

STATE OF ILLINOIS
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PRESIDENT ROCK:

The hour of noon having arrived, the Senate will please come to order. Will the Members be at their desks, and will our guests in the gallery please rise. Our prayer this afternoon by the Reverend Tim Huckins, First United Methodist Church, Springfield, Illinois. Reverend.

THE REVEREND TIM HUCKINS:

(Prayer by the Reverend Tim Huckins)

PRESIDENT ROCK:

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

SECRETARY HAWKER:

Senate Journal of Tuesday, June 18, 1991.

PRESIDENT ROCK:

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I move that the Journal just read by the Secretary be approved, unless some Senator has additions or corrections to offer.

PRESIDENT ROCK:

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

SENATOR SMITH:

Mr. President, I move that reading and approval of the Journals of Wednesday, June 19th; Thursday, June 20th; and Friday, June 21st, in the year 1991, be postponed, pending arrival of the printed Journals.

PRESIDENT ROCK:

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

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ordered. Resolutions, Madam Secretary.

SECRETARY HAWKER:

Senate Resolutions 5-7-2 and 5-7-3 offered by Senator Topinka. They're both congratulatory.

PRESIDENT ROCK:

Consent Calendar. Messages from the House.

SECRETARY HAWKER:

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 Bills 10 with House Amendment No. 1;
11 with House Amendment No. 1;
64 with House Amendment 2;
160 -- pardon me -- 130 with House Amendments 1 and 2;
158 with House Amendments 1 and 2;
257 with House Amendment 1;
385 with House Amendment 1;
477 with House Amendment 1;
580 with House Amendment 1;
715 with House Amendment 1;
874 with House Amendment 1;
1037 with House Amendment 1;
1073 with House Amendment 1;
1125 with House Amendment 1;
And 1273 with House Amendments 1 and 2.

All passed the House, as amended, June 21, 1991.

PRESIDENT ROCK:

Secretary's Desk.

SECRETARY HAWKER:

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

Mr. President - I am directed to inform the Senate that

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the House of Representatives has refused to concur with the Senate in the adoption of their amendments to a bill of the following title, to wit:

House Bill 1620 with Senate Amendments 1 and 2.

Non-concurred in by the House, June 21, 1991.

PRESIDENT ROCK:

Secretary's Desk, Non-concurrence. All right. Ladies and Gentlemen, WAND-TV, WICS-TV and WEEK-TV have requested permission to shoot some video. With objection, leave is granted. We will begin on Page 21 on the Calendar - Page 21 on the Calendar - on the Order of House Bills 2nd Reading. We'll begin where we left off last Friday and go through House Bills 2nd Reading. The Secretary informs me that a number of Members have requested recalls. And so, we'll do 2nd Reading and then recalls and then start at the top on 3rd Reading and carry on through until two weeks from Sunday. We're going to begin on Page 21. I'd ask the Members within the sound of my voice to -- we'll begin where we left off last Friday; that is, with 2-0-3-8. That's Senators Daley, Berman, Brookins, Marovitz, Smith, Cullerton, del Valle, Jones, Cullerton and D'Arco. All right. Again, we'll begin on House Bills 2nd Reading where we left off on Friday. That's the top of Page 21 with House Bill 2-0-3-8. We'll move through the entire Order of House Bills 2nd Reading, and we will then proceed to the Recall List, which the Secretary, I'm sure, will make available, and then we'll go to 3rd Reading. We'll work until approximately 5:30 at which time we will deal with the appropriations bills. I think there are forty-five bills on that Order and start again tomorrow. 2-0-3-8. On the Order of House Bills 2nd Reading is House Bill 2038. Madam Secretary, read the bill, please.

SECRETARY HAWKER:

House Bill 2038.

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(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Are there amendments from the Floor?

SECRETARY HAWKER:

Senators Hawkinson and Daley offer Amendment No. 1.

PRESIDENT ROCK:

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Senate Amendment No. 1 to House Bill 2038 clarifies that a victim may receive compensation out of the Fund for expenses -- reasonable expenses incurred for psychological treatment of a mental or emotional condition caused or aggravated by the crime, and I would ask for its adoption.

PRESIDENT ROCK:

Senator Hawkinson's moved the adoption of Amendment No. 1 to House Bill 2038. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Are there further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 2-0-4-2. Senator Berman. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 2-0-4-2.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Elementary and Secondary Education offers Committee Amendment No. 1.

PRESIDENT ROCK:

Senator Berman, on Committee Amendment No. 1.

SENATOR BERMAN:

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Thank you, Mr. President. Committee Amendment No. 1 clarifies that the Gifted Education Program will be subject to the appropriation level that we enact. I move the adoption of Committee Amendment No. 1.

PRESIDENT ROCK:

Senator Berman has moved the adoption of Committee Amendment No. 1 to House Bill 2042. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Are there further amendments?

SECRETARY HAWKER:

No further committee amendments.

PRESIDENT ROCK:

Are there amendments from the Floor?

SECRETARY HAWKER:

No Floor amendments.

PRESIDENT ROCK:

3rd Reading. 2118. Senator Brookins. Madam Secretary, on the Order of House Bills 2nd Reading - the middle of Page 21, Ladies and Gentlemen - is House Bill 2118. Read the bill, please.

SECRETARY HAWKER:

House Bill 2118.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Finance and Credit Regulations offers Committee Amendment No. 1.

PRESIDENT ROCK:

Senator Brookins on Committee Amendment No. 1.

SENATOR BROOKINS:

Would you -- Mr. President, would you Table Committee Amendment No. 1?

PRESIDENT ROCK:

All right. The Gentlemen has moved to Table Committee Amendment No. 1 to House Bill 2118. Discussion on the motion? If

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not, all in favor of the motion, indicate by saying Aye. All opposed. The Ayes have it. The motion carries. Amendment No. 1 is Tabled. Are there further amendments?

SECRETARY HAWKER:

No further committee amendments.

PRESIDENT ROCK:

Are there amendments from the Floor?

SECRETARY HAWKER:

Senator Brookins offers Amendment No. 2.

PRESIDENT ROCK:

Senator Brookins, on Amendment No. 2.

SENATOR BROOKINS:

Thank you. Mr. President, this amendment is an agreement between the Community Bankers Association and the Treasurer's Office. The amendment will allow banks in Cook County and contingent <sic> counties to have additional six automatic teller machines if three of those machines are located in low-income areas of Cook County. I ask for your adoption.

PRESIDENT ROCK:

Senator Brookins has moved the adoption of Amendment No. 2 to House Bill 2118. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 2222. Senator Marovitz. 2227. Senator Smith. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 2227.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Public Health, Welfare

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and Corrections offers Committee Amendment No. 1.

PRESIDENT ROCK:

Senator Smith, on Committee Amendment No. 1.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Amendment No. 1 deletes provisions broadly referring financing schemes that can be undertaken by medical, non-medical and other service providers through a mechanism whereby they pledge the amount of money one State agency owes them to another State agency. Instead, it allows medical or other vendors to pledge the overdue bills owed to them by the Department of Public Aid as receivables and secure commercial papers through the Illinois Health Facilities Authority to pay off their debts and vendors. This amendment also deletes the broad language. I move for its adoption.

PRESIDENT ROCK:

All right. Senator Smith has moved the adoption of Committee Amendment No. 1 to House Bill 2227. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further committee amendments.

PRESIDENT ROCK:

Are there amendments from the Floor?

SECRETARY HAWKER:

Senator Jones offers Amendment No. 2.

PRESIDENT ROCK:

Senator Jones, on Amendment No. 2. Senator Smith. Senator Smith.

SENATOR SMITH:

I'd like to present it. Amendment No. 2 places electronic benefits funds transferred in compliance with the Electronic Fund

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Transfer Transmission Facility Act. It allows banks and other participating institutions to receive compensation for services rendered under the Act. Requires a participating institution to provide for geographic accessibility to an Electronic Benefits Fund for electronic benefit transfer accounts to be subjected to community reinvestments and to serve Public Aid recipients pursuant to criteria of the State Treasurer, Comptroller and Department of Public Aid.

PRESIDENT ROCK:

Senator Smith has moved the adoption of Amendment No. 2 to House Bill 2227. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 2239. Senator Cullerton. Yes, no, maybe? 2243. Senator del Valle. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 2243.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

Senator del Valle offers Amendment No. 1.

PRESIDENT ROCK:

Senator Smith. Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. This amendment to House Bill 2243 was worked out in negotiations with representatives of the business community. Essentially, the amendment does two things.

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It eliminates any reference to real estate and it brings the employment protections into conformity with federal law. With this amendment, the bill will offer State protections against employment discrimination because of citizenship status. I move for its adoption.

PRESIDENT ROCK:

Senator del Valle has moved the adoption of Amendment No. 1 to House Bill 2243. Discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, with the adoption of Senate Amendment No. 1, does House Bill 2243 incorporate Federal Statutes regarding citizenship status and employment-related discrimination into the Illinois Human Rights Act?

PRESIDENT ROCK:

Senator del Valle.

SENATOR DEL VALLE:

Yes, it does, Senator.

PRESIDENT ROCK:

Further discussion? If not, Senator del Valle has moved the adoption of Amendment No. 1 to House Bill 2243. All in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Are there further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 2292. Senator Jones. Read the bill, Madam Secretary, please.

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SECRETARY HAWKER:

House Bill 2292.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Jones offers Amendment No. 1.

PRESIDENT ROCK:

Senator Jones, on Amendment No. 1.

SENATOR JONES:

Yes, thank you, Mr. President and Members of the Senate. Amendment No. 1 adds an effective date of January 1, 1992, and I move its adoption.

PRESIDENT ROCK:

Senator Jones has moved the adoption of Amendment No. 1 to House Bill 2292. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 2295. Senator Cullerton. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 2295.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Are there amendments from the Floor?

SECRETARY HAWKER:

Senator Cullerton offers Amendment No. 1.

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PRESIDENT ROCK:

Senator Cullerton, on Amendment No. 1.

SENATOR CULLERTON:

Thank you, Mr. President and Members of the Senate. The bill deals with the issue of lead poisoning, and it may call for some blood testing. At the request of a religious organization, they asked me offer this amendment, which just simply says that if nothing in this Section shall be construed to required any child to undergo lead blood level screening if the parents or guardian objects on the grounds that the screening or tests conflicts with their religious beliefs. I move for its adoption.

PRESIDENT ROCK:

Senator Cullerton has moved the adoption of Amendment No. 1 to House Bill 2295. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Are there further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 2334. Bottom of Page 21. Senator D'Arco. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 2334.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Are there amendments from the Floor?

SECRETARY HAWKER:

Senator D'Arco offers Amendment No. 1.

PRESIDENT ROCK:

Senator D'Arco, on Amendment No. 1.

SENATOR D'ARCO:

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Thank you, Mr. President. Amendment No. 1 clarifies that -- the Act -- to say that the decision-making mechanism set up in the -- set up in the bill applies only to patients who lack decisional capacity and have a qualifying medical condition. It also states that the presumption a patient and a surrogate decision maker have decisional capacity is made without regard to advanced age. And it deletes the provision that a patient with decisional capacity must express decisions to forgo life-sustaining treatment to the attending physician and one adult witness. And it requires that the health care provider must make a reasonable inquiry into the availability of possible high-priority surrogates. And it clarifies that the patient's guardian of -- the patient's guardian of the person is one of the categories of surrogates, and it adds the patient's guardian of the estate as another category of surrogates. And I move for its adoption.

PRESIDENT ROCK:

Senator D'Arco has moved the adoption of Amendment No. 1 to House Bill 2334. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 2 offered by Senators Kelly and Hudson.

PRESIDENT ROCK:

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. This amendment would -- or I should say, without the amendment, a pregnant girl under the age of eighteen or a boy of any age under eighteen could make any and all health care decisions without parental knowledge or consent and without the involvement of the courts. This would eliminate a -- a pregnant girl or a -- in other words -- without having the consent of an adult or without having the courts, a decision could

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be made by a minor. This would take the minor out of the decision-making process, and I move for its adoption.

PRESIDENT ROCK:

Senator Kelly has moved the adoption of Amendment No. 2 to House Bill 2334. Discussion? Senator D'Arco.

SENATOR D'ARCO:

Well, Mr. President, I honestly don't know why we need this amendment. It's apparent to me that if this person is pregnant or married and under the age of eighteen, they should be entitled to make health care decisions for themselves, as anybody else is entitled to make those decisions. And -- and in the event they're not able to make those decisions, a surrogate, under the Act, would be appointed to make those decisions for them. This is an unnecessary amendment - totally superfluous. And I would ask that we defeat this amendment.

PRESIDENT ROCK:

Further discussion on Amendment No. 2? Senator Kelly, you wish to close?

SENATOR KELLY:

Well, I just wish to say that I just took a survey recently about parents being informed if their minor child is going to have an abortion. The results came back that eighty-eight percent of the respondents - and I had almost a ten percent return, and that's pretty high - said they want to be informed. I think the parents should be. I think the courts should be involved with a minor. I'd move for the adoption of Amendment 2.

PRESIDENT ROCK:

Senator Kelly has moved the adoption of Amendment No. 2 to House Bill 2334. All in favor, indicate by saying Aye. Opposed, Nay. In the opinion of the Chair, the Noes have it. The amendment fails. I beg your pardon, Senator Kelly.

SENATOR KELLY:

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...(machine cutoff)...call.

PRESIDENT ROCK:

Roll call. That request is in order. The Gentleman has moved the adoption of Amendment No. 2 to House Bill 2334. Those in favor of the amendment will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 29 Ayes, 27 Nays, none voting Present. Amendment No. 2 is adopted. Senator D'Arco, for what purpose do you arise?

SENATOR D'ARCO:

I ask for a verification of the negative vote.

PRESIDENT ROCK:

That request, too, is in order.

SENATOR D'ARCO:

Affirmative vote.

PRESIDENT ROCK:

All right. Senator D'Arco has requested a verification of the affirmative roll call. Will the Members please be in their seats. ...(machine cutoff)... The electronic marvel has again deserted us. All right. I'd ask the Members to pay attention. Please be in your seats. There's been a request for a verification of the affirmative vote. Read the affirmative vote, Madam Secretary, please.

SECRETARY HAWKER:

The following Members voted in the affirmative: Butler, Daley, Davidson, Demuzio, Dudycz, Ralph Dunn, Etheredge, Friedland, Geo-Karis, Hall, Hawkinson, Hudson, J.E. Joyce, Karpier, Kelly, Lechowicz, Madigan, Mahar, Maitland, O'Daniel, Philip, Raica, Rea, Rigney, Schaffer, Schuneman, Vadalabene, Watson and Woodyard.

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Senator D'Arco, do you question the presence of any Member?

SENATOR D'ARCO:

Senator Schuneman.

PRESIDENT ROCK:

Senator Schuneman is at his chair.

SENATOR D'ARCO:

Senator Donahue.

PRESIDENT ROCK:

Senator Donahue. Senator Donahue is not recorded.

SENATOR D'ARCO:

How about Woodyard?

PRESIDENT ROCK:

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

SENATOR D'ARCO:

How about Fawell?

PRESIDENT ROCK:

Senator Fawell on the Floor?

SENATOR D'ARCO:

Who's this? Who's this? No, Friedland's here. Maitland's here.

PRESIDENT ROCK:

Senator Fawell is not recorded, Senator D'Arco.

SENATOR D'ARCO:

How about Maitland -- Senator Maitland?

PRESIDENT ROCK:

Senator Maitland.

SENATOR D'ARCO:

He's not recorded.

PRESIDENT ROCK:

Senator Maitland on the Floor? Strike his name.

SENATOR D'ARCO:

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Watson -- Senator Watson.

PRESIDENT ROCK:

Senator Watson is standing at Senator Philip's right hand, as always.

SENATOR D'ARCO:

Senator Hall.

PRESIDENT ROCK:

Senator Hall is in his seat.

SENATOR D'ARCO:

Did we do Senator Jeremiah Joyce? I think we did, didn't we? Did we do Senator Joyce?

PRESIDENT ROCK:

Senator Joyce on the Floor?

SENATOR D'ARCO:

Let's do him.

PRESIDENT ROCK:

Strike his name.

SENATOR D'ARCO:

How about del Valle? del Valle. I think he voted with us, didn't he? Oh, all right. Leverenz. Leverenz? How did Leverenz vote?

PRESIDENT ROCK:

Do you question the presence of any other Member?

SENATOR D'ARCO:

Senator Leverenz.

PRESIDENT ROCK:

He is not on the affirmative roll. All right.

SENATOR D'ARCO:

Senator Woodyard.

PRESIDENT ROCK:

Already been stricken.

SENATOR D'ARCO:

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That's enough, Mr. President. All right. On that question - the roll has been verified - there are 26 voting Aye, 27 voting Nay, and the amendment fails. Further amendments? All right. Hold it. Hold it. Hold it. Senator Kelly, all you need do, sir, is put your light on and indicate that you wish to have the Floor. Senator Kelly, for what purpose do you arise?

