin. So that any Senate bill that's filed, any Senate member can request a note even though it makes Senator DeAngelis and others mad, you can request a fiscal note. The question is, what happens to a bill which is not in the house of origin which is where we are now. The Statute says, not very plainly but it does say, "Whenever any measure is amended on the Floor of either house in such manner as to substantially affect the cost thereof or the revenue to be derived thereunder, as stated in the fiscal note attached to the measure prior to such amendment, a majority of such house may propose that no action shall be taken upon the amendment until the sponsor of the amendment presents to the members a statement of the fiscal effect of his proposed amendment." Now, Senator Jones has brought that question to us. It is up to a majority of this house to decide whether or not this bill remains on 2nd reading or is moved to 3rd reading pending...remaining on 2nd reading pending the statement...that has to be submitted by Senator Lechowicz as to the fiscal effect of his amendment. Is that...everybody on board? Okay. Those who agree with Senator Jones and do not wish this bill to move from 2nd to 3rd until the fiscal note is filed will vote Aye. Those who do not agree with Senator Jones, who agree with Senator Lechowicz and wish the bill to be moved from 2nd to 3rd will vote No and the voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. There are 32 affirmative votes, 26 negative votes, none voting Present. A majority of this house has proposed that no action shall be taken upon that amendment until the sponsor of the amendment presents a statement of the fiscal effect of his amendment. Senator Lechowicz, the bill will remain on 2nd reading pending your statement of the fiscal effect. The bill remains on 2nd reading, Madam Secretary. 2702. 2768, Senator Jones. All

right. That concludes, finally, 2nd reading. We will now move to the Order of Motions in Writing. Senator Etheredge, for what purpose do you arise?

SENATOR ETHEREDGE:

Well, Mr. President, is it appropriate now to give you my Tabling motion?

PRESIDENT:

Absolutely.

SENATOR ETHEREDGE:

...Mr. President, I seek leave to Table House Bill 2458 and...

PRESIDENT:

In the middle of page 24, on the Order of House Bills 3rd Reading is House Bill 2458. Senator Etheredge moves to Table House Bill 2458. All in favor of that motion indicate by saying Aye. All opposed. The Ayes have it. The motion carries. Senator Etheredge.

SENATOR ETHEREDGE:

Also, Mr. President, I seek leave to change...transfer sponsorship of House Bill 1781 to Senator Keats and then my name would be deleted as one of the sponsors.

PRESIDENT:

All right. The gentleman seeks leave to substitute Senator Keats in his stead as the Senate sponsor of House Bill 1781. Without objection, leave is granted. Senator Carroll, for what purpose do you arise?

SENATOR CARROLL:

Thank you, Mr. President. With leave of the Body, be added as a hyphenated principal cosponsor of House Bill 1583.

PRESIDENT:

The gentleman seeks leave to be added as a hyphenated sponsor of 1583. Without objection, leave is granted. Senator Welch, for what purpose do you arise?

SENATOR WELCH:

I'd ask leave to be removed as sponsor of Senate Resolution 233.

PRESIDENT:

The gentleman seeks leave to be removed as the sponsor of Senate Resolution 233. Without objection, leave is granted. Senator Woodyard.

SENATOR WOODYARD:

...thank you, Mr. President. I would ask leave to add Senator Rigney as a hyphenated cosponsor of House Bill 2323.

PRESIDENT:

The gentleman seeks leave to add Senator Rigney as the hyphenated cosponsor on House Bill 2323. Without objection, leave is granted. Senator Collins.

SENATOR COLLINS:

Yes, to seek leave to be added as a hyphenated cosponsor to Senate...House Bill 2298 with permission of the sponsor.

PRESIDENT:

2298. The lady seeks leave to be added as a hyphenated cosponsor, 2298. Without objection, leave is granted. Senator Fawell.

SENATOR FAWELL:

Thank you, very much. I would also like to add Senator Kustra to the same bill as a hyphenated sponsor, it's my bill.

PRESIDENT:

Which bill is that?

SENATOR FAWELL:

2298.

PRESIDENT:

2298. The lady seeks leave to add Senator Kustra on 2298. Without objection, leave is granted. If you turn to page 39 on the Calendar, ladies and gentlemen, we will attempt to accommodate those who filed motions in writing. At the conclusion of this order of business, we will then

adjourn until ten o'clock tomorrow morning. Ten o'clock tomorrow morning, we'll start on the Order of House Bills 3rd Reading and continue on. Tomorrow is the deadline, as you well know, for the appropriation bills. Motions in writing. There is a motion in writing on House Bill 47, Madam Secretary.

SECRETARY:

House Bill 47. A motion filed by Senator Brookins. Having voted on the prevailing side, I move to reconsider the vote by which Senate Amendment No. 3 to House Bill 47 was adopted.