SENATOR KELLY:

Well, I think this is the first time I've verified the roll in the Senate, so I wasn't sure of the procedures over here.

PRESIDENT ROCK:

Okay. You wish to have a verification. All right. Senator Kelly has requested a verification of the negative vote. Will the Members please be in their seats. Madam Secretary, please read the negative vote.

SECRETARY HAWKER:

The following Members voted --

PRESIDENT ROCK:

I'm sorry, hold it. Senator Kelly, for what purpose do you arise?

SENATOR KELLY:

Mr. President, since we don't have who voted which way, is -- could the Secretary, please, you know, go a little bit slower than, you know, normal?

PRESIDENT ROCK:

Indeed she will, and she's going to read those who voted in the negative, slowly.

SECRETARY HAWKER:

The following Members voted in the negative: Alexander, Barkhausen, Berman, Brookins, Carroll, Collins, Cullerton, D'Arco, DeAngelis, del Valle, Thomas Dunn, Holmberg, Jacobs, Jones, J.J. Joyce, Leverenz, Luft, Macdonald, Marovitz, Palmer, Savickas, Severns, Smith, Topinka, Weaver, Welch and Mr. President.

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PRESIDENT ROCK:

...(machine cutoff)...Kelly, do you wish to question the presence of any Member?

SENATOR KELLY:

Yes, I do. Senator Jones.

PRESIDENT ROCK:

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

SENATOR KELLY:

Senator Macdonald.

PRESIDENT ROCK:

Senator Macdonald on the Floor? Senator Macdonald on the Floor? Senator Jones has returned to the Floor. Senator Macdonald on the Floor? Strike her name.

SENATOR KELLY:

Senator Savickas.

PRESIDENT ROCK:

Senator Savickas. Strike his name.

SENATOR KELLY:

That's enough.

PRESIDENT ROCK:

All right. The roll has been verified. On the question of the adoption of Amendment No. 2, there are 26 voting Aye, 25 voting Nay, and the amendment is adopted. Are there further amendments?

SECRETARY HAWKER:

Amendment No. 3 offered by Senators Kelly and Hudson.

PRESIDENT ROCK:

Senator Kelly, on Amendment No. 3.

SENATOR KELLY:

Thank you, Mr. President and Members of the Senate. This amendment is consistent with the previous amendment. What it says

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is when possible the adult patient "shall" make the decision. It brings it back to where the minor would, therefore, go to the court. And I'd move for the adoption of this amendment.

PRESIDENT ROCK:

Senator Kelly has moved the adoption of Amendment No. 3 to House Bill 2334. Discussion? Senator D'Arco.

SENATOR D'ARCO:

"May" gives the adult patient the option of deciding whether to keep a particular surrogate or not. This mandates that the adult patient make that decision. It's absolutely unnecessary and rather innocuous, to be honest with you.

PRESIDENT ROCK:

Senator Kelly has moved the adoption of Amendment No. 3 to House Bill 2334. Those in favor of the amendment will vote Aye. Opposed will vote Nay. And the voting's 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 20 voting Aye, 29 voting Nay, and the amendment fails. Are there further amendments?

SECRETARY HAWKER:

Amendment No. 4 offered by Senators Kelly and Hudson.

PRESIDENT ROCK:

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and Members of the Senate. This amendment gets down to the real core of the bill and of the issue by preventing a guardian or a surrogate from withholding food and water without court approval. I want you to think about this for a minute. Will the person who is having food and water withheld, die from the injury or disease, or will they die from dehydration and starvation - a cruel and terrible death? And I move for the adoption of this amendment.

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PRESIDENT ROCK:

Senator Kelly has moved the adoption of Amendment No. 4 to House Bill 2334. Discussion? Senator D'Arco.

SENATOR D'ARCO:

Thank you. Mr. President, this is what the bill is all about. I mean, this is why the bill was introduced in the first place, to provide people a means to die in a manner that's appropriate. And what this amendment does is take away that right of those people to die in that manner. We've fought this battle many times before about food and hydration, and we came to the conclusion that in order for this Act to be effective and vital and necessary for the needs of the patient, we could not allow something like this to occur. The patient will not suffer if food and hydration is removed. That's a misnomer, and it's an untruth. There are ways and means - there are drugs and other means to effectively diminish the amount of suffering a patient endures at this very critical moment. This amendment kills the bill. And I ask, wholeheartedly, that you oppose this amendment.

PRESIDENT ROCK:

Question is the adoption of Amendment No. 4. Further discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in strong support of Senator Kelly's amendment - our amendment, really. I think the withdrawal -- now the former speaker has said this is what the bill is all about. Well, I thought part of what the bill was supposed to be about was -- was death with dignity and some of the other cliches and phrases that we hear concerning this bill. But I fail to see where withdrawing food and water from a patient, regardless of how doped up they may be, is giving that patient a chance to die with dignity and particularly when, under the provisions of this bill, there are

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some questionable people making decisions. And I would think, in the name of human kindness and perhaps humanity, we would think long and hard about letting people die in this manner, which I think is cruel. And I would urge you, my colleagues on the -- both sides of the aisle, to vote for this amendment.

PRESIDENT ROCK:

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President and Ladies and Gentlemen of the Senate. Indeed, we have discussed this issue before, and I think what this bill purports to do is to ultimately bring this decision - and it is obviously a gut-wrenching, heart-wrenching decision. This whole bill is, because this whole concept is. Nobody likes even addressing this issue. But the issue is with us, and by default, it falls to this Chamber and the House and this Legislature to come up with something that is fair, and which, once again, brings the decision making of this type of a situation, which is so close and so personal and -- and so wrenching, back into the confines of the family - when those people who are near and dear to the patient, rather than, once again, taking it to the courts, which we have seen happen both in Illinois and nationally, where ultimately these problems have become very public problems, where whole families have been ripped apart not only because of the problem and the suffering and the anguish that they're facing with their loved one in this condition, but also now because everybody else and his cousin is involved. And it becomes a very public arena type of a situation where we've made it into a spectacle. At no time does this bill prevent the parties involved from going to court. Court is always there as an ultimate option, should it be sought. But where there is consensus, the surrogate and the patient and all those who are involved in the family have come together to make this decision. All I would ask is - out of

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kindness and humanity - let death take its course. Let it be.
Thank you.

PRESIDENT ROCK:

Further discussion? Further discussion on Amendment No. 4?
Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President, following the cogent remarks of Senator Topinka, I just simply wanted to emphasize the distinction between food and water on the one hand and artificially provided food and water, or nutrition and hydration, as it is often called, on the other hand. The latter has been repeatedly found to be, by the American Medical Association and by various courts - including our own here in Illinois - as a form of medical treatment. That, of course, does not mean that there aren't going to be differences of opinion as to whether, in the absence of a court order, artificially provided nutrition and hydration can be withheld and withdrawn. But I -- I just think, for the record, that it ought to be made clear that -- that the experts looking at this issue - and of course there's always going to be room for differences of opinion amongst the experts - but those who have looked at this issue have concluded that this is, in fact, a form of medical treatment. And what we are attempting to do is to devise a means by which -- going to court and the need for lawyers interfering in one's lives, at a time when these painful and agonizing decisions are being made, can be minimized. And as Senator D'Arco says, that really is the -- the thrust of this bill, and I would seek your support in defeating this amendment.

PRESIDENT ROCK:

All right. The question is the adoption of Amendment No. 4.
Further discussion? Senator Kelly, to close.

SENATOR KELLY:

I think we should keep it just the way it is right now. It's

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not a problem. I don't know of any doctor or family right now that doesn't, at the appropriate time, make the right decision, and we should leave it alone. I move for the adoption of Amendment No. 4.

PRESIDENT ROCK:

Question is the adoption of Amendment No. 4 to House Bill 2334. Those in favor of the amendment will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 22 Ayes, 30 Nays, none voting Present, and the amendment fails. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Top of Page 22, Ladies and Gentlemen. Top of Page 22. As I indicated earlier, we'll go through House Bills 2nd Reading, then we'll go to the Recall List, and then we'll go to 3rd Reading and we'll work till approximately 5:30 or a quarter till 6:00. Page 22. 2362. Senator Luft. Top of Page 22. Yes, no, maybe? 2364. Senator Joyce. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 2364.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

No Floor amendments.

PRESIDENT ROCK:

3rd Reading. 2392. Senator Karpel. Read the bill, Madam Secretary, please.

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SECRETARY HAWKER:

House Bill 2392.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Karpiel offers Amendment No. 1.

PRESIDENT ROCK:

Senator Karpiel on Amendment No. 1.

SENATOR KARPIEL:

Thank you, Mr. President. Amendment No. 1 to House Bill 2392 is the amendment that I promised in committee that has been worked out with DCFS and the Child Care Association. The amendment defines the living expenses of the natural mother, which is allowed by this bill, and it also defines or explains the payment of the living expenses and how -- how that's to be done.

PRESIDENT ROCK:

Senator Karpiel has moved the adoption of Amendment No. 1 to House Bill 2392. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Are there further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 2417. Senator Jacobs. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 2417.

(Secretary reads title of bill)

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

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PRESIDENT ROCK:

Senator Jacobs, on Committee Amendment No. 1.

SENATOR JACOBS:

Thank you, Mr. President. We'd like to Table Committee Amendment No. 1.

PRESIDENT ROCK:

Gentleman has moved to Table Committee Amendment No. 1 to House Bill 2417. Discussion? If not, all in favor of the motion, indicate by saying Aye. All opposed. The Ayes have it. The motion carries. Committee Amendment No. 1 is Tabled. Further amendments?

SECRETARY HAWKER:

No further committee amendments.

PRESIDENT ROCK:

Are there amendments from the Floor?

SECRETARY HAWKER:

Senator Jacobs offers Amendment No. 2.

PRESIDENT ROCK:

Senator Jacobs, on Amendment No. 2.

SENATOR JACOBS:

Thank you, Mr. President. Amendment No. 2 allows a telecommunications carrier to continue to collect the municipal utility tax on pay phones until 12/31/93 or until an alternate method is approved. Ask for its adoption.

PRESIDENT ROCK:

Senator Jones has -- Jacobs has moved the adoption of Amendment No. 2 to House Bill 2417. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

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3rd Reading. 2433. Senator Berman. That whole series, Senator Berman? Thank you. 2444. Senator Macdonald. 2444. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 2444.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

No Floor amendments.

PRESIDENT ROCK:

3rd Reading. 2464. Senator Smith. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 2464.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Smith offers Amendment No. 1.

PRESIDENT ROCK:

Senator Smith, on Amendment No. 1.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. The -- Senate Amendment No. 1 to House Bill 2464 deletes the provision which limits total State funding for the project to one hundred thousand dollars for the first year; deletes the provision which prohibits after the first year of operation of the program Department of Aging budget for containing more than a hundred and forty-nine thousand dollars for the project and

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Department of Public Aid -- Aging costs for administering the project. This amendment, which is the recommendation of the Adult Day Care Providers' Association, was honored as a commitment made in our committee.

PRESIDENT ROCK:

Senator Smith has moved the adoption of Amendment No. 1 to House Bill 2464. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 2491. Senator Joyce. Senator Joyce on the Floor? 2491. 2530. Senator Berman. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 2530.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Berman offers Amendment No. 1.

PRESIDENT ROCK:

Senator Berman, on Amendment No. 1.

SENATOR BERMAN:

Thank you, Mr. President. Pursuant to the suggestion of the committee, we have -- we are amending this bill to decrease the per day violation fine maximum from one thousand dollars down to two hundred and fifty dollars, which is an agreement with the Building and Managers' Association. Move the adoption of Amendment No. 1.

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PRESIDENT ROCK:

Senator Berman's moved the adoption of Amendment No. 1 to House Bill 2530. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Keats.

PRESIDENT ROCK:

Senator Keats. Senator Keats on the Floor? All right. Withdraw it. We'll bring it -- Senator Berman agreed to bring it back if, indeed, it's world-shaking. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 2557. Senator Jacobs. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 2557.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Any amendments from the Floor?

SECRETARY HAWKER:

Senators Jacobs and Davidson offer Amendment No. 1.

PRESIDENT ROCK:

Senator Jacobs, on Amendment No. 1.

SENATOR JACOBS:

Thank -- thank you, Mr. President. This amendment is the same as we passed out on 817. It closed a loophole in the Bid Rigging Act by making it more difficult for officials to draw construction specs to allow for a sole source or one single supplier. I know of no known opposition and ask for its support.

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PRESIDENT ROCK:

Senator Jacobs has moved the adoption of Amendment No. 1 to House Bill 2557. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 2589. Senator Welch. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 2589.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Energy and Environment offers Committee Amendment No. 1.

PRESIDENT ROCK:

Senator Welch, on Committee Amendment No. 1.

SENATOR WELCH:

Thank you, Mr. President. What that amendment did was strip the bill and turn it into a vehicle bill for use in the fall. I would move adoption of the amendment.

PRESIDENT ROCK:

Senator Welch has moved the adoption of Committee Amendment No. 1 to House Bill 2589. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further committee amendments.

PRESIDENT ROCK:

3rd Reading. All right, Ladies and Gentlemen, back to Page 20. If you'll turn your -- turn the page back to Page 20, we'll begin again on House Bills 2nd Reading and go right through, and

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then we'll go to the Order of Recalls.

PRESIDING OFFICER: (SENATOR COLLINS)

On the Order of 2nd Reading, House Bill 121. Senator Cullerton. Senator Cullerton. House Bill 176. Senator Rea. Senator Rea. 121. Senator Cullerton.

SECRETARY HAWKER:

House Bill 121.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR COLLINS)

Any amendments from the Floor?

SECRETARY HAWKER:

No Floor amendments.

PRESIDING OFFICER: (SENATOR COLLINS)

3rd Reading. House Bill 176. Senator Rea. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 176.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR COLLINS)

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Rea offers Amendment No. 1.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Rea.

SENATOR REA:

Thank you, Madam President. This amendment is strictly a technical amendment in order to continue the ongoing negotiations with the -- with labor and management. I would move for adoption.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Rea moves the adoption of Amendment No. 1 to House

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Bill 176. Discussion? If not, all in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Any further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR COLLINS)

3rd Reading. House Bill 214. Senator Maitland. Senator Maitland, 214? House Bill -- House Bill 452. Senator Leverenz. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 4-5-2.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on State Government Organization and Administration offers Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Leverenz, Committee Amendment No. 1.

SENATOR LEVERENZ:

Thank you, Madam President. I would move to adopt Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Leverenz moves to adopt Committee Amendment No. 1 to House Bill 452. Discussion? If not, all in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Any further committee amendments?

SECRETARY HAWKER:

No further committee amendments.

PRESIDING OFFICER: (SENATOR COLLINS)

Any amendments from the Floor?

SECRETARY HAWKER:

No Floor amendments.

PRESIDING OFFICER: (SENATOR COLLINS)

3rd Reading. House Bill 550. Senator Marovitz. House Bill

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576. Senator Leverenz. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 5-7-6.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Insurance, Pensions and Licensed Activities offers Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Leverenz, Committee Amendment No. 1.

SENATOR LEVERENZ:

I want to now move to Table Committee Amendment No. 1, as it is not needed in the reorientation of the language.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Leverenz moved to Table Committee Amendment No. 1. All in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. The amendment is Tabled. Any further committee amendments?

SECRETARY HAWKER:

No further committee amendments.

PRESIDING OFFICER: (SENATOR COLLINS)

Any amendments from the Floor?

SECRETARY HAWKER:

No Floor amendments.

PRESIDING OFFICER: (SENATOR COLLINS)

3rd Reading. House Bill 841. Senator Joyce. House Bill 1196. I'm sorry. House Bill 1249. Senator Luft. House Bill 1449. Senator Macdonald. House Bill 1512. Senator Woodyard. House Bill 1589 -- 87. Senator Alexander. House Bill 1838. Senator Luft. House Bill 1552. 1852. Senator Geo-Karis. House Bill 2038. 1929. Senator Cullerton. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 1929.

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(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR COLLINS)

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Cullerton offers Amendment No. 1.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Cullerton, Amendment No. 1.

SENATOR CULLERTON:

Yes. This amendment -- thank you, Madam President, Members of the Senate. This amendment adds an immediate effective date. Move for its adoption.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Cullerton moves the adoption of Amendment No. 1 to House Bill 1929. Discussion? If not, all in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Any further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR COLLINS)

3rd Reading.

SENATOR CULLERTON:

Turn me off.

PRESIDING OFFICER: (SENATOR COLLINS)

House Bill 2222. Senator Marovitz. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 2222.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDING OFFICER: (SENATOR COLLINS)

Any amendments from the -- from the Floor?

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SECRETARY HAWKER:

Senator Marovitz offers Amendment No. 1.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Marovitz, Amendment No. 1.

SENATOR MAROVITZ:

Thank you very much, Mr. -- Madam President and Members of the Senate. Amendment No. 1 provides forms of notice to be given to parents, custodians and children before there's a hearing in custody. Orders entered at ex parte hearings expire within ten days unless the petitioner can demonstrate efforts to give actual notice to the respondent. This amendment is the result of negotiations - an agreement among the Governor's Office, DCFS, Cook County Public Guardian, Voices for Illinois Children, Legal Assistance Foundation, Children's Rights Project, the State Appellate Defender, foster care representatives and the Cook County State's Attorney. The amendment's designed to address the problem with the lack -- or the gross inadequacy of notice given to custodial and non-custodial parents and children. I ask for adoption of Amendment No. 1.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Marovitz has moved the adoption of Committee Amendment -- of Amendment No. 1 to House Bill 2222. Discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR HAWKINSON:

Senator, does this amendment become the bill and strip the language that was in the original shell bill?

PRESIDING OFFICER: (SENATOR COLLINS)

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Senator Marovitz.

SENATOR MAROVITZ:

Yes, it does.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? If not --

SENATOR MAROVITZ:

It is not a vehicle.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Marovitz. Senator Marovitz.

SENATOR MAROVITZ:

Just ask for an Aye vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Marovitz has moved the adoption of Amendment No. 1 to House Bill 2222. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Any further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR COLLINS)

3rd Reading. Okay. We are on the -- we will go on -- to now go to the Order of Recall. The Recall List is on your desks. Those of you who wish to have the bills recalled and amended please -- let's have some order so we can move through the Recall List. On the Order of 3rd Reading, House Bill 185. Senator Carroll. Senate -- Senator Carroll seeks leave of the Body to return House Bill 185 to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. Now, on the Order of 2nd Reading, House Bill 185. Senator Carroll.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. -- Madam President and Ladies and Gentlemen of

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the Senate. Amendment No. 1 is a reduction amendment to bring -- of eight dollars in order to keep this bill moving in vehicle form. I would move its adoption.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Carroll has moved the adoption of Amendment No. 1 to House Bill 185. Discussion? If not, those in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Any further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR COLLINS)

3rd Reading. On the Order of 3rd Reading, House Bill 186. Page 7 of your Calendar. Senator Carroll seeks leave to return House Bill 186 to the Order of 2nd Reading for the purpose of -- of amendment. Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Carroll.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Carroll.

SENATOR CARROLL:

Thank you, Madam President, Ladies and Gentlemen of the Senate. This, too, reduces the total Build Illinois bond authorization by eight dollars to keep the bill moving in vehicle form. I would move its adoption.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Carroll has moved the adoption of Amendment No. 1 to House Bill 186. Discussion? If not, those in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Any further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR COLLINS)

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3rd Reading. On Page 7 of the Calendar, House -- House Bill 247. Senator O'Daniel. Senator O'Daniel has sought leave to return House Bill 247 to the Order of -- Order of 2nd Reading for the purpose of amendment. Hearing no objections, Madam Secretary.
SECRETARY HAWKER:

Amendment No. 1 offered by Senator O'Daniel.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Madam President and Members of the Senate. This is one of the amendments. It addresses a concern that Senator Berman and Senator Hawkinson had relating to burial expenses. And Amendment No. 1 says it shall be unlawful for any person to charge interest on -- on any first class claims, as defined in Section 18-10 of the Probate Act of 1975, until sixty days after interest would otherwise be chargeable on the claim. I'd move for the adoption of Amendment No. 1.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator O'Daniel has moved the adoption of Committee -- of Amendment No. 1 to House Bill 247. Discussion? If not, those in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Any further amendments?

SECRETARY HAWKER:

Amendment No. 2 offered by Senator O'Daniel.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator O'Daniel, Amendment No. 2.

SENATOR O'DANIEL:

Thank you, Madam President, Members of the Senate. This also addresses some concerns. And it states that interest on burial expenses and any first class claim shall accrue beginning sixty days after issuance of letters of office to the representative of the decedent's estate; or, if -- if no such letters of office are

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issued, then beginning sixty days after those amounts are due, up to the rate of nine percent per annum is allowed by contract or law. I'd move for the adoption.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator O'Daniel has moved the adoption of Amendment No. 2 to House Bill 247. Discussion? If not, all in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Any further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR COLLINS)

3rd Reading. On the Order of 3rd Reading, Page 7 on the Calendar, House Bill -- 329. Senator Leverenz. House Bill 342. Senator Leverenz. Senator Leverenz requests leave of the Body to return House Bill 329 to the Order of 2nd Reading for the purpose of amendment. Is leave granted? Hearing no objection, on the Order of 2nd Reading, House Bill 327 <sic>. Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Leverenz.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Leverenz.

SENATOR LEVERENZ:

Thank you, Madam President. The amendment essentially would provide for the same educational program in the Department of Aging, however, removes specific training for the recipients. It removes the requirement for background checks. Removes the requirement for resource and referral system. It already exists. And it removes the provision that Department of Aging and DCFS keep records. I would move for the adoption of the amendment.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Leverenz has moved the adoption of Amendment No. 1 to House Bill 329. Discussion? If not, all in favor, indicate by

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saying Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Any further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR COLLINS)

3rd Reading. On the Order of 3rd Reading, House Bill 342. Senator del Valle. Senator del Valle seeks leave to have House Bill 342 returned to the Order of 2nd Reading for the purpose of amendment. Is leave granted? Hearing no objections, leave is granted. Madam Secretary.

SECRETARY HAWKER:

Amendment No. 3 offered by Senator del Valle.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Madam President. Amendment No. 3 clarifies that the deposits of public benefits funds into financial institutions are subject to community reinvestment, not economic reinvestment. I move the adoption of Amendment No. 3.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator del Valle moves the adoption of Committee -- of Amendment No. 3 to House Bill 342. Discussion? If not, those in favor indicate by saying Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Any further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR COLLINS)

3rd Reading. On the Order of 3rd Reading, Page 10 on the Calendar, House Bill 847. Senator Daley. Senator -- Senator Daley seeks leave to have House Bill 847 returned to the Order of 3rd <sic> Reading for the purpose of amendment. Hearing no objection, leave is granted. Madam Secretary.

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SECRETARY HAWKER:

Amendment No. 2 offered by Senator Daley.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Daley.

SENATOR DALEY:

Thank you, Madam President and Members of the Senate. Amendment No. 2 would restrict deductions to the amounts received by the taxpayer. It adds advances due to a terminal illness. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Daley has moved the adoption of Amendment No. 2 to House Bill 847. Discussion? If not, those in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Any further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR COLLINS)

3rd Reading. House Bill 879. Senator Leverenz. Senator Leverenz seeks leave to have House Bill 879 returned to the Order of 2nd Reading for the purpose of amendment. Hearing no objections, on the Order of 2nd Reading, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Leverenz.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Leverenz.

SENATOR LEVERENZ:

Thank you, Madam President. It would take the language to read from three to five years, and this was at the request of Senator Berman, and I move for the adoption of the amendment.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Leverenz moved the adoption of -- Discussion?
Senator Woodyard. Sorry.

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SENATOR WOODYARD:

Thank you, Madam President. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR WOODYARD:

Senator Leverenz, I think I do support this, but who did you say wanted this?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Leverenz.

SENATOR LEVERENZ:

The first amendment -- the first amendment was for the incubator in East St. Louis. The second one adds an additional year - from three years to five years then - for the incubator in Evanston. And --

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Woodyard.

SENATOR WOODYARD:

Well, is -- is the additional incubator in Evanston the only one that Amendment 2 applies to, or is that statewide?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Leverenz.

SENATOR LEVERENZ:

It is statewide. It just adds an additional year that they all may be funded for.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Woodyard.

SENATOR WOODYARD:

Do you have any idea the cost of -- of this, or can DCCA -- did they estimate the -- the cost of it?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Leverenz.

SENATOR LEVERENZ:

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You can't really estimate the cost. This allows them to apply, and they may receive funding if DCCA chooses to do so.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Leverenz, to close.

SENATOR LEVERENZ:

Thank you. I move for the adoption of the amendment changing from three to five.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Leverenz has moved the adoption of Amendment No. 1 to House Bill 879. Further discussion? If not, those in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Any further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR COLLINS)

3rd Reading. House Bill 1007. Senator Marovitz. Senator Marovitz seeks leave to have House Bill 1007 returned to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Marovitz.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Madam President and Members of the Senate. Amendment -- this amendment to -- Amendment No. 2 to House Bill 1007 takes out the provisions in the bill that were objectioned <sic> to and basically guts the bill so that we can have a vehicle to put in some court decisions.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Marovitz moved the adoption of Amendment No. 2 to House Bill 1007. Discussion? Discussion? If not, those in

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favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Any further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR COLLINS)

3rd Reading. House Bill 1228. Senator Maitland. Senator Maitland seeks leave to have -- House Bill 1228 returned to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading, House Bill 1228. Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Maitland.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Madam President, Members of the Senate. Amendment No. 2 to House Bill 1228 was brought to us by the State Police, which clarifies that State Police have a right to stop and ask for an inspection - safety inspection - of -- of motor vehicles, namely trucks. It was found in a court case that -- that they did not have specific authority to do this. I would therefore, Madam President, move for the adoption.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Maitland has moved the adoption of Amendment No. 2 to House Bill 1228. Discussion? Discussion? If not, all in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Any further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR COLLINS)

3rd Reading. On the Order of 3rd Reading, Page 12 on the Calendar, House Bill 1478. Senator Leverenz. Senator Leverenz

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seeks leave to have House Bill 1478 returned to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading, House Bill 1472 <sic>, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Leverenz.

SENATOR LEVERENZ:

And thank you very much, Madam President. The amendment would provide that it would be unlawful for any person to hunt or take, or attempt to take, wild birds or animals within a park or other area if that municipality has prohibited such hunting. I move for the adoption of Amendment No. 1.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Leverenz moved the adoption of Amendment No. 1 to House Bill 1472 <sic>. Discussion? Senator Woodyard.

SENATOR WOODYARD:

Thank you, Madam President. Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR WOODYARD:

Senator, is this your original Rock Cut State Park legislation which the two Legislators in the -- in the district don't seem to support; that we've had in Ag/Conservation Committee, and it's been floating around here and will float around here, I'm sure, for the next week or so? Is this the same legislation?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Leverenz.

SENATOR LEVERENZ:

Are you trying to get everyone excited?

PRESIDING OFFICER: (SENATOR COLLINS)

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Senator Woodyard.

SENATOR WOODYARD:

Well, I've never gotten anybody excited on this Floor yet.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Leverenz.

SENATOR LEVERENZ:

Well, there's a first time for anything, especially in your case. You are close, but no cigar. The amendment would provide that it would be unlawful for a person to hunt in a municipality that has prohibited such hunting. In this case, in Rock Cut, they have not prohibited hunting, so therefore, it does not apply.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

And actually a sizable portion of that particular park is not in the city limits, so obviously, it wouldn't totally impact. This bill, I believe, was killed in the Senate Agriculture Committee. The Department of Conservation has some problems with it. And one of the ramifications I suspect would be that the Department, forever more, would resist any municipality that wanted to annex a portion of a State park, because then the Department would lose control over regulating hunting within the confines of that State park. I believe there's at least one State park - I think it's Senator Madigan's district - that -- that I think the City of Lincoln is trying to annex. They need to go through the park to reach another parcel of land that wishes to come into the city; and, yet, I -- I believe the Department would instinctively take a position of being opposed to those annexations. You know, I -- I'm not sure exactly what we're trying to cure here, but I think this will fly in the face of interests many of us may have with State parks in our district in the future. If any -- if the State Department of Conservation

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can't regulate hunting within their own grounds, I guess why bother having a Department.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR GEO-KARIS:

Is this the amendment from Senator Woodyard? Senator Leverenz, the amendment -- I didn't quite hear the description of the amendment. Could you just give me a one sentence description of it?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Leverenz.

SENATOR LEVERENZ:

Yes, I shall. This would provide - it would be unlawful for any hunting within a State park if the local municipality has prohibited such hunting. It does not relate to Rock Cut. It would not, as I understand it, relate yet to Lincoln, because they do not preclude it. There is only one State park that is solely within a municipal boundary, and that is the State park in Chicago.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

In other words, your original bill saying that two-thirds of the legal voters that voted in the last preceding park district is changed now to twenty percent of the legal voters before they can dissolve a park district. Is that right?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Leverenz.

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SENATOR GEO-KARIS:

Still in there?

SENATOR LEVERENZ:

This is in addition to that. If this amendment is adopted and the following amendment is adopted, on 3rd Reading it will contain three things; that which the original bill had, plus Amendments No. 1 and Amendment No. 2.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator -- Senator Geo-Karis.

SENATOR GEO-KARIS:

I'm not crazy about your original bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Rigney.

SENATOR RIGNEY:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR RIGNEY:

Your -- your amendment about hunting within a city - is that an attempt to do something about the Rock Cut issue again?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Leverenz.

SENATOR LEVERENZ:

I'm -- I'm doing very well, Kenny. Not necessarily. It would put local control in effect in all cases.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Rigney.

SENATOR RIGNEY:

Would a city like Rockford or Loves Park, would they be able under this to prohibit hunting in a -- a place like Rock Cut?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Leverenz.

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SENATOR LEVERENZ:

Yes, sir.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Rigney.

SENATOR RIGNEY:

Well, I recognize that this time this particular issue tends to be centered around Rock Cut. The sponsor has had this legislation before the Ag and Conservation Committee, and it did not pass at that time. I -- I would be rather reluctant to turn this type of decision-making over strictly to units of local government to let them decide whether or not hunting is going to take place in an Illinois State Park. There are many problems up there with -- at Rock Cut Park with the deer population, and I think decisions like this, for State parks, correctly should be left to the Department of Conservation.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Leverenz, to close.

SENATOR LEVERENZ:

I thank you, Madam Speaker. The amendment is offered not with one park or any other parks in mind, though there are three situations that do fall under the amendment -- or one of which is proposed under the amendment perhaps. And it would only relate right now to the park in Chicago. And that is to allow locals to control their own destiny, which I think is the best, and they are in a heck of a lot longer than we are. Therefore, I offer the amendment, and we just vote it up or down.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Leverenz has moved the adoption of -- of Amendment No. 1 to House Bill 1476. Those in favor will say -- 1478. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Roll call has been requested. Those -- those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who

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wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 17 Ayes, 32 Nays, none voting Present. The -- having failed to receive the majority, the amendment fails. Any further amendments?

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Leverenz.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Leverenz, Amendment No. 2.

SENATOR LEVERENZ:

Well, I'm real glad that last amendment didn't get on. It might kill the bill. The Amendment No. 2 that I offer would provide to fill a loophole in the current law which disenfranchises voters, wherein a person is elected for a four-year term and quits a month later, and the park district would then have to fill it by an appointment. This would provide that there would never be a term -- an unexpired term greater than twenty-eight months open, and it would call for a special election under the case that I have just outlined to you. I'd move for the adoption of the amendment.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Leverenz has moved the adoption of Amendment No. 2 to House Bill 1478. Discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Any further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR COLLINS)

3rd Reading. On the Order of 3rd Reading, House Bill 1499. Senator Marovitz. Senator Marovitz seeks leave to have House Bill 1499 returned to the Order of 3rd Reading -- 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. Madam Secretary, on the...

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SECRETARY HAWKER:

Amendment 3 -- Amendment No. 3 offered by Senator Marovitz.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Madam President and Members of the Senate. This amendment was suggested by Senator Hawkinson, and I totally concur with it. It would make the special fund for electronic monitoring a permissive only in the counties that which to have -- wish to have such a fund and such electronic monitoring systems, and I would ask for adoption of Amendment No. 1.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Marovitz has moved the adoption of Amendment No. 1 to House Bill 1499. Discussion? No. 3. Amendment No. 3 to House Bill 1499. Discussion? If not, those in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Any further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR COLLINS)

3rd Reading. On the Order of 3rd Reading, House Bill 1524. Senator J.J. Joyce. Senator Joyce seeks leave to have House Bill 1524 returned to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. Now, on the Order of 2nd Reading, House Bill 1524, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator J.J. Joyce.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Joyce.

SENATOR J.J. JOYCE:

Thank you, Madam President. This bill, as it came from the House, allows the Authority to issue non-moral obligation bonds.

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The amendment to that Act merely clarifies the original intention of the sponsors, but a new Section now that amends the Municipal Code regarding TIF districts does two things: places a statute of limitations within the Act and allows one year to contest any new TIF districts, and the second part of the amendment is for Senator Jacobs to deal with a problem in Moline.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Joyce has moved the adoption of Amendment No. 1 to House Bill 1524. Discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Madam President. Senator Joyce, the way I read these amendments, they have far more consequences than described; and, although they may have some merit, I do not believe that doing this in an amendment form without going through Committee is the proper way. In addition, there are a group of people who are involved in the TIF process, and they have -- they have all said that they're opposed to this. And we are having great difficulty with the TIFs right now, as you probably know, because there's been a rapid expansion of them. And I think this bill ought to proceed the way it is without the amendments regardless of the merits that there might be in this. I have to also tell you that there are some serious problems that Bond Council has indicated with the statute of limitations, and you might indeed be running into a constitutional problem, as well. So I would urge that you either withdraw or that we defeat this amendment.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. In particularly addressing the statute of limitations: that was a provision that was brought about in the City of Moline that did publish their TIF district. They did everything right. It's the other one on that? That's

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not that same Statute. Okay. I won't say anything on that one.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Joyce, to close.