PRESIDENT:

All right, ladies and gentlemen, if you'll bear with me, this...this motion will require, obviously, that House Bill 47 be before us which will require that Senator Donahue agrees to...that we agree to move to the Order of House Bills 3rd Reading for the purpose of her calling that bill back to 2nd reading for the purpose of dealing with this motion to reconsider an amendment. Is that clear? Okay. Senator Donahue has graciously agreed to do that. So on the Order of House Bills 3rd Reading is House Bill 47. Senator Donahue seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 47. Senator Brookins has moved having voted on the prevailing side to reconsider the vote by which Senate Amendment 3 was adopted and on that question, Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. Having voted on the prevailing side, I move to reconsider the vote by which Senate Amendment No. 3 of House Bill 47 was adopted.

PRESIDENT:

Discussion? Senator Savickas.

SENATOR SAVICKAS:

Yes, Mr. President, this is the chiropractor bill that brings in the Illinois State chiropractors in conformity with the rest of the bill. My question, evidently, is moving to reconsider, how many votes does that take?

PRESIDENT:

On a motion to reconsider...the motion to reconsider takes the same number of votes as does the main question. On the adoption of an amendment, it is...it is a simple majority. On passage or...no, passage, it is thirty, constitutional majority. Simple majority will suffice for a motion to reconsider the adoption of an amendment. Senator Savickas.

SENATOR SAVICKAS:

And then for the removal of that amendment?

PRESIDENT:

That is a motion to Table and that would require also a majority.

SENATOR SAVICKAS:

A majority or a...or thirty votes?

PRESIDENT:

Majority of those voting on the question. Senator Savickas.

SENATOR SAVICKAS:

I'm sorry, sir,...

PRESIDENT:

A majority of those voting on the question. If all fifty-nine of us vote, it will take a majority of fifty-nine. If something less than that votes, it will take a majority of those voting on the question.

SENATOR SAVICKAS:

Well, I've...obviously, I'm arising to speak against that motion to reconsider, to leave...to leave that amendment on and leave these chiropractic organizations get together, find

some common ground to...to work their problems out and get together instead of having this ongoing war. I would...I would just object to his motion.

PRESIDENT:

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Mr. President and members of the Senate, I rise in support of this motion and the people who accomplish by that amendment yesterday were part...started and then walked out of the negotiations approximately eighteen months ago, when all the players under the Illinois Medical Practice Act and the department were all working together. They chose not to participate in this, and the amendment which went on yesterday was, in my opinion, in error and as the opinion of some of the other people and...this motion is a good motion and I would appreciate a favorable vote that we adopt...reconsider this vote. The sponsor of this bill does not want that amendment on her bill and our usual rule around here is that you let a sponsor have the bill in the shape it's in, and I'd appreciate a Yes vote on the reconsideration.

PRESIDENT:

Further discussion? Senator A'Arco.

SENATOR D'ARCO:

Mr. President, is this a debatable motion?

PRESIDENT:

The motion to reconsider, yes, it is a...it is a...it is a debatable motion. A motion to Table is not, but a motion to reconsider is, yes.

SENATOR D'ARCO:

All right. Well, that's fine, then we should debate it because, you know, what...you know, he's giving his impressions of what went on in meetings with these two groups and one group walked out and then they were at fault, and the

other group is the good guys and the bad guys walked out on the negotiations. You know, I don't think...we weren't involved in those negotiations, we don't know what was said in...in those meetings, who's right, who's wrong, that's not for us to say. This amendment was voted on, was debated and was approved and now for you to come back here and tell us that you...we made a mistake because that's not what it's all about is totally in error and...and we shouldn't oblige you at all on this motion.

PRESIDENT:

Further discussion? Senator Savickas.

SENATOR SAVICKAS:

Yes, I think there are a few errors that have been circulated. When we talk about the two societies, one actually has about seven hundred members with a hundred students. The other has about two hundred and thirty-five members with eighty students. Senator Donahue is the Senate sponsor, but I've talked to the House sponsor who originated this bill, he has no problem with this amendment. He wants to see the original...he wants to see the bill go out and he thinks that with or without the amendment that the bill is good. He has told me he has no...no objection if it goes on or not and I think those misconceptions should be cleared up and I would move to resist this motion.

PRESIDENT:

Senator Davidson for the second time.

SENATOR DAVIDSON:

Well, he forgot to tell you which organization had the seven hundred plus members. That happens to be the organization that stayed in on the negotiations and, you're right, Senator D'Arco, this...shouldn't had to been in front of you. Those people chose not to participate and they shouldn't have brought their fight with the other people to you, but they did and so...and I've been here a long time, the same as you

have, and you've moved to reconsider the vote on how things have been adopted in the past and that's what we're trying to do.

PRESIDENT:

All right. Further discussion? Senator Brookins, you wish to close?

SENATOR BROOKINS:

No, Mr. President, I have no closing remarks.

PRESIDENT:

All right. Senator Brookins having voted on the prevailing side has moved to reconsider the vote by which Senate Amendment No. 3 to House Bill 47 was adopted. Those in favor of the motion to reconsider 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 35 voting Yes, 14 voting No, none voting Present. The vote is now reconsidered. Senator Brookins...Senator Davidson. Senator Davidson.

SENATOR DAVIDSON:

Mr. President, I'd move to Table Amendment No. 3 on House Bill 47.