SENATOR J.J. JOYCE:

I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Joyce moved the adoption of Amendment No. 1 to House Bill 1524. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Roll call has been requested. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 19 Ayes, 25 Nays. The amendment fails. Any further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR COLLINS)

3rd Reading. House Bill 1695. Senator O'Daniel. Senator O'Daniel seeks leave to have House Bill 1695 returned to the Order of 2nd Reading for the purpose of amendment. Hearing no objections, leave is granted. On the Order of 2nd Reading, House Bill 1695, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator O'Daniel.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator O'Daniel. Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Madam President and Members of the Senate. This amendment expands provisions of the Act to include farmers who are not in danger of failure and also migrant workers. And it defines "farm worker." DCCA requested this change. Farmers are currently not in danger of failure -- farmers who are not in danger of

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failure can receive training in business skills and -- and -- and this could avoid future farm failures. Farmers that support a family and one or more workers who may have -- have to reduce operating costs or adopt new technology may -- leave some farm workers without a job. And retraining is often a critical need for these workers. And this amendment also includes seasonal and migrant workers. And I'd move for its adoption.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator O'Daniel moved the adoption of Amendment No. 1 to House Bill 1695. Discussion? If not, all in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Any further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR COLLINS)

3rd Reading. On Page 13 of the Calendar, House Bill 1855. Senator Leverenz. Senator Leverenz seeks leave to have House Bill 1855 returned to the Order of 2nd Reading for the purpose of amendment. Hearing no objections, leave is granted. On the Order of 2nd Reading, House Bill 1855. Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Leverenz.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Leverenz.

SENATOR LEVERENZ:

I want to Table Amendment No. 2 and go with No. -- I'm sorry. Table Amendment No. 1, go with No. 2, which is technically correct.

PRESIDING OFFICER: (SENATOR COLLINS)

Having voted on the prevailing side, Senator Leverenz move to reconsider the vote by which Amendment No. 2 was -- No. 1 was adopted. All in favor, indicate by saying Aye. Opposed, Nay.

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The Ayes have it. The -- the amendment is reconsider. Now, Senator Leverenz move to Table Amendment No. 1 to House Bill 1855. All in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. The amendment is Tabled. Any further amendments?

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Leverenz.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Leverenz.

SENATOR LEVERENZ:

I -- thank you, Madam President. Amendment No. 2, which we now move to adopt, technically is correct and spells the word "donor" properly. Has nothing to do with hunting.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Leverenz move the adoption of Amendment No. 2 to House Bill 1855. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Any further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR COLLINS)

3rd Reading. On Page 15 of the Calendar, on the Order of 3rd Reading, House Bill 2125. Senator Barkhausen. Senator Barkhausen seeks leave to have House Bill 2125 returned to the Order of 2nd Reading for the purpose of amendment. Hearing no objections, leave is granted. On the Order of 2nd Reading, House Bill 2125, Madam Secretary.

END OF TAPE

TAPE 2

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SECRETARY HAWKER:

Amendment No. 1 offered by Senator Barkhausen.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Madam President, thank you. Amendment No. 1 merely corrects an incorrect citation to the Steroid Control Act, and I move its adoption.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Barkhausen moves the adoption of Amendment No. 1 to House Bill 2125. Discussion? If not, those in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Any further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR COLLINS)

3rd Reading. On Page 16 of the Calendar, House Bill 20 -- on the Order of 3rd Reading, House Bill 2465. Senator Hall. House Bill 2592. Senator Savickas. That conclude our recalls. Okay. We'll now go to 3rd Reading. Page 6 on the Calendar. House Bills 3rd Reading. On the Order of 3rd Reading, Page 6 on your Calendar, House Bill 3. House Bill 3. Senator Marovitz. Senator. Senator del Valle, would you clear the aisle there so -- read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 3.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Madam President, Members of the Senate.

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This bill was introduced in response to incidents where school children were abandoned by their bus driver. It would clearly specify this as an -- activity as an offense. It creates a new offense for school bus drivers who abandon a school bus containing children, and prohibits an individual from obtaining a bus driver permit after being convicted of abandoning a school bus containing children. I know of no opposition to the bill and solicit your Aye vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? If not, the question is, shall House Bill 3 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 55 Ayes, no Nays, none voting Present. Having received the required constitutional majority, House Bill 3 is declared passed. House Bill 16. Senator Cullerton. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 16.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Madam President, Members of the Senate. This bill is in response to a recent expose by the Chicago Sun Times called the Slum Brokers. The bill is intended to prohibit slumlords from registering property under fictitious names in order to dodge tax collectors or utility companies or law enforcement agencies. The way it would work in -- would be that in Cook County, the County Recorder would not accept for filing any deed or assignment of beneficial interest in land trust, unless the document is accompanied by a sworn or affirmed statement -- or contains a

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sworn or affirmed statement executed by the grantor or the grantee verifying that the name of the grantee shown on the document is either a natural person, an Illinois corporation or a foreign corporation authorized to do business in Illinois. The bill has been amended to provide for some penalties for failure to conform with this. It has also been approved - after an amendment was adopted - by the Illinois Association of Realtors and Chicago Title and Trust Company, as well as the Cook County Recorder of Deeds. And I would be happy to answer any questions, and ask for its passage.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? If not, the question is, shall House Bill 16 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Madam -- Mr. Secretary. On that question, there are 55 Ayes, no Nays, none voting Present. Having received the required constitutional majority, House Bill 16 is declared passed. House Bill 46. Senator Marovitz. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 46.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Madam President and Members of the Senate. House Bill 46 applies to Chicago only. It prohibits a person, firm or corporation from operating a commercial bicycle messenger service in Chicago, unless the bikes are covered by a liability insurance policy at the expense of the person, firm or corporation. We've had an awful lot of problems in the City of

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Chicago with bicycle messenger services causing a lot of accidents and a lot of injuries. And this is our attempt to deal with that problem in the City of Chicago only.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Madam President. I noticed this bill requires insurance, but does not specify how much insurance, which is unusual. Normally when the State has requirements for the provision of insurance, the limits are required. Why are there no limits in here, Senator?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much. Senator Schuneman, you are correct. There are negotiations going on in the City of Chicago, where a -- a city ordinance is pending, and we understand this problem, and that's why an amendment has been put on so the bill can go to conference, so that the results of the discussions in the City of Chicago can be put in here regarding the amounts of insurance.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? I mean, Senator Schuneman.

SENATOR SCHUNEMAN:

Well -- Well, thank you. That was going to be my next suggestion - was that since the bill only applies to Chicago, and Chicago is the only place in the State of Illinois that licenses such activities, you really ought to do this by ordinance, and we shouldn't be dealing with it here, in my opinion. As I understand what you're saying, Senator, you want this to go into conference. And I also understand that there has been an ordinance introduced in the City Council. So hopefully we can pass this and -- and bring about pressure but not actually put this into law.

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PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Woodyard.

SENATOR WOODYARD:

Thank you, Madam President. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR WOODYARD:

This bill contains nothing about motorcycle helmets or bicycle helmets at this time, does it?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Marovitz.

SENATOR MAROVITZ:

No, it does not.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Woodyard.

SENATOR WOODYARD:

When this gets to a conference committee, I would anticipate it will not see that issue either, will it? You're saying -- okay.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Marovitz, to close.

SENATOR MAROVITZ:

This will not have anything about helmets. I can assure you it will not have anything about helmets in it. It -- it's strictly to solve a serious problem in the City of Chicago. That's what this bill's about. I know of no opposition to the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall House Bill 46 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 55 Ayes, no Nays, 1 voting

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Present. Having received the required constitutional majority, House Bill 46 is declared passed. House Bill 56. Senator Joyce. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 56.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Joyce.

SENATOR J.E. JOYCE:

Thank you, Madam President and Members of the Senate. House Bill 56, which was an agreed bill in the Senate Judiciary Committee, contains a number of provisions requested by the various states' attorneys in Illinois. The first provision lowers the threshold value for theft of library books - library theft - which is a petty offense, and lowers the amount from two hundred dollars to fifty dollars. It also provides that there be notice of -- by certified mail to the offender. Second provision increases the penalty for possession of a silencer or machine gun. Also, it provides for an increase in the penalty of possession of silencer or machine gun on school property. Third provision creates the offense of providing false identification information to a peace officer - an offense which is an attempt to deal with those situations where persons are found on outstanding warrants or probation violations and provide a false name. The fourth offense extends from two months to six months the time given a surviving spouse to comply with the reporting provisions of the F-O-I-D Act. And the provision which was in there with respect to a Vehicle Code - notification of -- of physical or mental incapacity to operate a motor vehicle - has been amended out of the bill. Be happy to answer any questions. Otherwise, I would ask for your support.

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PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? If not, the question is, shall House Bill 56 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 56 Ayes, no Nays, none voting Present. Having received the required constitutional majority, House Bill 56 is declared passed. House Bill 72. Senator Mahar. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 72.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Mahar.

SENATOR MAHAR:

Thank you, Madam President and Members. The intent of this legislation is to require that sprinkler systems be installed in newly constructed schools, as well as additions to schools that are fifty percent or more of the square footage of the existing buildings. This will result in a net savings to school districts around the State of Illinois, because first of all, they would have to use -- they -- they would be enabled to use less fire-retardant materials, which could save as much as five dollars a square foot, and also, their fire insurance premiums would be reduced, which in itself could pay for the sprinkler systems in a five- to seven-year period. I know of no opposition to the bill. And some of those that are in support are the State Fire -- Office of the State Fire Marshall, the State Board of Education, Chicago Board of Education, the IEA, the IFT, and I guess probably every fire service or association in the State of Illinois. I would be happy to answer any questions, and if not, ask for your support.

PRESIDING OFFICER: (SENATOR COLLINS)

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Further discussion? If not, the question is, shall House Bill 72 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 54 Ayes, no Nays, none voting Present. Having received the required constitutional majority, House Bill 72 is declared passed. House Bill 86. Senator del Valle.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Read the bill.

ACTING SECRETARY: (MR. HARRY)

House Bill 86.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman from Cook, Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. This bill was amended to reflect the results of negotiations with CMS. And it permits the Director of CMS to approve requests for extensions of the employment eligibility periods for the purpose of achieving affirmative action goals. The request for extensions may -- may be made by an agency or an individual applicant, and the extensions may not be longer than the original period of eligibility and shall not be renewable. I'll be glad to answer any questions.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Is there any discussion? Question is, shall House Bill 86 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 54 Ayes, no Nays, none recorded as Present. House Bill 46 <sic>, having received the constitutional majority, -- 86 -- is hereby declared passed. 136. Senator Leverenz. Read the bill, Mr. Secretary.

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ACTING SECRETARY: (MR. HARRY)

House Bill 136.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Cook, Senator Leverenz.

SENATOR LEVERENZ:

Thank you, Mr. President. This would create the Commercial Real Estate Broker Lien Act, and it would require brokers dealing with commercial real estate the provision to have liens, and it would establish the procedures for the claims on those liens. I'd answer any questions that anyone might have.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is -- the Lady from Cook, Senator Topinka.

SENATOR TOPINKA:

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

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he'll yield.

SENATOR TOPINKA:

Yeah. Could you possibly shed some light on what seems to be the continuing problem that Chicago Title and Trust has with this bill?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Leverenz.

SENATOR LEVERENZ:

Chicago Title and Trust asked that a provision be put in the Act that we think already was there. Also the Illinois Mortgage Bankers Association put out a letter asking for specific language to be inserted in the bill, which is in Section 15 of the bill. There was also a hypothetical that this would give someone a priority in a lien. It does not. As liens are filed, the liens

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would have to be paid. So I think those questions that have arisen in the past are indeed answered. Further, specifically, everyone should understand it requires that a broker have a written agreement, signed by the owner, buyer, or their authorized agent. And if no lien is filed, nothing exists.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Cook, Senator Berman.

SENATOR BERMAN:

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

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he'll yield.

SENATOR BERMAN:

I think he just indicated that in his last sentence, but I just want to make it very clear on the -- on the record. If there is a second sale to an innocent purchaser, and that purchaser, in making a title search, finds no broker's lien recorded, is that subsequent purchaser - the property that he is purchasing - subject to that broker's lien?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Leverenz.

SENATOR LEVERENZ:

Under the illustration that you have just read into the record, the answer would be no, there would be nothing recorded. Therefore, responsibility would be zero.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from LaSalle, Senator Welch.

SENATOR WELCH:

Thank you. I had a question of the sponsor, too.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he'll yield.

SENATOR WELCH:

Senator Leverenz, if a person buys a piece of property and

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then, after the mortgage is recorded, the broker's lien is placed on it, and one of the mortgage bankers purchases the mortgage, they would be subject to the broker's lien. That would have priority over their purchase of the mortgage, because they would put on a new mortgage. Is that correct?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Leverenz.

SENATOR LEVERENZ:

I believe the illustration that you just outlined is correct. It's in Section 15 of the bill -- specifically addresses the priority of a prior recorded lien, and that was added at the request of the Mortgage Bankers Association.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Cook, Senator Marovitz.

SENATOR MAROVITZ:

Senator Leverenz, if a broker is given six months on a piece of property and his six months expired, but he's -- there are leads that are still out and a new broker has the exclusive for the next six months, and he sells the property to somebody that the first broker believes was as a result of his lead, and then that first broker puts a lien on the property. Does his lien have to be litigated? What position is that lien in, relative to the Mortgage Bankers and to the ability of that sale to have clear title, and is that going to affect the ultimate sale of that piece of property?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Leverenz.

SENATOR LEVERENZ:

Even now I believe that a salesperson in real estate has a -- a tie to any person that that person delivers that ends up acquiring a piece of property. But in the alternative, I suggest that they'd probably be visiting someone like you - a good

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attorney.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

That's a question. Senator Marovitz.

SENATOR MAROVITZ:

...(machine cutoff)...enough to vote for the bill. Okay.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Leverenz, to close.

SENATOR LEVERENZ:

Thank you very much, Mr. President. The bill - 136 - is a House bill; we have passed the same bill here from the Senate. But specifically, there are questions that have been brought up: Is this a broker's lien against the commercial piece of property? Does it come under the Mechanic's Lien Act? No, it does not, and this is a separate, completely new Act. And does the priority in a broker's lien against a commercial property have any priority? The priority of the broker's lien is established as of the date that it is recorded. And that is the -- the only way that it establishes any priority. And does this impact the -- the innocent purchasers of a piece of property? I would suggest that if a lien had been filed and the parties cannot agree to a mechanism to allow the transaction to close, then a mandatory escrow procedure is established to allow the transaction to close. And the bill is not intended to delay or disrupt any commercial transaction. I'd ask for your Aye vote to pass the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall House Bill 136 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 47 Ayes, 4 Nays, 1 recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. House Bill 136. House Bill 143. Senator Brookins. Read the bill, Mr. Secretary.

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ACTING SECRETARY: (MR. HARRY)

House Bill 143.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Cook, Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. House Bill 143 changes short title of -- of the Steel Product Procurement Act to Domestic Products Procurement Act and expands the scope of the Act; requires the State, with specified exceptions, to purchase and lease only commodities or goods manufactured or supplied by companies whose products consist of specified minimum levels of U.S. or Canadian content. This bill is strictly, in my opinion, a job bill. I know that in my own district, on the South Side of Chicago, at one time we had the U.S. Steel Companies, Wisconsin Steel, and so forth, and so on, ltd. That if such a bill would have been in place, those folks in those areas today would still be working. I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The Gentleman from DuPage, Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. With all due respects to the very fine sponsor of this bill, I do rise in opposition to it. We have debated this concept on this Floor previously. Some of the arguments are well-known on both sides. But it seems to me that we're -- we're -- whereas the concept sounds good, it has a patriotic ring. It also has a tremendous amount of cost attached to it. It is estimated that this could raise the cost of products purchased by the State to some -- to the extent of some six or seven million dollars a year, and at a time when money is precious and dear to us, it would seem

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to be ill-advised to embark on a course that would add to the expense of doing business in the State of Illinois. Now, there's another facet of this too, and that is the element of possible retaliation. If we proceed down this -- route, then it is possible that other countries would say, "Well, okay then, we will likewise retaliate. We'll, in effect, enforce an embargo." We have companies in our country too that would be affected, and Caterpillar is one in our State - one of the largest companies. And Caterpillar, I happen to know, is not in favor of this bill, because they do manufacture some products overseas that we, in turn, might want to buy or purchase from Caterpillar. Now how in the world - and this is another thing - how in the world are we going to ascertain the percentages of -- percentages of material in these products as to whether they are made in this country or Canada or whatever? What process - what verification process do we have - what kind of a bureaucracy - what kind of a testing system would these -- would our State have to set up to ascertain, for sure, as to the exact percentage of materials in these products before it proceeded to purchase anything? It seems to me that it -- the -- the -- the -- the concern is certainly one that perhaps has merits, but on the other hand, the disadvantages of it seem to me, and to many of us, to outweigh the good that may be in it. So, I would urge you, my friends, to think long and hard, and -- before you vote for this - and matter of fact, I would urge you strongly to vote No on this measure in the interest of the State of Illinois - the very people and the very area that it purportedly will serve. I think it would hurt them. So please consider voting No on this measure.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

I would strongly urge the Membership to limit your remarks. There's a number of Members who are seeking recognition on this measure. So time yourselves accordingly. The Gentleman from

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Cook, Senator Butler.

SENATOR BUTLER:

Thank you, Mr. President. I wanted to underscore what Senator Hudson said and add one more item for Senator Brookins. This is not a buy-Illinois bill. This is a buy-U.S. bill with a seven-million-dollar price tag for the taxpayers of Illinois, plus the -- the burden of proving, in a matter of two or three years, that seventy percent of all of the products purchased by the State do indeed have a U.S. content. The cost and red tape and verification is going to be enormous, plus slowing down the whole purchasing process. I admire your -- your interest in this, but there is a practical side we have to be very careful about.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman from Bond, Senator Watson.

SENATOR WATSON:

Yes. Thank you. There's some confusion here, and I'd just like to ask the sponsor a question on an issue.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he'll yield.

SENATOR WATSON:

Does this affect Illinois products made in Illinois where -- with ten percent advantage to Illinois businesses?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Brookins.

SENATOR BROOKINS:

No, that was removed by Amendment No. 2.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Cook, Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. You know, Senator Brookins, if you were to look at those jobs lost in your district, you will probably find out something rather amazing. They were lost to

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Canada. Wisconsin Steel & Tube Company of America, which sits in your district, was purchased by a Canadian company. My company which - former company - which sits south of you, went ahead and after they bought our company went ahead and bought a Canadian company along with it. And their volume right now is about ten times more than what it was, and unfortunately, the majority of that volume is being done out of Canada. You've committed a real sin here by including Canada in it, because Canada which has about the same labor rate we has -- we have, has a twenty percent differential in terms of the rate of exchange. Now, you're going to give an additional ten percent bonus so that they can compete effectively with us at a price that's thirty percent higher. If you want to see the jobs continue to run away, you've just accelerated it with this bill. Because in the end, the person that you're benefitting is not who you think you are, because one man's protection is another person's price increase. And what you're doing is sticking it to the people in Illinois when, in reality, the products will continue to be manufactured someplace else.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman from Franklin, Senator Rea.

SENATOR REA:

Thank you, Mr. President. I rise in support of this bill. I think it's a good start. It's a beginning. A -- only objection I have is it just doesn't go far enough in terms of Illinois preference. And I have seen the tremendous amount of purchases being made by State agencies, and I think that this would certainly be a good project for Illinois and to also extend and build upon this particular legislation. So, I think that for -- based upon our economy, this is a bill that we should certainly support. I would ask for your support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Senator Brookins, to close.

SENATOR BROOKINS:

Thank you, Mr. President. This bill is about jobs. This bill is about working. This bill is about putting men and women to work in Illinois. That's what it's about. We talked about a -- one opponent spoke of seven -- seven million dollars or seven hundred million dollars. Let me just say to you that we spend that in rehabilitation. We spend that in public aid. We spend that in support of these families, which we have put out of work, because we're not supporting our own, that we're buying steel and other commodities even from South Africa. The State of Illinois has built buildings in Illinois with steel from South Africa. We're now going to go to Mexico, and we're going to buy they're steel. And we're going to build buildings by the State of Illinois in Illinois. And we're going to transport or replace our workers with those workers. In Europe, such bills as this exist as I speak to you today. And you're talking about competitiveness <sic>. And you're talking about punishment. Then I say that this is a good bill. This is a jobs bill. This is a workers bill. This is a USA bill. I say give me an Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall House Bill 143 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Don't look too good. Have all voted who wish? Please take the record. On this question, there are 28 Ayes, 23 Nays, none recorded as Present. And House Bill 143, having failed to receive the constitutional majority, is hereby declared lost. Gentleman asks leave to have Postponed Consideration. Leave being granted, Postponed Consideration on 1-4-3. Please turn to Page 7. Appears -- House Bill 185 was on the Recall. 186 was on the Recall. 209. House Bill 209. Senator Collins. Senator Collins. 209. Out of the record. 244.

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Senator D'Arco. Out of the record. 247 was on the Recall. 293.
Senator Joyce. J.J. No. Moving right along. 298. Senator
Luft. 313. Senator Cullerton. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 313.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Cook, Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President and Members of the Senate. This bill says that except in emergency cases, it would require certain State agencies and universities to notify the Minority and Female Business Enterprise Council prior to awarding professional and artistic service contracts. We've also amended the bill, at the request of the Department of Transportation, to say that the provisions of this Section shall not apply to a State agency that has awarded contracts for these services totaling, in the aggregate, five million dollars or more during the preceding fiscal year. That was at the request of the Department of Transportation. It does provide for, as I indicated, if there's an emergency, it would not have to be complied with. And the -- it simply is notification, and the notification to the council would be no later than the day in which the potential contractors are notified. So I don't know of any opposition with the amendments, and appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Is there any discussion? The question is shall House Bill 3-1-3 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 46 Ayes, 8 Nays, none recorded as Present. And House Bill 3-1-3,

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having received the constitutional majority, is hereby declared passed. 316. Senator Marovitz. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 316.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman from Cook, Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. This is the Statewide Grand Jury Bill, and it would allow the Attorney General to impanel a Statewide Grand Jury for narcotics cases and narcotics-trafficking cases in any county where there's a multi-county investigation of multicounty drug trafficking. As I said the other day, drugs are the number one scourge on our community. I think we need to make a very loud statement that we're going to do everything we can. State's attorneys would be cooperating now with the Attorney General in all the investigations of multicounty drug trafficking. I think this is an excellent bill. It's an excellent concept. It's been around a long time. And I think, as it stands now, we've taken it out of the political spectrum and made it what it should be - a substantive piece of legislation aimed at drug dealers and drug trafficking, and I would solicit your Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The Lady from Lake, Senator Geo-Karis.

SENATOR GEO-KARIS:

Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he will.

SENATOR GEO-KARIS:

Have -- is my amendment still on that bill?

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Marovitz.

SENATOR MAROVITZ:

Unless something happened over the weekend, and I wasn't here. But unless something happened over the weekend, it's still on.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Do you want to Table it, Adeline? Senator Geo-Karis.

SENATOR GEO-KARIS:

If my amendment is on the bill, then I'll vote for it.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Marovitz, to close.

SENATOR MAROVITZ:

Just solicit your Aye vote, which I think will make a loud statement about where we all stand on drug trafficking.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The question is, shall House Bill 316 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 37 Ayes, 12 Nays, 1 recorded as Present. This bill, having -- House Bill 316, having received the constitutional majority, is hereby declared passed. 329 was recalled. 331. Senator Marovitz. You want that one called, Billy? 331. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 331.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. House Bill 331 requires the Department of State Police to expunge

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its records and the Circuit Court to seal those records for eligible arrestees. It provides special expungement periods and procedures for supervisions and related offenses. This bill would correct problems that were created by amending the Criminal Code last year. As the Criminal Code now reads, the Illinois State Police are not obligated to give up any arrest records they receive from the arresting authority after an acquittal or dismissal. This bill restores the obligation of the Illinois State Police to return the records to the arrestee upon request, and I would solicit your Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall House Bill 3-3-1 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 55 Ayes, no Nays, none recorded as Present. And House Bill 3-3-1, having received the constitutional majority, is hereby declared passed. 342. Senator del Valle. I'm sorry -- it's on the Recall List. 370. Senator del Valle. Miguel, 370? I'm sorry -- I got -- Senator Daley. 378. Senator Hall. Please turn to Page 8. 386. Senator Carroll. 388. Senator Carroll. No -- we checked. They're not. 406. Senator Luft. 478. Senator Kelly. Kelly. 478. 525. Senator Welch. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 525.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This bill amends the School and Civil Administrative Code concerning educational

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telecommunications systems by allowing educational service centers to provide educational telecommunications systems. It grants DCCA the power to award grants. It also allows for oversight by CMS so that schools can obtain telecommunications equipment through that Department. It also adds educational service centers as entity which -- entities which are able to receive grants to implement educational telecommunications systems. I'd be glad to try to answer any questions.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall House Bill 525 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 56 Ayes, no Nays, none recorded as Present. And House Bill 525, having received the constitutional majority, is hereby declared passed. 551. Senator Topinka. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 551.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Lady from Cook, Senator Topinka.

SENATOR TOPINKA:

Mr. President, Ladies and Gentlemen of the Senate, what this bill seeks to do is to provide a code of ethics for the Illinois Commerce Commission. It starts life as a CUB bill. It has had some really good work done on this, both through CUB and through the Illinois Commerce Commission. I don't know of any opposition from either side. We have amended it to provide that a commissioner must have worked in the purview of the commissions jurisdiction before a conflict of interest would be apparent. We've also made the bill prospective. It would begin at any given

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time that either a current commissioner is reappointed or a new commissioner is appointed. And I would seek your favorable vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Is there any discussion? Question is, shall House Bill 5-5-1 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 51 Ayes, 3 Nays, 2 recorded as Present. And House Bill 5-5-1, having received the constitutional majority, is hereby declared passed. House Bill 5-5-5. Senator Geo-Karis. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 555.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Lady from Lake, Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, this bill was amended in line with the -- the suggestions of the Child Care Association and the Department of Family Services -- Children and Family Services, and it provides that when the Department of Children and Family Services places a child who's eighteen years of age or older, the placement must be in a facility which has separate living quarters for children who are under eighteen years. And it's intended to protect minor children from being abused and exploited by adult children. Ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The Gentleman from Knox, Senator Hawkinson.

SENATOR HAWKINSON:

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

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates she will.

SENATOR HAWKINSON:

Senator, there's nothing in here is there that requires that siblings be separated, is there?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

No, that was taken out.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? Lady, to close.

SENATOR GEO-KARIS:

Ask for a favorable roll -- roll call.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall House Bill 5-5-5 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 56 Ayes, no Nays, none recorded as Present. And House Bill 5-5-5, having received the constitutional majority, is hereby declared passed. 562. Senator Jones. Out of the record. 575. Senator Joyce. Out of the record. 580. Senator D'Arco. Out of the record. 619. Senator Welch. Out of the record. 630. Senator Etheredge. Out of the record. 632. Senator Weaver. Out of the record. Turning to Page 9. 635. Senator Schaffer. Out of the record. 638. Senator Etheredge. Out of the record. 670 -- 679. Senator Jacobs. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 679.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 679 permits a pawnbroker to contract for a one-time fee, in addition to the permissible interest, for investigating titles, storage, insuring collateral and loan closing, and making daily reports to law enforcement officials, losses and other expenses. And be happy to answer any questions; otherwise, ask for its support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall House Bill 679 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 44 Ayes, 11 Nays, none recorded as Present. And House Bill 679, having -- having received the constitutional majority, is hereby declared passed. 700. Senator Leverenz. 760. Senator Berman.

PRESIDING OFFICER: (SENATOR DEMUZIO)

On the Order of House Bills 3rd Reading is House Bill 762, Mr. Secretary. Read the bill.

ACTING SECRETARY: (MR. HARRY)

House Bill 762.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 762, as amended, is a recommendation by Grant Thornton increasing the fees in the Clerk of the Circuit Court, the Recorder of Deeds, the Sheriff's Office, for the County of Cook only. Basically, it's a fee adjustment recommended by a

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management consultant based upon the approximate cost of handling the respective services in the County of Cook. And its effective date would be 1-1 of '92. Be more than happy to answer any questions. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? If not, the question is, shall House Bill 7-6-2 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 50, the Nays are 1, 1 voting Present. House Bill 762, having received the required constitutional majority, is declared passed. 794. Senator Jacobs. On the Order of House Bills 3rd Reading is House Bill 794, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 794.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 794 allows for downstate forest preserve districts to allow the state's attorney of the county within which the district is located to represent the district with respect to all legal matters. The district excludes -- excludes counties over five hundred thousand, which excludes then Cook, DuPage and Lake. Ask for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall House Bill 794 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

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question, the Ayes are 56, the Nays are none, none voting Present. House Bill 794, having received the required constitutional majority, is declared passed. The Chair inadvertently skipped House Bill 7-6-3. With leave of the Body, we will go back to House Bill 7-6-3. Leave is granted. Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

House Bill 763.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. As amended, House Bill 763 will abolish the Office of the Cook County Regional Superintendent of Schools on August 7th, 1995. We've had several debates on this during the past few weeks. This bill carries out the intention and the letter of the discussions and agreement that have been reached between President Phelan of the Cook County Board of Commissioners and Superintendent Martwick, our regional superintendent. Be glad to respond to any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. I have a couple questions of the sponsor and then a statement after that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

I -- I'm sorry. I didn't hear you, Senator DeAngelis.

SENATOR DeANGELIS:

I said I have a couple of questions of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator DeAngelis.

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SENATOR DeANGELIS:

Last year -- last year -- last week, Senator Berman, in your closing comments, you produced a letter from the State Board of Education. Therefore, because it was in the closing comments, that letter could not be disputed. I have a couple of questions regarding that letter. First of all, the letter indicated that it would cost the State Board two million dollars to do what the superintendent is currently doing. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Yes.

SENATOR DeANGELIS:

Well, I have learned that that two million dollars also includes a substantial amount to do what he is not doing. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

I'm -- I'm not sure what you mean.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator -- Senator DeAngelis.

SENATOR DeANGELIS:

Well according -- according to the State Board of Education -- and they admitted that it was a very hurried assessment --

PRESIDING OFFICER: (SENATOR DEMUZIO)

Can we -- can we break up the conferences, please. Senator DeAngelis.

SENATOR DeANGELIS:

-- that it was a very hurried assessment, but the -- the two million dollars consists of two things -- a million six, which is the current cost of the office, and four hundred thousand dollars

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to do the inspections of the buildings in the City of Chicago - something which they have not done for at least the last four years - something which was also revealed in a Sun Times story indicating that those buildings were in very serious case of disrepair and in some instances needed bad rehabilitation. So, am I to assume that the State Board was going to do that function which the superintendent has either refused to do or is not doing? Is that part of the cost?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

If that's what they told you, I'll take you at your word.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Does the two million dollars include the six hundred and eighty-seven dollars -- six hundred and eighty-seven thousand dollars in revenues they receive from some of the services? In other words, is that a net number or a gross number?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

I don't know, and if the -- if the representative from the Board is around, I invite him to come over and stand next to me or to you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

Well, it is a gross number. It does not include the revenues that the superintendent is currently receiving, which the State Board would receive for doing the same job. And that number is six hundred and eighty-seven thousand dollars, which would go to

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the State Board of Education. In addition to that - and I'd like to address this part and then come back to the bill. If the State Board were to spend a million six, in order to do so, they would have to keep the eleven deputy superintendents that the county regional superintendent currently has - and it's doubtful to me that they would have to keep eleven superintendents. In addition, based on an audit conducted of that office, it was indicated by the auditors that the system of recording for the regional superintendent's office was not only outdated but extremely inefficient, because everything was done manually. So, the State Board, with its tremendous computer capability, I am certain, could do that job more importantly. But now, to the bill itself. The fact of the matter is this bill does not abolish the superintendent's office. It says that perhaps four years from now if no General Assembly in the intervening period decides to change this law, that person will be gone. Well, that person's going to be gone anyhow, because that person stated, prior to this bill being passed and last year, that he was going to leave after this term anyhow. So, effectively, this bill does nothing except provide a facade, some puff, some public relations spin on something that the person who's made this commitment said he would do, when in reality, it's not going to do anything at all. Now, there is another bill authored by the same person sitting on the Calendar - 760 - which, in fact, would abolish that office, which would save the taxpayers of Cook County a million six hundred thousand dollars a year and would also force the doing of what that job has to do. I would urge us to defeat this bill and come back and either amend the better version on another bill or force the calling of 760. And we would then live up to that commitment of insuring that the regional superintendent of the County of Cook doesn't exist anymore.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Further discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Fawell.

SENATOR FAWELL:

Is Amendment No. 1 still on this, that repeals the salaries that we have to set for Cook County officials? Is that still on?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Senator Fawell, that was your amendment, and that amendment is still on this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? If not, Senator Berman may close.

SENATOR BERMAN:

Thank you. Ladies and Gentlemen of the Senate, I think it is somewhat ironic and interesting that we should have this type of debate --

PRESIDING OFFICER: (SENATOR DEMUZIO)

Pardon me. Senator Berman, hold on. Ladies and Gentlemen. Is that enough? Senator Berman.