PRESIDENT:

The gentleman has moved to Tabled House Bill...I mean, Amendment No. 3 to House Bill 47. Those in favor of the motion to Table 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 35 Ayes, 15 Nays, none voting Present. Amendment No. 3 is Tabled. Further amendments? Further amendments?

SECRETARY:

No further amendments.

PRESIDENT:

3rd reading. Motion in writing on House Bill 144, Madam

Secretary.

SECRETARY:

Motion on House Bill 144 filed by Senator Brookins. A motion that temporary Senate Rule 5C be suspended in respect to House Bill 144 and that the bill be read a second time and placed on the Calendar on the Order of 2nd Reading without reference to committee.

PRESIDENT:

Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. This bill came over to the House late...over to the Senate late. It is to deal with multilottery and I ask that we bypass committee because committees were closed when the bill came over.

PRESIDENT:

All right. Senator Brookins has moved that Rule 5C be suspended and asked that House Bill 144 be read a first time and placed on the Calendar on the Order of 2nd Reading without reference to committee. All in favor of that motion 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 17 Ayes, 34 Nays. The motion fails. House Bill 137. Read the motion, Madam Secretary. House Bill 237, that's what I said. House Bill 2-3-7. ✓ Senator Hall.

SENATOR HALL:

Is this the last day for motions?

PRESIDENT:

Yes,...well, essentially, yes. I mean, we're...we're getting down, it's June 24th, tomorrow is the 25th, we're getting pretty close to the end here. Senator Hall...Madam Secretary, 2-3-7. Yeah, Senator Brookins, for what purpose do you arise?

SENATOR BROOKINS:

What bill did we just vote on, 147?

PRESIDENT:

House Bill 144.

SENATOR BROOKINS:

...no, I think it was 147, that's what the board read.

PRESIDENT:

All right. All right. We...we will...you know, we've...we...well, the question was stated and the motion was made by you. Senator Brookins.

SENATOR BROOKINS:

My motion was on House Bill 144, but on the board...and all the votes was 47.

PRESIDENT:

Well,...all right, Madam Secretary, we'll go back and do 144 again. I...I stated the motion properly and if you read the transcript you will hear that the motion was put with respect to House Bill 144. Well, all right...the wrong number apparently was on the board and for that...Senator Brookins. Motion on House Bill 144. Read the motion, Madam Secretary.

SECRETARY:

Motion on House Bill 144 filed by Senator Brookins. Motion that temporary Senate Rule 5C be suspended in respect to House Bill 144 and that the bill be read a second time and be placed on the Calendar on the Order of 2nd Reading without reference to committee.

PRESIDENT:

Senator Brookins for the second time.

SENATOR BROOKINS:

Yes, thank you, Mr. President. Mr. President, this is supposed to be an agreed bill...from the...coming over from the House...and I ask for a favorable vote on House Bill 144.

PRESIDENT:

Let the record reflect that the board has House Bill 144.

Those in favor of this motion 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 10 Ayes, 43 Nays, none voting Present. The motion fails. All right. Madam Secretary, there's a motion filed on House Bill 237. ✓

SECRETARY:

Motion on House Bill 237 filed by Senator Hall. Motion to discharge from Insurance, Pensions and Licensed Activities Committee and be placed on the Calendar of...on the Order of 2nd Reading.

PRESIDENT:

Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 237 was introduced by Representative Hensel, Parke, Rea, Hoffman, Flinn, Williamson and Black. It had bipartisan support in the House and it passed out on...112 Yeas and 2 Nays. It came to this side of the aisle and the sponsors became Senator Ralph Dunn and myself. Now this amends the Barber and Cosmetology Act of 1985 to provide that at least one member of the five registered cosmetologists on the Barber and Cosmetologist Committee be an owner or a major stockholder in the school of cosmetology. Although the bill had opposition in committee and it...and it's still offered on 2nd reading, it passed out of the House by the vote as I told you. Now, the reason that we're asking for this is the Chicago...Cosmetology Association who opposed having the cosmetology school on...on the committee accepted an amendment to Senate Bill 1003, a bill they introduced to license to require that one of their members shall be an owner or a major stockholder in the school of barbering. Now why this...legislation is needed, the Department of Registration and Education needs input from cosmetology schools.

Registration requirement for all licensed cosmetologists relate directly and intensively to the school curriculum. The department's Barber and Cosmetology Committee dictates a very strict requirements for ownership and operation of a cosmetology school. Surely the school owners are the best people to advise in these matters. It makes sense that an advisory body be comprised of all the key players who have important information and experience to share. Since cosmetologists are barbers...and barbers are already represented on a committee, it is only fair to give some...representation to the school owners. Beauty salons are no longer licensed, yet, they have five representatives on this committee. Because of the above stated fact, I respectfully request your vote to discharge the Senate Insurance Committee from any further consideration of House Bill 237.

PRESIDENT:

Discussion? Senator Jones.