SENATOR BERMAN:

I think it's somewhat ironic that we have this debate. There are -- been a number of legislators in this Body who have attempted to abolish this office for a number of years, and for whatever reasons, that has not been accomplished. Now, I think that each one of us are good politicians, as well as excellent public servants. And the art of politics is the art of the possible. And I suggest to you that House Bill 763 is possible, is practical, is accomplishable. And there is no other

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alternative. There are other bills - House Bill 760. But I would suggest to you, regardless of whether it's Berman's sponsorship of 760 or DeAngelis' sponsorship of 760, that bill will not survive this General Assembly Session, just as similar bills have not survived previous Sessions. Now, I'm not debating the merits of whether that should or shouldn't. I'm talking practical politics. The abolition of that office, immediately, has not taken place in the past and, Ladies and Gentlemen, it will not take place this Session. If you want to get rid of that office - and I think that most of you from the Suburban Cook districts -- your teachers want to abolish it. Your boards want to abolish it. Your superintendents want to abolish it. This is the way to abolish it. It doesn't do it immediately, and I never said it would. It does it at the end of the incumbent's office. It also addresses a serious financial problem that we have. And whether we're talking about two million dollars, 1.6 million dollars or one million dollars, the State of Illinois doesn't have the money in Fiscal '92 to undertake a new obligation. So both politically and financially, this is the bill that you ought to vote for to put the Suburban Cook County on the right track regarding the Office of the Regional Superintendent of Schools. I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 7-6-3 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 42, the Nays are 10, 2 voting Present. House Bill 763, having received the required constitutional majority, is declared passed. 801. Senator Joyce. 803. Senator Cullerton. On the Order of House Bills 3rd Reading is House Bill 803. 803, Mr. Secretary.

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ACTING SECRETARY: (MR. HARRY)

House Bill 803.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Yes, thank you, Mr. President, Members of the Senate. This bill, as it came over from the House, contained a number of Senate bills that had passed and gone over to the House, but have been wrapped into this bill, apparently. And they include: Senate Bill 1283, Senator Hudson; Senate Bill 564, Senator Fawell; and Senate Bill 811, Senator Karpziel. And then we have added an amendment, which I'll explain in a second, which also was the subject matter of a Senate bill. The bill permits the Lake County Forest Preserve District to exchange certain real property. Requires a two-thirds vote of the members of a downstate district board, concerning certain appropriation matters. District ordinances imposing a fine or making an appropriation shall be published in a book or pamphlet form in addition to being published in a newspaper. The bill would allow alcoholic liquors to be sold in any district building or on any district golf course, if approved by the board. And in certain circumstances, the DuPage Forest Preserve District may sell or lease a golf course clubhouse and adjacent land up to fifteen acres in size. That was the subject matter, I believe, of Senator Hudson's bill, 1283. In addition, we in the Senate have adopted an amendment that was offered by Senator Philip, and this is very similar to Senate Bill 504, which passed out of the Senate, which was defeated in the House committee. And this deals with the DuPage County, as well as all downstate forest preserve districts and conservation districts, and the operation of landfills. This amendment, I understand, is

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-- is different than the House bill -- I'm sorry, different than the Senate bill that we passed, and I understand that this amendment has the approval of the Forest Preserve District in DuPage County. What the amendment says is that a forest preserve district or conservation area may not develop or operate any new regional or non-regional pollution control facilities on their property. There is a definition of a new regional control facility as defined in the Environmental Protection Act, and that includes the area of expansion beyond the boundary of a currently permitted regional pollution control facility. In other words, it doesn't shut down the two landfills that are operating in DuPage County. They can continue to take refuse from their own county. It's -- I understand that these landfills will be able to operate for approximately -- scheduled to be another nineteen more years. And they will -- also be able to use the facility for methane -- methane retrieval. So, with that, I would be happy to answer any questions, and indicate that I -- I support the bill with the amendments, and ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

Senator Cullerton, you mentioned something about Lake County - that there was transfer of land, you said with someone by the name of Gordon - is that correct? Between a forest preserve district?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Yes. It -- it transfers certain parcels of real property

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between the Lake County Forest Preserve District and Harlan B. Gordon.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Is there a price tag on that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton. Senator Geo-Karis.

SENATOR GEO-KARIS:

Could you tell me something about it? That's all.

SENATOR CULLERTON:

If you give me one second, I'll get a copy of the bill.

SENATOR GEO-KARIS:

Sure.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Geo-Karis is waving off the question, I think. Further -- Senator Cullerton.

SENATOR CULLERTON:

Well, it appears that there is a -- a trade of some land that is going to Mr. Harlan B. Gordon. And apparently he is transferring some land back to the forest -- to the Lake County Forest Preserve District.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Welch.

SENATOR WELCH:

Senator Cullerton, one of the provisions of this bill allows for forest preserve -- requires forest preserve district ordinances imposing any fine or penalty, or making any

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appropriation, shall within ten days be published in a book or pamphlet form, as well as in a newspaper. Why do we have to have two separate publications from forest preserve districts?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

No, it doesn't change the current law; it just adds a provision. So it would -- with regard to the publication, it would just simply say that all forest preserve ordinances that impose a fine or penalty or make an appropriation shall, within ten days after passage, be published in a book or pamphlet form, in addition to being published in a newspaper.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Well, why should my forest preserve in DeKalb County have to publish in a book as well as in the newspaper? I don't know of any other -- no municipality has to do that, or county.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Well actually, it sounds to me like a pretty good idea, because if you're talking about an ordinance that imposes a fine or makes an appropriation, people may not catch it in the -- the legal notices that are published in a newspaper, whereas if you go -- went to the forest preserve district and you wanted to get a book or a copy of anything that -- any ordinances that passed that -- specifically appropriated money, you could -- you could go and read it. So, actually, it would make it more accessible. I'm not quite sure, though, where the genesis of this provision comes from, but it was passed out of the House.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Senator Welch.

SENATOR CULLERTON:

Seemed to be a good idea.

PRESIDING OFFICER: (SENATOR DEMUZIO)

I'm sorry. Senator Welch.

SENATOR WELCH:

Well, it seems like an additional expense on forest preserves to me. It's my understanding the Forest Preserve Association from DuPage County is in opposition to this, as well as the County Board? Is that true, or not true?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Now if you're talking about the provision dealing with the landfills, the -- my understanding is - and it's with Senator Philip's amendment, so maybe he can speak to this - but my understanding is that the forest preserve district was opposed to the bill that I sponsored, which was Senate Bill 504, but that we have since amended this bill -- or we amended what was 504 into this bill and there's been some changes. And with those changes, the forest preserve district is not in opposition to the bill. And the changes are to clarify that they don't have to immediately shut down their forest preserve landfills, that they continue -- they can continue to use it, but they can't get a new permit and expand the footprint of the landfills, which is what the proponents of the original bill were intending to do in the first place.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Welch.

SENATOR WELCH;

Well then, do they have to get a permit to expand the landfill in height? Or can they just operate it and make it taller than it

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is, as opposed to making it wider?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Whatever the original permit authorized them to do, they can continue to do. So if there's a certain height that's authorized by the original permit, when they get to that point, then they need to get a new permit, and this bill would say that they cannot get a new permit -- they cannot expand. But as I understand it, permits cover not only the geographical area, but also height. And basically, what we're saying is when -- when this -- when this one that they have a permit for is filled up, they can't expand it any more.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Philip.

SENATOR PHILIP:

Well, thank you, Mr. President, Ladies and Gentlemen of the Senate. In regards to -- to House Bill 803, I have been in -- spoken to Ray Soden, the President of DuPage County Forest Preserve early afternoon. As you know, this is an Illinois EPA amendment. He agrees with the amendment. He does support it in the position the bill is in now. And what it basically does is allow the DuPage County Forest Preserve to fill up the forest preserve, but not to expand it. And that was the whole argument. My judgment is, if it came to a vote on the county board or the forest preserve, they would overwhelmingly endorse the bill the way it is. Now that doesn't mean the president of the county board is for it, but that certainly the president of the forest preserve is for it, and in my judgment, the majority of the county board members are for it. So I would certainly ask for your favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Further discussion? Senator Jerome Joyce.

SENATOR J.J. JOYCE:

Yes, thank you, Mr. President. Once again, we're -- we're taking areas that have landfills on them now and saying that -- tell 'em this -- forest preserve districts - they cannot have landfills. Park districts - they cannot have landfills. Where do you suppose all of this stuff is going to go, folks? I guess what we in downstate Illinois have to do is maybe - Senator Rigney I don't see on the Floor - but maybe we're going to have to say "Well, those -- we can't put landfills where there's drummer soil." Or, "We can't put landfills where there's clay silty loam." You know, it seems like that's maybe our next step in dealing with this. So I -- I -- I stand in opposition to this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in support of this bill, and I have lived with it for the past six months. There are people in that area that are mightily concerned. They've done their homework. They are not a bunch of crazies. But they have been made a promise some twenty years ago that when the terms of the contracts and understandings and agreements, under those terms, that in 1993, I think it is, or thereabouts, when the limits of this landfill are reached, which is what Senator Philip was speaking of, that then there would be a cessation of expanding and going on and on into the next millennium, and that's what these people don't want to see. Their not seeking to shut this thing down immediately. There will be time for the county board and others to figure out what to do with -- with waste in the future - the distant future. But I think it's a very sensible -- sensible bill. Something that the people in that area affected desperately want and need, and I would urge

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that you consider voting for it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I just wanted to try to ask -- answer Senator Joyce's comments. And let me say this: the DuPage County Forest Preserve was the first and only forest preserve to ask to take in and make it a landfill. We did that about - I don't know - twenty -- twenty-five years ago. The whole idea is when you fill it up and you got this big mountain, you made a sled slide out it -- a ski slide out of it. And quite frankly, it seemed like a fairly smart, intelligent thing to do. What happened after twenty-five years of pouring in garbage - who quite frankly there were a lot of chemicals in that garbage. And nobody knows really what they put in landfills. Somebody -- puts in a gallon of gasoline, or oil, or poison, or iodine, it goes in. Nobody checks those trucks dumping. And what happened is, it starts leaking. The landfill leaks, quite frankly. There are houses around it. There's an odor. It gets into the water table. And it is a darn mess. If I had to do it over again after twenty or twenty-five years, I would say, "Never let 'em put it in a park or a -- or -- or a forest preserve." It's a damn mistake. We should have never done it in the first place. So I'm on your side, Coach.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Cullerton may close.

SENATOR CULLERTON:

Yes. If this -- I hope this bill passes and goes to the Governor. If it for some reason goes to a conference committee, I'd certainly be willing to talk to Senator Joyce about that drummer silty soil amendment, and maybe we can ban it in that too.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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The question is, shall House Bill 803 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 36, the Nays are 11, 2 voting Present. House Bill 803, having received the required constitutional majority, is declared passed. 811. On the Order of House Bills 3rd Reading, Madam Secretary, 8-1-1.
SECRETARY HAWKER:

House Bill 811.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR J.E. JOYCE:

Thank you, Mr. President. House Bill 811 creates an Act to be known as the Local Governmental Employees Political Rights Act. Basically, it precludes local government or school districts from inhibiting or interfering with any of the political rights of an employee, which are set out in the definition of political rights and include the following: the right to make speeches, to petition, to speak out in questions of public policy, to distribute campaign literature, to make campaign contributions and to seek public office. Be happy to answer any questions, otherwise, I'd ask for your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, then the question is, shall House Bill 811 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 52, the Nays are 1, none voting Present. House Bill 811, having received the required constitutional majority, is declared passed. House Bills 3rd

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Reading is House Bill 8-1-6, Madam Secretary. Read the bill.

SECRETARY HAWKER:

House Bill 8-1-6.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. House Bill 816, as amended, protects compensation and benefit rights of reservists employed by public institutions of higher learning, public schools, local government, who were called to active duty on or after 8-1-90 and excludes units of local governments which lose at least twenty percent of their employees to an active military duty mobilization. Try to answer any questions or -- ask for its support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? If not, the question is, shall House Bill 816 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 816, having received the required constitutional majority, is declared passed. Bottom of Page 9 is House Bill 8-4-0, on the Order of 3rd Reading, Madam Secretary.

SECRETARY HAWKER:

House Bill 840.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

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Thank you very much, Mr. President and Members of the Senate. House Bill 840 creates the offense of unlawful use of body armor. Prohibits an individual from wearing body armor while armed with a dangerous weapon during the commission of an offense. Given the increasing professionalism of gang crime and organized crime, the use of bulletproof vests is becoming more and more common and more and more dangerous to law enforcement officials. This bill sets out a very detailed list of those garments considered body armor, and I would solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Discussion? Senator Dudycz. If not, the question is shall House Bill 8-4-0 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 840, having received the required constitutional majority, is declared passed. Turn the page. Page 10. 847, 879 are both on the Recall List. 8-8-3. Senator Collins. 8-8-5. Senator Berman. On the Order of House Bills 3rd Reading is House Bill 8-8-5, Madam Secretary.

SECRETARY HAWKER:

House Bill 8-8-5.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 885 provides for the State Board of Education to establish school recognition standards for student performance and school -- school improvement for every school building in Illinois. Beginning in the 1992-93 school year, schools which do

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not meet standards shall be placed on an academic watch list, which can involve two phases of intervention by the State Board. Failure to implement a school improvement plan during that time could result in the loss of State funds. It could also result in intervention by the State Board regarding the school personnel. And it provides also for -- to allow for innovation, the State Board may waive rules and regulations except for those regarding special education and teacher certification. Be glad to respond to any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. I stand in support of House Bill 885. It's the State Board of Education's way of putting into place some accountability that goes along with the -- the School Reform Bill that we passed in '85. This will make the schools more accountable and will give the public more information on how their schools and their children are doing.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Welch.

SENATOR WELCH:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Welch.

SENATOR WELCH:

Senator Berman, for purposes of legislative intent, I'd just like to say that, given my legal background, I was glad to see that you have included the exclusive collective bargaining agent in this measure by adding the Senate committee amendment. The entire regulatory bill certainly can best function with cooperation and, in fact, cannot function well without cooperation

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of the involved parties. The language of House Bill 885 states, and I quote, "The school district or independent authority must notify in writing the affected exclusive collective bargaining agent of the district's or authority's intent to seek approval of a waiver and of any meetings to be held with educators to discuss the waiver. The affected exclusive collective bargaining agents shall be allowed to attend such meetings." Unquote. I have concluded that with the insertion of this language that the bargaining rights of the collective bargaining unit are in no way impaired by this Act. Is that statement true?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

So if a local teacher -- collective bargaining unit seeks to bargain these waiver items, they certainly may, pursuant to the Illinois Education Labor Relations Act.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Yes. Both parties - the school district and the collective bargaining unit - may put these issues of the waivers within the framework of their collective bargaining.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Madigan.

SENATOR MADIGAN:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Madigan.

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SENATOR MADIGAN:

Actually, I have two questions, Senator Berman. I'll just ask them both at the same time. Number one, according to our analysis, this Senate Bill -- or House Bill 885 gives the State Board the authority to direct the regional superintendent to remove local elected school board members and replace them. My question is, is that correct? And then, if that is correct, how do the Association of School Boards look upon this bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

The answer to the first question, I am told, is that that power already exists under existing law within the power of the regional superintendent. The second -- the second part is that the -- is that the IASA supports this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. I rise in -- in support of this bill. A great deal of work has gone into it. A number of people have come on board, and I would like to compliment Senator Berman for accepting the amendment in committee that requires districts to notify the collective bargaining units about applications for waivers of State rules and regulations. As a former teacher, I realize how important this spirit of cooperation is to the success of the movement of school improvement that we all wish to be a part of. When your teaching staff, administrators and everyone are on board, then we can move forward with a very successful program.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

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Senator Berman, I believe you have, in part, answered my question. I think this bill could be described by its detractors as a major unfunded mandate and an attack on local control. I would like to get firmly on the record, however, that this bill, as amended, is publicly and actively supported by the Illinois Association of School Boards, ED-RED, and the State Board of Education. And should they at some further time find that we have done something in this bill they don't like, I would like it clearly, unequivocally stated that the aforementioned groups, who are so fond of letting us know about our shortcomings, actively, publicly support this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

To my knowledge, they do.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

SENATOR SCHAFFER:

Do they or don't they?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman. I'm sorry. Senator Schaffer.

SENATOR SCHAFFER:

Have they issued any statements? I don't want to give them any weasel room, Senator. Either they're for this thing or they aren't. If they aren't for it, put it on the record. If they aren't for it, they aren't for it. Either they're for it or they're against it.

SENATOR BERMAN:

They're for it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman. Further discussion?

SENATOR BERMAN:

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They're for it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator del Valle.

SENATOR DEL VALLE:

Question for the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator del Valle.

SENATOR DEL VALLE:

Senator Berman, what is the position of the Chicago Board of Education and the school superintendent in Chicago on this bill?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

With the addition of the amendment that we put on in committee, they are supportive of this.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator del Valle.

SENATOR DEL VALLE:

Does this bill allow for taking over attendance centers?

SENATOR BERMAN:

Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator del Valle.

SENATOR DEL VALLE:

The staff analysis indicates that those schools which are subject to being placed on the watch list shall be visited by the State Board staff to determine whether extenuating circumstances exist as to why the school should not be placed on a watch list.