SENATOR JONES:

Yeah, thank you, Mr. President and members of the Senate. I rise in opposition to this motion. For those of you, if you look at your Calendar and see when this motion was filed, it was filed on June the 10th, which is Wednesday of this month...June the 10th. The bill was heard in committee on June the 11th. It had a fair hearing and it was defeated as such and to give you a background on the issues since we're discussing the issue not the motion itself, there was...an agreement made. Legislation was passed in 1985 and signed by the Governor whereby those who...who wanted to be represented on...on the board as it relates to the cosmetology schools, the director of the Department of Revenue can appoint such a person if need be. There was an agreement made by all those concerned at that time on this issue. The committee process worked and so I rise in opposition to this motion, because the facts have not been stated clearly. Senator Hall had an

opportunity in committee to hear...have his bill heard, he had it heard. I...I urge defeat of the motion to discharge the Insurance Committee from House Bill 237.

PRESIDENT:

Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I rise in support of the motion. Normally, I don't do this, but I think the history of this bill in the committee, first of all, was that when Senator Hall appeared the first time in the committee he was told that this bill was going to be held. And, so, then only after persisting was he granted a hearing and that was a night hearing, the last one of the committee and, frankly, committee members who had agreed to support his bill were not in committee that night. Had they been, I think the bill would have been put out on the Floor and I did agree to support Senator Hall's motion.

PRESIDENT:

Senator D'Arco.

SENATOR D'ARCO:

Well, I don't remember that history of what happened that night in the committee. This bill was given an ample hearing at that time. The fact of the matter is that there was an agreement two years ago between the cosmetologists and the barbers and the agreement stated that the barbers would have one person who owned a barber school on the board. And the amendment in the House that Senator Hall is referring to simply clarifies the old language about the barber school position on the Barber Board. There was an agreement at that time that the cosmetologists would not have a person who owned a barber school delineated in the Act although the director could appoint a person who owned a barber school to the board if he wanted to. This bill was given a hearing in the committee, we were all present, we all voted on it and it

failed in committee and it should fail on this motion.

PRESIDENT:

Senator Zito.

SENATOR ZITO:

Yes, thank you, Mr. President. Not to belabor the conversation, I don't know what deals were made or agreements were made, all I know as a member of this committee that the bill had a hearing at least forty-five minutes if not an hour. Those members that were at that scheduled hearing voted on the legislation and it was defeated. If we are going to sit around here and file motions on every bill that was defeated in committee, I would trust that we would not be out of here at least until the first of the year. So if you support the committee structure, please oppose this motion.

PRESIDENT:

Further discussion? Senator Hall may close.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. For the edification of everyone present is that in my twenty years I have never tried to have a motion to discharge the committee. The truth of the matter was this on the day that it was to be heard, I appeared before the committee and Senator Jones told me in no uncertain terms he was not going to hear my bill, and it caused me to go around to every member of this committee and you...you know that, you people that stand here and say it. I went to every member on this committee and said...and I asked Senator Jones, Senator Jones, are you going to hear my bill? And he said, I haven't made up my mind yet. The next thing was when I arrived to the committee and I was there when he started to put bills in a subcommittee or a committee. Now, I...I asked him on that day, my bill was posted, I went to the committee and, therefore, the next evening he denied me the chance for the committee and he was told by members of that committee

that he was taking it upon himself to place bills in the committee without telling the other members of the committee. Now the reason I come before you, and I have great respect for the committee process, but Senator Jones decided that on the next evening or the...at 7:00 p.m. that he was going to post my bill, it was already posted. He denied me a chance when I was there and I said, Senator, I have two other committees going on. I'm...should be on the Executive Committee and I made trips in and out of that committee. The point that I'm saying was that...for him to take the action that he took and denied me an opportunity to have my bill heard, a courtesy shown by every member here on this Floor who are chairmen of the committees. I'm a chairman of a committee also but I have never been treated to a point to where that when I went to a committee chairman and told him I'm due in another committee, they will either tell you to come back at a certain time or do this, but Senator Jones took it upon himself to say I'm not going to hear your bill. That's the truth of the matter. Now it may have been heard and I don't deny that it was heard, but...when it was heard at seven o'clock the next evening,...when it should have been heard that afternoon or the day before. Now, it was adherent, it lost 4 to 3. But that's the truth of the matter and I think that any chairman who takes it upon himself to decide that he's going to place a bill in the committee is not treating his constituent...his fellow members of the Senate correctly.

PRESIDENT:

Senator Hall has moved to discharge the Insurance Committee from further consideration of House Bill 237. Those in favor of the motion 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 36 Ayes, 12 Nays, none voting Present.

The motion to discharge prevails. The bill will be placed on the Calendar on the Order of 2nd Reading. 320, Madam Secretary.

SECRETARY:

Motion on House Bill 320...filed by Senator Holmberg. Motion to discharge the Higher Education Committee and be placed on the Calendar...on the Order of 2nd Reading.

PRESIDENT:

Senator Holmberg.

SENATOR HOLMBERG:

I do not wish to call that motion.

PRESIDENT:

Motion on House Bill...454, Madam Secretary, 4-5-4.

SECRETARY:

Motion on House Bill 454 filed by Senator Newhouse is a motion to discharge from...the Higher Education Committee and be placed on the Calendar on the Order of 2nd Reading.

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. Mr. President, this bill was...was not heard in committee. It passed out of the House Committee 15 to nothing, passed out of the House 34-33. The Illinois Community College Board supports it and what it does is it's...it...it...it places on new community college districts a rate that would be consistent with the statewide average of 22.5 percent. I know of no opposition, I would move...what's my proper motion?

PRESIDENT:

To discharge.

SENATOR NEWHOUSE:

I move to discharge this committee from...this bill from further consideration by the Committee on Higher Education.

PRESIDENT:

Senator Davidson.

SENATOR DAVIDSON:

Mr. President, I hate to rise in opposition but two things. One, this bill wasn't heard because the committee adjourned when Senator Newhouse got there and there's strong opposition to this bill from the Illinois Farm bureau; but more importantly, this bill that he's speaking about has been placed on an amendment on the Senate bill and if those who wish to support this, which would give one new college a flat rate starting out at twenty-three nine and opposition to all of the other community colleges, why, you know, go ahead. But if you want to support this...this bill in toto is already on a Senate bill. It'll come back for concurrence, you can vote on it then. I would respectfully believe we ought to leave this in committee.

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Thank you. There was some confusion with respect to this, committee had adjourned. I think that there was like a little conference after the committee adjournment in which those who were present, there were some Republican members of the committee present at the time, we agreed that we would support...rather than reconvene the committee we would support a motion by Senator Newhouse that this matter be discharged.

PRESIDENT:

All right. Senator Newhouse has moved to discharge the Committee on Higher Education from further consideration of House Bill 454 and asked that the bill be placed on the Calendar on the Order of 2nd Reading. Those in favor of the motion to discharge 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 31 Ayes, 23 Nays. The motion prevails. House Bill 454 will be placed on the Calendar on the Order of 2nd Reading. House Bill 1116, a motion, Madam Secretary.

SECRETARY:

Senator Newhouse filed a motion to discharge House Bill...1116 from the Executive Committee and that the bill be read a second time and placed on the Calendar on the Order of 3rd Reading.

PRESIDENT:

Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. Chairman. Take it out of the record.

PRESIDENT:

All right. Take it out of the record, Madam Secretary. 1118, Senator Welch. Madam Secretary, a motion on 1118.

SECRETARY:

Senator Welch filed a motion on House Bill 1118 and that it be discharged from the Judiciary Committee and placed on the Calendar on the Order of 2nd Reading.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This bill was not heard in committee and there's a very good reason for it. This was one of the nights the Judiciary Committee had a meeting until well into the night, and that day I appeared in Judiciary Committee, talked to the staff person and asked if the bill was on the Agreed Bill List. They said, no, Senator Barkhausen had an objection. This bill having had a Republican sponsor in the House, I went to Senator Barkhausen and being the reasonable Senator that he is, he agreed to withdraw his opposition and put it on the Agreed Bill List. I then told Senator Marovitz's staff person that the Republicans have released their objection, the bill should go

on the Agreed Bill List. Then I left. The bill wasn't called until later that night; in the meantime, myself thinking in good faith that the bill was on the Agreed Bill List did not go back to the committee. Now that night many of us...many of us were out at the lake at a certain fund raising party where nobody could get a parking space, and I...I had a good space near Toronto Road and another staff person on Senator Marovitz's committee came by and said, the Senator can't get back to his committee, he can't hold the hearing and since I had a bill there, I said take the keys to my car. So...so what happens...the chairman of the committee and the vice-chairman drive back in my car leaving me stranded and then the chairman knocked my bill off the Agreed Bill List...and...and...and then the worst part...and then the worst part is I saw him at midnight that night and he told me he knocked it off the Agreed Bill List so I couldn't get any sleep. So this was a very...this was a bill I pledged to my House member that I would get out for him, it didn't have the hearing. I'm asking for mercy, plus I'm making a promise that if you let me get this bill out, I won't call another bill later on on the Calendar, Senate Bill 623. So I would move to discharge the committee from...

PRESIDENT:

All right. Senator Welch has moved to discharge the committee from further consideration on House Bill 1118. Those in favor will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 41 Ayes, 3 Nays, none voting Present. The motion prevails and the Bill will be placed on the Order of 2nd Reading...1574, Madam Secretary.

SECRETARY:

House Bill 1574. Senator Geo-Karis filed a motion to discharge House Bill 1574 from Judiciary Committee and be

placed on the Calendar on the Order of 2nd Reading.

PRESIDENT:

...take it out of the record. Top of page 40, House Bill 2710, Madam Secretary.

SECRETARY:

Senator J. E. Joyce filed a motion to discharge House Bill 2710 from the Insurance, Pensions and Licensed Activities Committee and that it be placed on the Calendar on the Order of 2nd Reading.

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President. Well, I went to Senator Jones and I said, when is my bill going to be heard and he said...I drove out to Madigan's party to make amends and then...yeah, right, we had an agreement...there was...with 2710...2710 was not heard in committee. There was...there was some breakdown in communications in this whole process between the House Sponsor Capparelli and the sponsor coming over here, picking it up and taking him off and putting myself on. What it is intended to do, it is intended to...it is intended to...to be used for the police and fire...for some...Chicago Police Department and Chicago Fire Department for some pension changes if and when we get to that point, and I would ask that this Senate discharge House Bill 2710.