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Would that include decisions that are made by this Body to shift funds that then have a direct impact on the schools as they try to deal with low standards -- or not low standards, but rather pupil performance?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Certainly. The -- the -- I presume that one of the explanations - or excuses, if you want to use that word - that any school building in -- in the State would have in response to an evaluation by the State Board is that you haven't given us enough money to do the job that you expect us to do. So, that certainly is available. As to whether it's going to be accepted or not is within the purview and discretion of the State Board.

END OF TAPE

TAPE 3

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator del Valle.

SENATOR DEL VALLE:

So in that category we could include shifting dollars out of the building fund that -- that are not available to deal with overcrowded conditions. It could include not using Chapter 1 dollars to deal with the needs of low-income students and other similar provisions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

I want to be specific in my response to you. Those issues can

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be an excuse by the local school building, or local school district, but that does not have to -- but that is not a -- a legislated out - or a legislated waiver - from achieving academic goals that may be set by a school improvement plan. It's part of the discussions, explanations, negotiations, between that school building and the State Board, under this proposal. But it doesn't give that local school an automatic out, by any means.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator del Valle.

SENATOR DEL VALLE:

To the bill, Mr. President: I'm all for standards and I'm all for accountability and I will vote Yes on this bill, but let's recognize that there are some serious problems within the school system that we are failing to address, and yet we're saying, "We have set these standards; everyone must meet these standards." But we're not doing much about insuring that the resources that are necessary to meet those standards are being given to these school districts. And so I ask everyone to please keep that in mind as we deal with future legislation. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. I rise in strong support of House Bill 885. I know of no other legislation that's -- that's come down the pike, since we passed educational reform in -- in '85, that complements education any more than this particular bill does. And I would just add, Senator del Valle, that the neat thing about this legislation is that it -- it puts school districts against themselves, rather than comparing them necessarily with other school districts. We are interested; we are vitally concerned about the improvement of individual school districts around the State. Senator Berman, I,

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like you, compliment the Task Force on a job well done -- the State Superintendent of Schools, and I think Illinois is well on the way to once again landmark legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? If not, Senator Berman may close.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is probably the most important education bill of this Session, and perhaps for a number of Sessions. I think that proper recognition should be given to the State Board of Education, to Superintendent Leininger; to the business community with the IMA, the Retail Merchants, the State Chamber, the Illinois Business Round Table, the Chicago Association of Commerce and Industry, the State Chamber, the Farm Bureau; IFT and IEA, and the many, many people and all of the staffs, along with IASB and IASA and all of the other initialed organizations that have worked very hard. Just last year there was a bill dealing with accountability that didn't pass out of this Body, because it wasn't a consensus. This bill was built with hard work, by the people that I have mentioned, into what -- what Senator Maitland properly described as a landmark piece of accountability education legislation. The rest of the country is going to watch what we are doing today. And I want to compliment the State Board staff for doing an excellent job on this very, very important bill, because with this properly implemented, our children will improve in our classrooms. I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 8-8-5 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

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Nays are none, none voting Present. House Bill 885, having received the required constitutional majority, is declared passed. 897. Senator Jacobs. Jacobs. 908. Luft. House Bills 3rd Reading is House Bill 908, Madam Secretary.

SECRETARY HAWKER:

House Bill 908.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. House Bill 908 is a very simple bill. It simply mandates that the procedures for payment for the expenses of the required annual audit of a community college district shall be in accordance with specified provisions of the Governmental Account Audit Act.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 908 pass. Those in favor will vote Aye. Those opposed, Nay. The voting's 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 908, having received the required constitutional majority, is declared passed. 927. Senator Cullerton. 942. Senator Lechowicz. On the Order of House Bills 3rd Reading is House Bill 942, Madam Secretary.

SECRETARY HAWKER:

House Bill 942.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

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SENATOR LECHOWICZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 982 <sic>, as amended, provides for the County of Cook what twenty other states have already done. Would create a local fund matching program, which would levy an assessment on the Cook County Public Hospital. The funds assessed would then be matched dollar for dollar by the Federal Government. The federal matching dollars along with the original assessments would be returned to Cook County in the form of additional Medicaid payments. No State funds would be involved. The amendment is budget neutral to the State of Illinois. Another provision of the amendment would permit the Department of Public Aid in Cook County to enter an agreement whereby the Department would provide services to the County which the County then would pay for. Any funds which Cook County pays to the Department of Public Aid under such an agreement would be eligible for federal matching dollars. This provision would also be budget neutral to the State. The Department's concerns with the previous version of this proposal have been addressed. Be more than happy to answer any questions, and I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Senator Lechowicz, I do not have any quarrel at all with what you're trying to do. I do have some questions, however. What is the method of assessment? The County currently has no central billing system, so could you tell me what the method of assessment there is in order to capture these dollars or to aggregate 'em someplace so you can capture the federal dollars?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

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The method of assessment could be the dollar amounts spent on the health care within the County of Cook. The last county budget, if my memory serves me correctly, was in the neighborhood of three hundred and seventy-five million dollars. Approximately seventy-five million dollars is Medicaid reimbursement. So under this formula the County could apply through the Department of Public Aid, a three-hundred-million-dollar federal reimbursement rate. Let me just explain to you how this thing would work. The Department of Public Aid would come into the County of Cook and say you've spent approximately three hundred million dollars in providing health care services in your last year's budget. The County of Cook then would give to the Department of Public Aid three hundred million dollars so they in turn could apply to the Federal Government for reimbursement. The County of Cook would probably go to a bank and get a two-day float - a loan for two days - which would then make it federally eligible for reimbursement. Really twenty other states have done it. I can't understand why we haven't done it so far, but I think it's a great way of getting additional federal dollars into a program who definitely needs it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Well, Senator Lechowicz, Senator Topinka and I both have had bills that would do this. However, there was one mechanism in that bill that is absent from this bill, and that is the mechanism that aggregates these dollars. And I'm not so certain that you're going to be able to turn around and have the County Hospital, whose billing system is not complete, highly suspect, inefficient and then turn around and roll all those dollars and say write me a check for three hundred million. First of all, part of those dollars are being matched already. Second question, are you going

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assess all hospitals in Cook County? Third, how about the forty-five million dollars that the City of Chicago spends that's not matched for services within that same county? How are you going to aggregate that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

I believe there's three questions, I will try to respond to all three. One, this bill only deals with public hospitals. Two, as far as the reimbursement, as I stated before, once you receive your federal reimbursement on Medicaid, you cannot use that money as a match, as I have been told. So you would be -- the maximum we could apply for is approximately three hundred million dollars, strictly for Cook County Hospital. Believe me, I sat down about an hour and a half this morning on this bill alone, between the Public -- Public Aid and the respective members of the Cook County Health Care Facility - strictly on this bill - and that's the way they explained it to me, and that's the way I am explaining it to you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Well, would you, in the event that there is fault with your system, entertain the idea of putting into place the mechanism that Senator Topinka and I have suggested, which, in fact, is a proven. Now one thing it does do, it takes control out of the system -- takes control -- takes the County out of control out of the system and makes it a participant. And I have heard all along that one of the reasons that the -- the -- the County right now is refusing to accept any other recommendations, is that they want full control. Well if you have full control, you're not going to have full participation. Therefore, you're going to miss a lot of

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the dollars that won't be matched. In addition to that, you're also assuming in the three hundred million dollars that none of that is being matched already. The fact is, that it is being matched. The part that is not being matched, that you're forgetting, is the part that is being -- the service that's being provided for that is either not being billed or people are not being enrolled who are medically eligible for Medicaid. And that's one of the reasons why you need a system far greater than just the County trying to run it. You've got to have all the other participants involved.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, as I understand your proposal this applies to Cook County Hospital only, and the problem I think that you're seeking to solve there is one that runs throughout Illinois and -- and involves a lot of hospitals who have high public aid usage. The Governor, the Hospital Association and others have suggested similar programs, and I'm curious to know why this seems to be going in a little different direction than all those other programs. And I guess first of all I'm curious to have an explanation of why you're doing that rather than becoming a part of the larger picture.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

Let me just respond to Senator DeAngelis' last two comments and then I'll get to yours, Senator. One, this -- Cook County has

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to have the cooperation of the State through the Department of Public Aid to get one penny from the Federal Government. So they do not control their own destiny. Two, the amount of money that's already been reimbursed cannot be included in the amount that is going to be offered to the Department of Public Aid. As I stated earlier the Cook County -- the Cook County Hospital Care Budget is approximately three hundred and seventy-five million. Seventy-five is reimbursable already, so the maximum that we can apply for is three hundred. To answer Senator Schuneman's question, the -- the mechanism used in this bill to avoid requiring the local funds to actually leave the possession of the hospital would not be available to a private hospital. That's why the Illinois Hospital Association proposal - Senate Bill 500 and House Bill 1000 - required assessments to actually be collected by the State. To include other public health care providers in the bill, would require a formula for allocating the federal funds among all those included. Simply allocating the federal funds pro rata would not be permitted under federal law.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, I'm -- thank you Senator, I'm not sure I understood all -- all that that you were reading there, and -- and perhaps if we had a copy of that, we might be able to understand it a little better. But just for -- for the Members, I'm sure we all realize that -- that the Administration and the Illinois Hospital Association are both trying to put together plans that are similar to this. And I'm wondering if we, as State policy, should, in fact, be authorizing Cook County Hospital to set up there own arrangements with Medicare or with -- yes -- with the Federal Government and reimbursement for Medicaid, or if it should be one bill that treats the entire State. I -- I don't know that

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anybody's talking, Senator, in terms of -- of pro rata return of monies, but I simply raise that as an issue. One other question I guess I would have of you, and that is -- is it your intention at this point to move this bill along, get it into conference committee and then deal with the issue finally there?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Lechowicz.

SENATOR LECHOWICZ:

First of all, let me just explain that once again, the big question as far as the local matching program and under the Illinois Hospital Association and the Governor's program, it's totally different than the matching under this program. Twenty other states took advantage and went into this type of program that's being offered to you today, under this program. I can't tell you what the private hospitals are going to do and who can afford what, but I can tell you what the budget was for Cook County as far as hospital care and how much money we can apply through Public Aid to the Federal Government. Your question with the other two is nobody can answer, the funding mechanism and the distribution. And I hope this doesn't go to a conference committee. I hope it's passed. I hope the Department of Public Aid would work with the County and try to get these funds as quickly as possible.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in strong support of House Bill 942, and I would ask the skeptics on the other side to please lend us also there affirmative vote for this reason, Senator Schuneman. Senator Schuneman. Senator Schuneman is not listening. The subject of hospital assessments and leveraging additional federal

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reimbursement has been under discussion, I suggest, for four or five months, and as of about ten days ago the Governor and the Department finally agreed to at least put forth a program. You will recall, I am sure, that Senate Bill 1000 passed this Body overwhelmingly, as did Senate Bill -- or House Bill 500. And that's the Hospital Association version of this assessment. It is for two years, and it is voluntary. The Governor, it appears -- it appears, 'cause nobody's seen it yet, it's out there someplace, but nobody's seen it yet. The Governor's proposal, which was generally outlined in a press conference, indicated that his program was in perpetuity. It was indeed a tax. It was mandatory -- or is to be mandatory. And it is contingent only upon the continuing availability of federal money for a program like this. Hospital Association has not indeed signed on. The Governor is scared to death that 1000 will reach his desk and he may have to make a decision. But when we had a meeting last week, I asked the Governor directly, how come Cook County Hospital's not in your program? I'm still asking. I don't know why. This is a Cook County effort on their own behalf, and it can run on a parallel track or a similar track, or along the same track, but I suggest it is worth an Aye vote. Maybe we'll find out one of these days why Cook County Hospital was not included, or is not included yet, in the Governor's program. I understand there's to be a meeting this afternoon -- later this afternoon with the Governor's people to try to flush this thing out. But the fact of the matter is, that is not a reason to be skeptical about this program. That's the largest public hospital - one of the largest in the world - and it ought to have a program. It ought to be in somebody's program. It's in the Hospital Association Program, it's not in the Governor's program, so they've come forward with a program of their own, and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Further discussion? Senator Topinka.

SENATOR TOPINKA:

Well yes, Mr. President, Ladies and Gentlemen of the Senate. In -- as Senator DeAngelis mentioned earlier, both he and I had various bills that attempted to aggregate public funds here so that we could get federal matching dollars and make it worthwhile. Plus in my case, which was answerable to a separate health care authority, so in deed we would have responsibility, accountability and more or less one stop shopping, when it came to health care in Cook County. I don't know that by virtue of segregating this program for Cook County out of the rest of the picture of the entirety of Cook County and all of its other hospitals and everybody else who's involved, that we can indeed make this program work, especially since it would seem that all public funds that are accruable here to County would continue to be administered by the county board, which would seek to want kind of everything but give up none of its control. And I don't know that as we look as to what that control has managed for County Hospital over the years, we can necessarily - those of us living in Cook County - be real proud of it. I -- I would also question how you can make this work, when just on out-patients alone and with no central billing system, the State, in terms of reimbursing Cook County, guesses - and I stress guesses - that we owe you something like about ten to thirteen million dollars. We don't know for sure, because you never bill us. And Woody Bowman made that statement in one of our hearings, I mean, just don't know. And that's out-patient. I don't think we know what the cost is for in-patients for the same reason, nor does the County. And on that basis, and that basis alone, I -- I really don't know that this is going to do the job and if we're going to do assessments then maybe we ought to look for a more inclusive system in general and see if we can address the problem of health care in Cook County,

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boarder to boarder and not just in and around County Hospital.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator DeAngelis, for a second time.

SENATOR DeANGELIS:

I'm sorry for rising again, but with all due respect to the comments made by some of the previous speakers, it is the concern for the health care of the people in Cook County that we address these issues. Now the fact of the matter is, that there's far more dollars being spent in Cook County - public dollars - than those that which are spent by Cook County itself. Cook County has refused to participate with others in a plan that would, in fact, aggregate these dollars. And until they -- I think until they can -- will come to the table and acknowledge that there are other participants, participants who have something to say; participants who are concerned about some of the inefficiency - the four hundred and fifty thousand dollars per year per bed that it costs to run Cook County Hospital. I don't think they're willing to put their money in unless they have something to say. And I would recommend that we vote Present in the meantime, till we get a further clarification on what this bill does, and until we come up with a plan that we are certain will, in fact, help alleviate some of the problems in that County.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you. Let me just point out to the Membership that when I offered this amendment on 2nd Reading, I gave a copy of the amendment and the analysis to my colleague, Senator DeAngelis. The questions that I raised to the staff from the County, as well as from the Department of Public Aid are in the analysis of the amended version. I don't -- and that -- I don't believe we've had this matter before us about a week, so I think there was ample

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time for the Republican staff, as well as Senator DeAngelis, to review this amended version and come back to us and see if there are any errors in the amendment or as I portrayed it on the Floor. I think the question before us this afternoon, if the State of Illinois is going to participate with the Federal Government in having a reimbursable rate possibly to the extent of three hundred million dollars coming back to Cook County for health care services in Cook County. I couldn't believe when they told me twenty other states made application to the Federal Government and we didn't. And I asked why it took us this long to make this type of a program available in Illinois, and they told me because no one from Cook County made the application or came up with the idea, or no one from the State made the recommendation. I don't want to be put in the position stating that, one, we know this program is available to us and we're not making it available to the people of Cook County a -- reimbursement rate of approximately three hundred million dollars. We need the cooperation of the Governor. We need the cooperation of Public Aid. There's no comparison that we can't -- we can't do this by ourselves. But there is no reason why any of us should be voting Present or No on a bill of this magnitude as far as the reimbursement rate from the Federal Government. I think I explained it. I'm hoping that you'll be able to give it your favorable consideration in voting Aye on House Bill 942, as amended. Thank you.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

The question is, shall House Bill 942 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, Madam Chairman. On that, the Ayes are 31, Nays are none, 26 voting Present. House Bill 942, having received the constitutional majority, is declared passed. House Bill 945. Senator Lechowicz. Read the bill, Madam Secretary.

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SECRETARY HAWKER:

House Bill 9-4-5.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Lechowicz.

SENATOR LECHOWICZ:

This bill, as amended, Mr. President, Ladies and Gentlemen of the Senate, is strictly a vehicle bill for the Sanitary District. They'd like to have this bill passed back to the House and possibly a conference committee for the Fall.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Is there discussion? If not, the question is, shall House Bill 945 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, Madam Secretary. On that question, there are 54 Ayes, none voting Nay, 2 voting Present. House Bill 945, having received the constitutional majority, is declared passed. House Bill 969. Senator Jones. House Bill 1-0-0-7 is a Recall. House Bill 1078. Senator Berman. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 1078.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Berman.

SENATOR BERMAN:

Thank you -- thank you, Mr. President. House Bill 1078 and the next one, 1079, are both vehicle bills to address the Chicago School Reform Legislation. I move -- I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

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Is there any discussion? If not, the question is, shall House Bill 1078 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, the Ayes are 55, the Nays are none, and none voting Present. House Bill 1078, having received the constitutional majority, is declared passed. House Bill 1079. Senator Berman. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 1079.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Berman.