PRESIDENT:

Senator Jones.

SENATOR JONES:

Yeah, thank you, Mr. President. I rise in opposition to the motion as it relate to...House Bill 2710. As many members...here recall, we did send several pension bills over to the House and only one of those pension bills cleared the...the House Pension Committee. There are three other pension bills currently on the Calendar. The bill did...have

its proper hearing; even though you were not there, Senator Joyce, I was there and it was the decision of the committee that this particular bill be held and we let...let the other bills out and that's the reason why 2710 did not leave the committee, and I urge defeat of the motion.

PRESIDENT:

Further discussion? Senator Dudycz.

SENATOR DUDYCYZ:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, a few minutes ago we discharged House Bill 237 from the Insurance Committee by a vote of 36 to 12 and this bill dealt with cosmetologists and barbers. Well, House Bill 2710 which passed out of the House by a vote of 113 to 2 is very important legislation for the Chicago Police and the Fire Department personnel because it involves their pensions. Now, the chairman of the Insurance Committee chose to hold the bill in committee thereby not allowing the police and fire personnel to have a vehicle to use to deal with their...their pension bills. I ask all my colleagues, especially those on this side of the aisle, to vote to discharge 2710 just like we did House Bill 237 from committee so that this very important legislation will receive the fair hearing it deserves on the Floor.

PRESIDENT:

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

SENATOR JEREMIAH JOYCE:

Yeah, I believe I wasn't at the hearings because I don't believe I was the sponsor at the time. I would just ask...just...just ask that the Senate discharge 2710. Thank you.

PRESIDENT:

All right. The gentleman has moved to discharge the Insurance, Pensions and Licensed Activity Committee from fur-

ther consideration of House Bill 2710 and asked that the bill be placed on the Order of 2nd Reading. Those in favor will vote Aye. Opposed vote Nay. The voting is open. All voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 45 Ayes, 4 Nays, none voting Present. The motion carries and the bill will be placed on the Order of 2nd Reading. House Bill 2736, Madam Secretary.

SECRETARY:

Senator Geo-Karis...has filed a motion to discharge House Bill...the Committee on Insurance, Pensions and Licensed Activity...from...further consideration of House Bill 2796 and that it be placed on the Calendar on the Order of 2nd Reading.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I have cleared this with Senator Jones and Senator Schuneman, the minority spokesman. My bill, 2786, was in Insurance Committee but they were so busy they never got to it, so it never did get a hearing. I ask that the rules be suspended and put on 2nd reading.

PRESIDENT:

Senator Jones...or Senator Geo-Karis has moved to discharge the Committee of Insurance from further consideration of House Bill 2786 and asked that it be placed on the Order of 2nd Reading. 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 42 Ayes, 2 Nays, none voting Present. The motion prevails and the bill will be placed on the Order of 2nd Reading. Senate Bill 623, Senator Welch. Madam Secretary.

8984
Motion

SECRETARY:

Senator Welch has filed a motion on Senate Bill 623 that the Committee on Revenue be...pardon me, that it be read a second time and be placed on the Order of 3rd reading.

PRESIDENT:

Senator Welch.

SENATOR WELCH:

I said I wouldn't call this if House Bill 1118 got out and I am going to keep my word and I would ask that this remain on motions.

PRESIDENT:

Withdraw. Senator Watson, you indicated you did not wish to pursue 837, is that correct? Senate bill 984, Senator Joyce. Madam Secretary, read the motion.

SECRETARY:

Senator J. E. Joyce has filed a motion to discharge the Insurance, Pensions and Licensed...Licensed Activities from further consideration of Senate Bill 984 and that it be placed on the Order of...the Calendar on the Order of 2nd reading.

PRESIDENT:

Senator Joyce.

SENATOR JEREMIAH JOYCE:

Thank you, Mr. President and members of the Senate. Senate Bill 984 did have a hearing in the Insurance Committee. Unfortunately, there probably weren't enough Irish on the committee, but this bill deals with something that is very important to the Irish-Americans in the State of Illinois. The hour is late so I won't belabor this, but I would like to say that the bill in the form that it's presently in is the...is the way that I would want this bill to...to pass out. It deals with discrimination in Northern Ireland and the fact of the matter is is that there is, as we stand here this evening, discrimination in Northern Ireland occurring

against Catholics. There are a number of states that have already adopted far more rigid provisions than those contained in Senate Bill 984. Senate Bill 984 would provide that the pension funds take into consideration the progress that are...that is being made by companies...American companies doing business in Northern Ireland. It is admittedly highly symbolic, what take into consideration means is anyone's best guess, it's a discretionary...the way that...the...the bill is drafted right now, it is a discretionary provision...you know, I don't know what else I can ask of you other than ask that we discharge this and put it out on the Floor and have an opportunity to talk about it. Thank you.

PRESIDENT:

Discussion? Senator Schuneman.

SENATOR SCHUNEHAN:

Well, thank you, Mr. President. I rise reluctantly to oppose the motion. The...the essence of this bill is that...sort of follows the South Africa controversy that we had a few years ago...or last year, only now, we're directing the Comptroller to evaluate the equal opportunity and affirmative action progress of companies doing business in Northern Ireland. And after all of the controversy surrounding the South Africa issue, we finally wound up with...with an agreement that really didn't do anything. It was strictly symbolic and...and I really think that at this late date we should not discharge this bill and tie up the Body. So I would oppose the motion.

PRESIDENT:

Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate, I would concur with Senator Schuneman reluctantly because I have great respect for the sponsor. I would like

to make one correction with what...Senator Schuneman did have to say and that is when we...there is really not a comparison with South Africa because in South Africa where we were discussing apartheid, apartheid is built into the system as a...as a law; I mean, it is the law of the land. Where we're talking about discrimination as put forward or suggested by Senator Joyce, we're talking about something that is already against the law in Ireland and when complaints are filed they are, indeed, follow-through on. I don't know that we all here know enough about what is going on in Northern Ireland or in other countries of the world and, really, we have so many issues here in Illinois that we really don't pay attention to, I keep marveling that we keep going forward and trying to emulate our...our congressmen who maybe aren't spending enough time on these issues. Furthermore, this has a very chilling effect on business and I do have difficulty when some of the people who are involved in this and who are promoting this and not...the...the sponsor exempt, because I hold him in great esteem, would...would have sympathies with the Irish Republican Army, which personally I feel, and this is my humble opinion, is a terrorist group. Furthermore, I think that until such time as we put forward laws, amendments or Statutes or bills or whatever we do here that starts discussing the countries of the world that formally not only discriminate but violate human rights in eastern Europe and the Baltic states...and in other places like that where we never seem to touch on but we always manage to find our allies somewhere out there to nail them and especially where we have businesses, I would...stand very strongly in...in opposition to this particular amendment. The bill belongs in committee.

PRESIDENT:

Senator Jones.

SENATOR JONES:

Well, Mr. President, I don't know what good it would do since our committee process does not work evidently, and...but the bill did have a hearing in the committee, it was the wisdom of the committee to hold the bill in...in...in committee, that's the reason why I didn't...get out...let it out on the Calendar. However, if it is the will of the Body as it has been on many other bills, and I was so shocked to see members on the other side of the aisle who voted to the...against the pension bills that your colleagues in this House...Senate pension bills that you refused to vote for and a...a bill...up dealing with the Police Department in the City of Chicago and Fire, but you vote for that. So that is some inconsistencies in your actions as such. The...but the committee in its...in its wisdom decided to hold 984 in committee and if it's the will of the Body to let it out, so be it.

PRESIDENT:

Senator Joyce may close.

SENATOR JEREMIAH JOYCE:

Well, sometimes something is important because people think it is important and that is the case with this issue. There are a substantial number of Irish-Americans in the State of Illinois who believe that this is very important. Discrimination is taking place in Northern Ireland and I would not impose upon your time to go into details of that. To Senator Schuneman I would only say that this language is very much different than the language that was contained in the South African provisions that went out of here. We are not asking anyone to evaluate. All we are doing with this is saying take into consideration. So if it is the...if you can put this out on the Floor, I would appreciate it. Thank you.

PRESIDENT:

Senator Joyce has moved to discharge the Committee on Insurance from further consideration of Senate Bill 954 and

asked that the bill be placed on the Calendar on the Order of 2nd Reading. Those in favor of that motion will vote Aye. Opposed vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 33 Ayes, 17 Nays, none voting Present. The motion prevails and the bill will be placed on the Calendar on the Order of 2nd Reading. Senate Resolution 404. Senator Schuneman, for what purpose do you arise?

SENATOR SCHUNEMAN:

On a point of personal privilege, Mr. President.

PRESIDENT:

State your point, sir.

SENATOR SCHUNEMAN:

My reference and comparison to the initiative in 984 and South Africa perhaps was misunderstood or probably misspoken by me. What I meant to say was that they both sought to address issues in foreign countries through our pension system, and I certainly wasn't trying to compare the situation in South Africa in the apartheid to the situation in...in Northern Ireland, and if I offended someone by that, I apologize.

PRESIDENT:

Madam Secretary, on Senate Resolution 404.

SECRETARY:

Motion on Senate Resolution...404 filed by Senator Geo-Karis. I move to discharge the Committee on Executive from further consideration of Senate Resolution 404 and that it be placed on the Calendar on the Order of Secretary's Desk.

PRESIDENT:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate,

this resolution for some reason or another was...never found its way to be called in the Executive Committee, it's probably an oversight or something, and I did talk with Senator Joyce, he told me to check with you. I did talk with Senator Karpel and she said it was okay if I would bring it up, and it relates to the...the U.S. Secretary of Education, William Bennett and Surgeon General Everett Koop statement on AIDS education...but the necessity of...of educating our children as to what is or...

PRESIDENT:

All right. Senator Geo-Karis has moved to discharge the Executive Committee from further consideration of Senate Resolution 404 and asked that it be placed on the Order of Secretary's Desk. All in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and it will be so ordered. Senate Resolution 412, Madam Secretary.

SECRETARY:

Motion on Senate Resolution 412 filed by Senator Richard Luft.

PRESIDENT:

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Senate Resolution 412 is an attempt to coordinate activities that have been ongoing for the last three...months amongst several mayors in the State of Illinois from Quincy and Macomb and Monmouth, Galesburg, Peoria and farther north in an attempt to rekindle some interest in the Kansas City to Chicago route corridor. Not only has it been those people in the political realm, those that are mayors, but also financiers who are interested in financing it, former members of the Illinois Toll Road Commission and economists from the University of Illinois. What they have asked me to do is to provide them some form of organizational body. I have tried to do that in Senate Reso-

lution 412 by suggesting that those Senators in the corridor be part of a select committee to study and coordinate the activities of this group and to participate. I have talked to Senator Joyce and also to Senator Karpel, I think I have their approval on this and would ask for and move to discharge from Executive Committee and be placed on the Calendar of...of the Order of Secretary's Desk...

PRESIDENT:

All right. Senator Luft has moved to discharge the Committee on Executive from further consideration of Senate Resolution 412 and asked that it be placed on the Calendar on the Order of Secretary's Desk. All in favor indicate by saying Aye. All opposed. The Ayes have it. The motion carries and it's so ordered. There's been a request to return to the Order of House Bills 2nd Reading. The fiscal note on 2319 has been filed. On the Order of House Bills 2nd Reading is House Bill 2319. Madam Secretary, further amendments? Senator Schuneman, for what purpose do you arise?

SENATOR SCHUNEMAN:

Well, Mr. President, I don't believe leave was given to go to this order of business and I would ask that...that we not go to this order at this time.

PRESIDENT:

Senator Lechowicz.

SENATOR LECHOWICZ:

Well, Mr. President, I move that we get to that order of business, then if...if there's a problem...

PRESIDENT:

All right. The gentleman has sought leave to move to that order of business. Is leave granted? Senator Schuneman.

SENATOR SCHUNEMAN:

No, I would not give leave to go to that order, Mr. President.

PRESIDENT:

All right. The question is, shall the Senate revert to the Order of House Bills 2nd Reading for the purpose of moving 2319. Discussion on that motion? Senator Lechowicz.

SENATOR LECHOWICZ:

Well, Mr. President and Ladies and Gentlemen of the Senate, fair is fair. The...a question as far as the fiscal note was asked, I worked very diligently in order to comply with the request for a fiscal note. It was filed with the proper person, I ask that the President go to that order of business. I think that this issue will be discussed again on 3rd reading. In all fairness, I ask for an Aye vote.

PRESIDENT:

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, thank you, Mr. President. I agree, fair is fair, the rules require that if leave is not granted that a motion must be presented and would prevail only, as I understand it, Mr. President, if it's approved by thirty members of the Senate and I would ask for a confirmation of that ruling, if I may. I think...

PRESIDENT:

The Parliamentarian is checking that.

SENATOR SCHUNEMAN:

Pardon me?

PRESIDENT:

I said the Parliamentarian is checking that...

SENATOR SCHUNEMAN:

Okay, may I continue?

PRESIDENT:

You certainly may.

SENATOR SCHUNEMAN:

The...and...and on the issue, I think that if at this late date we're going to...consider this important issue,

that perhaps we should be allowed to offer amendments...other amendments to this proposal before we vote on it on 3rd reading. And, so, it's for that reason that I oppose the gentleman's motion.

PRESIDENT:

Further discussion? Senator Collins.

END OF REEL

REEL 38

SENATOR COLLINS:

Yes, thank you. I rise in opposition to that motion also for two reasons. A, I do not feel that whoever prepared the fiscal note to this bill had adequate time to...to do a valid job at documenting whatever they said. I don't know what they said, but whatever it is, I'm sure it's not right. Secondly, I...I agree with Senator Schuneman that...that...that we ought to be given an opportunity to amend the bill given the fact that the amendment was ruled out of order simply on a technicality that the amendment did not track because of the...the previous amendment being placed on the bill and, therefore, I think that we should hold the bill on...on 2nd until such time we can redo the amendment and have an opportunity to...it. And, third, I think that because we said that we would adjourn at six o'clock, it is now almost seven o'clock. This issue is going to be debated the rest of the night and I think we should adjourn.

PRESIDENT:

All right. Senator Lechowicz has moved to suspend the rules for the purpose of moving to the Order of House Bills 2nd Reading for the purpose of moving House Bill 2319. Senator Schuneman has requested a ruling. It will require thirty affirmative votes for this motion to prevail. Further discussion? If not, those in favor of the motion to suspend the rules for this purpose 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, there are 24 Ayes, 27 Nays, none voting Present. The motion fails,

the bill will remain for the moment on 2nd reading. If there's no further business to come before the Senate, Senator Dunn moves that the Senate stand adjourned until Thursday, June 25th, tomorrow morning, at the hour of ten o'clock. Ten o'clock tomorrow morning.

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12:04

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