SENATOR BERMAN:

I solicit your Aye vote. It's another vehicle bill regarding Chicago School Reform.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Is there any discussion? Then the question is, shall House Bill 1079 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 57 Ayes, none voting Nay, none voting Present. House Bill 1079, having received the constitutional majority, is declared passed. House Bill 1092. Senator Lechowicz. House Bill 1097. Senator Berman. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 1097.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Berman.

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SENATOR BERMAN:

This is a vehicle bill dealing with the School Code. I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Is there discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Indicates he will.

SENATOR FAWELL:

Senator Berman, according to our analysis, this has something to do with the School Formula, is that what this vehicle is all about. And if so, could you give me some idea of what in the world you're going to do with it?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Berman.

SENATOR BERMAN:

This is a request from Senator -- from Representative McNamara who chairs one of the committees - I can't give you the exact title - in the House. He passed this bill over, he asked me to amend it and send it back. And I have no idea what its intention will be.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Is there further discussion? If not, then the question is, shall House Bill 1097 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, Mr. Secretary. On that, the Ayes are 53, the Nays are none, and 3 voting Present. House Bill 1097, having received the constitutional majority, is declared passed. House Bill 1171. Senator Cullerton. No. House Bill 1203. Senator Smith. No.

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House Bill 1216. Senator Jones. No. House Bill 1220. Senator Rea. 1228 is on the Recall. 1288. Senator Friedland. No. 1297. Senator Carroll. Recall. 12 -- 1312. Senator D'Arco. 1321. Senator Berman. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1321.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Berman.

SENATOR BERMAN:

Thank you. The bill, as amended, provides that you can go back into court if a -- to provide for a child of the divorced marriage -- should be named as a beneficiary of a health insurance plan that is available to the party ordered to pay support through an employer or other group coverage. The more controversial Section dealing with going in for revisions of child support, have been deleted. I no of know opposition. I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Is there discussion? If not, then the question is, shall House Bill 1921 <sic> pass. Those in favor, vote Aye. 1321, I'm sorry. Have all voted -- let's see -- all 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, Mr. Secretary. On that, there are 56 Ayes, none voting Present, and none voting Nay. That the -- House Bill 1321, having received the constitutional majority, is declared passed. House Bill 1352. Senator Hawkinson. 1379. Senator Karpel. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1379.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. House Bill 1379, I think would be a wonderful candidate for an agreed bill list, because - as amended in the House - it -- all it does now is change some of the language and -- that was requested by the industry. It's just a very minor technical bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Is there any discussion? If not, then the question is, shall House Bill 1379 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, Mr. Secretary. On that question, the Ayes are 56, the Nays are none, and none voting Present. House Bill -- 1879 <sic> (1379), having received the constitutional majority, is declared passed. House Bill 1405. Senator Maitland. House Bill 1470. Senator Cullerton. House Bill 1487 is a recall. 1499 is a recall. 1514. Senator Leverenz. Oh. Read the bill, Mr. Secretary. Oh, never mind. House Bill 1520, oh that's mine. House Bill 1533. Senator Leverenz. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1533.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Leverenz.

SENATOR LEVERENZ:

Thank you, Mr. President, Ladies and Gentlemen of the Assembly. This would prohibit any employer from discharging or refusing to hire or otherwise discriminating against an individual

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because of what he does in his private life -- has nothing to do with what he does in the workplace or what she does in the workplace. Questions have come up of whether this could be discussed in an interview. This has to do with the application. Yes, in fact, it can come up in the interviewing process. Further it was asked does this touch or in any way have anything to do with pre-employment or post-employment testing. It does nothing with pre-employment or post-employment testing. Answer any questions you might have on the bill, and ask for your Aye vote to pass it.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Is there discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Indicates he'll yield.

SENATOR FAWELL:

Senator, as you probably know, I represent Wheaton, and -- and there are a number of -- of industries in Wheaton that, frankly, do indeed prohibit employees from doing a lot of things. They are required, for instance, not to drink alcohol. They are required to belong to a certain church, or at least believe in certain beliefs. And -- and this is very fundamental to their industries. I mean there's several dozen of these kinds of organizations in Wheaton. I -- would this bill now prohibit that kind of -- of employment or asking those kinds of questions?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Leverenz.

SENATOR LEVERENZ:

In my view, what you have offered up in your hypothetical or actual explanation or -- of a situation, has nothing to do with

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that. They can ask those questions in the actual employment interview and make any decision that they would like. This simply says what they can ask for on any application for employment.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Fawell.

SENATOR FAWELL:

Well, that -- that -- that's my point -- that's exactly -- in fact, they even put in their ads born again christian, no drinking, no smoking. ServiceMaster has got that in their ads, which is in Downers Grove. You know, I -- I just -- I just wonder if this is going to start something, particularly in my district, which is not going to be looked upon with great favor, very frankly. This is -- this their right, it seems to me. This is their belief. These are -- are christian publishing companies and christian, you know, societies. They are frankly international societies quite often. The Youth For Christ, for instance, is in -- in Wheaton, and they do have some very strong restrictions on people, and they ask on their application if this is their beliefs, and will they agree not to smoke and not to drink and not to go to shows and, you know, and so on and so forth. You know -- and I just wonder if this is going to interfere with this?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Leverenz.

SENATOR LEVERENZ:

I really appreciate the Lady's question. This is -- it's almost as if your putting this in the context of are you a religious person or are you not a religious person. Has nothing to do with that. It goes to the question of what you can do or whatever you want to do in your private life. And if an employer -- I spent twelve years in the recruiting business, it -- I would be ill-advised for a person to apply for employment if, in fact, they know prior to even sending a resume or walking in the door to

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talk to the personnel department, if they are not in sync with the requirements of an employer. But, they can ask anything they want in an actual interview. But to say that you can't go home and enjoy a beer and a ballgame, or be precluded from doing something of that nature in your off time, where you're not being paid, is really kind of silly. But there are employers, I am sure, that are out there that do just that.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Hudson. Senator Hudson.

SENATOR HUDSON:

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

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Indicates he'll yield.

SENATOR HUDSON:

Senator, I have a question here and that is what is meant by in quotes now, "This Section does not apply to the use of those lawful products which impairs an employee's ability to perform the employee's assigned duties." The bill seemingly does not define "impairs," which could -- couldn't this lead to increased workplace litigation?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Lechowicz.

SENATOR LECHOWICZ:

Who.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Leverenz. I'm sorry.

SENATOR LEVERENZ:

The other Ted. All right. Thank you very much, Mr. President. I believe that you're discussing language that was put in by the amendment and that is that the employer can choose to discriminate most definitely if the person consumes something that is lawful. You must use the distinguishing term lawful, I guess,

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versus, unlawful to figure out if the person can consume alcoholic beverage. But a person that might go to a bar that's open until six in the morning, consume a six pack of beer, and then show up to drive the truck would definitely be fired from his job and you would be -- have that right to do so under this bill and the amendment.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Hudson.

SENATOR HUDSON:

Senator, I'm not quite sure that you've answered my question. It seems to be a flaw or weakness in the bill that it does not define what impairs a worker's ability consists of, and it seems to us that - some of us - that there could be a tremendous amount of litigation if the employer says, you know, John or Jane or whoever comes in and they've been having a good time, but that has worked its way over from their private -- the private area into the business area, so the -- the boss says, "Well look your -- your doing this all the time and it isn't impairing your ability to do the job the way I - we feel - that you should do it." And yet "impairs" is not defined and it just seems that there could be a -- lawsuits all over the place as a result of this indecision, or lack of definition.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Leverenz.

SENATOR LEVERENZ:

I thank you, sir. I believe that the definition of "impairs" is a word that you are working with currently, we would leave that to the definition provided by Webster in either an abridged or unabridged big fat dictionary. At the same time it is a good idea that you would want this to be in there so that we could gain your Aye vote for the bill, inasmuch as it does leave it to the employer's discretion as to what might, in the employer's view,

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impair the person from being able to do the job.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Hudson.

SENATOR HUDSON:

Well, to the bill, Mr. President, if I may. Once again, I think we have here in this bill a -- a piece of legislation that represents a rather gross intrusion of government, once again into the workplace, and seemingly makes -- makes decisions for the employer that would be best left to the employer. And I still feel that he would be under a great deal of duress when it comes to perhaps disciplining - or attempting to - an employee for any - what was considered misbehavior, without a great deal of possible litigation and all of the rest of it. And maybe this bill ought to be called the "Questionable Habits Protection Act," or something of the kind. I don't know, but I would suggest that we think long and hard about it. There is another factor here, Mr. Sponsor of the bill and that is when this bill, came out of committee, as I recall, it contained within it some provisions that bore upon -- had to do with the workers' compensation aspect of things, which many of us, at the time, objected to. And I will submit to you that we have a bill here that's not only flawed in its own right, but also contains some provisions relating to workers comp that, according to our agreement, should have and should be left to be discussed and decided at the -- in our agreed bill process and at the so-called summit meetings, and then brought back to us for consideration and approval, but here it is contained in -- in this bill and we feel unrightfully so. So I would urge a No vote on this measure.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, it -- it seems to me that this bill

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is addressing two different situations. One in which there is a potential refusal on the part of an employer to hire or an action -- on the part of the employer to discharge an employee because he or she might smoke or drink off the job in a way that does not somehow hinder their ability to carry out their job responsibilities. And -- and I for one - if that were the case - don't think I would have any problem in passing a piece of legislation that would curb the discretion that employers might otherwise have to do those things. However, the bill goes beyond that kind of a proscription to also say that an employer cannot, quote "Disadvantage any individual with respect to compensation terms, conditions or privileges of employment." Now that is a fairly open-ended invitation, I think, to bring down upon employers potential litigation, in situations where - for example, they grant somewhat different benefits or more expensive benefits to those who -- who say smoke, as opposed to those who don't smoke. For example, for any of you who know anything about insurance, or have purchased life insurance, term insurance for example, on an individual basis is twice as expensive for a smoker, than it is for a nonsmoker, who is otherwise healthy. And to say that an employer has to offer the same benefit at the same price to one who smokes as to one who doesn't smoke, I think probably would seriously disrupt commonplace practices for compensation and particularly for benefits. So I think, we're going -- going beyond perhaps what the -- the authors of this particular bill intended, which I think is basically to prevent employers from unfairly refusing to hire or -- or for taking action to discharge employees, because of off-work habits, which as I say don't -- don't affect work ability. So I think this bill goes farther than it does and -- and contains some vague language that's potentially troublesome and will likely to give rise to a whole series of unwarranted lawsuits.

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PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Rea.

SENATOR REA:

Thank you, Mr. President. I rise in support of House Bill 1533. I think there's a couple of things that certainly needs to be clarified, and that is that this bill does not permit the use of any substance which impairs ability to function on the job and also this legislation will prevent employers from using a totally nonwork related charge to dismiss or discriminate against an employee. And for those reasons, it's a good bill that will protect the employee and I would ask for your support.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I'd like to mention two problems that I think this bill would cause for small employers in Illinois and we should be aware of these problems before we vote on the bill. First of all, the bill contains, in Section 10, what is called prohibited inquiries. It says, "It shall be unlawful for any employer to inquire in an application or in any other manner of a prospective employee, whether that prospective employee has ever filed a claim for benefits under workers' compensation." Well, I submit to you, if you were operating a small business, that involved manual labor and maybe had had some serious workers' compensation claims and might be on the verge of either getting a tremendous rate increase or losing standard workers' compensation coverage, you might very well want to know whether or not that employee brings with him an old workers' compensation claim that going to cause him to have an aggravated condition claim once he goes to work for you. And I think that's a serious blow for small business in Illinois. The other issue is the one that Representative <sic> Barkhausen mentioned and I want to state that

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just a little differently, but many insurance companies now are selling policies with discounts if the insureds are nonsmokers. Now if your -- if you have a group policy in your plant, that is written that way, then you as the employer cannot hire a smoker and maintain your low premium rate that you got on your group insurance. So for us to pass a bill that prohibits an employer from even asking the question, I submit to you, is going work for the disadvantage of small employers in Illinois.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Holmberg. Further discussion?

SENATOR HOLMBERG:

Thank you, Mr. President. My comments pretty much reflect what Senator Barkhausen has said. I, too, find parts of the bill very good and could support them, if the bill were worded in a narrower way, for instance, that it's designed to prevent an employer from refusing to hire or from firing or otherwise discriminating against someone who uses lawful products while not on the job. I don't have any problem with that provision, but I do have a problem because of the rising cost of health care that we could no longer do what is being very innovatively done in this country, which is to offer two- and three-tiered health plans to employees who participate in what are called wellness clinics. Those who are willing to exercise, those who are willing to sign a contract that they will not use alcohol or cigarettes and are then offered a very modest, minimum priced, good health insurance plan because the companies know that those people will have a good health record. If we are ever going to hold the cost of health management down, we must be able to do this within our companies, and then since that part of the bill puts us in trouble, I can't support the bill in its present form.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Raica.

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SENATOR RAICA:

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

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

He indicates he'll yield.

SENATOR RAICA:

Is this an administration bill?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Leverenz.

SENATOR LEVERENZ:

I'm afraid to answer that, though I doubt it.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Raica.

SENATOR RAICA:

It sounded like it, that's the only reason I was asking. The real question, does this affect municipalities, Senator Leverenz

--

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Leverenz.

SENATOR RAICA:

-- Fire departments, police departments, public works?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Leverenz.

SENATOR LEVERENZ:

Deals only with the private sector.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Butler.

SENATOR BUTLER:

Well, I guess my question has been asked four times more eloquently than I could ask it. I'd like to have a specific answer on why the -- it is prohibited to ask the question about prior experiences with workmen's compensation. It would seem to me that would be a key and I'd appreciate an understanding of why

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that is part of this -- this bill?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Leverenz.

SENATOR LEVERENZ:

We appreciate Senator Butler's question, and all of the other questions. This goes to the right of an individual's privacy. They -- it is nothing more than that. I don't know how many different ways you can call a red herring, a red herring. Or how much smoke screen you can put up to try to accumulate a few No votes. But the fact of the matter is, what you do in your private life, as long as it is lawful, should not be involved with the conditions or whether you are going to be hired or terminated. That's -- I think the supreme court is already decided, this just lays it out in language of the law. But I would think that Senator Barkhausen, in his opening statement, made it very clear what this bill does. It gives an opportunity for an employer to say that if something will impair an individual it can be considered in terms of the workplace. What a person does privately is that person's private business. And you folks on the other side of the aisle should be standing shoulder to shoulder for the rights of privacy.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. I stand in strong support of this legislation for -- for many reasons. Number one, this has been given a lot of titles, but I give it the title of, "Invasion of the homestead." There -- there are a number of things that have been brought up, which I almost am a little bit amused from the other side of the aisle in regards to the workmen's comp portion. Why is this bill being brought up? This bill is being brought up to counter what is already being done in the workplace. That's

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why this bill is being brought up. It is being brought up in order to protect those people who use -- or in the privacy of their own home who want to partake of those -- those things that are legal. Where are we going to draw the line? If a guy, as was alluded to, can't have a cigarette in his own home, if he can't have a beer in his own home, when is the time going to come when we are going to deny that person even the right to maybe read his bible in his own home. Where do we go with this thing? I think this is a very good bill. I think that in the name of -- of good decency, we should vote for those things that are legal and I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Leverenz, to close.

SENATOR LEVERENZ:

I surely appreciate Senator Jacobs comments, and we really appreciate the questions from those on the other side of the aisle and the hypotheticals that are launched. I don't know that they are correct. But really this just boils down to plain and simple decency for an individual. Private matters are private matters, and no one should be poking their nose around under the quilt to find out what's going on. But if, in fact, it does endanger somebody or impairs somebody in the workplace, fine, consider it. For those things mentioned, surely in Senator Barkhausen's -- beginning of his remarks, and Senator Rea, makes their points. I ask for your Aye vote to pass House Bill 1533.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

The question is, shall House Bill 1533 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, Mr. Secretary. On that, the -- on that question the Ayes are 31, the Nays are 23, and 2 voting Present. Having received the -- House Bill 1533,

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having received the constitutional majority, is declared passed.
Senator Hudson, for what purpose do you arise?

SENATOR HUDSON:

For the purpose of -- hate to do this, Mr. President, but
verifying the roll call.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator...

SENATOR HUDSON:

The affirmative.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Hudson has requested a verification. Will all the
Senators be in their seats. Will the Secretary read the
affirmative votes.

ACTING SECRETARY: (MR. HARRY)

The following voted in the affirmative: Alexander, Berman,
Brookins, Carroll, Collins, D'Arco, del Valle, Demuzio, Thomas
Dunn, Friedland, Jacobs, Jones, J.J. Joyce, Kelly, Lechowicz,
Leverenz, Luft, Macdonald, Madigan, Marovitz, O'Daniel, Palmer,
Raica, Rea, Savickas, Severns, Smith, Topinka, Vadalabene, Welch
and Mr. President.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Do you -- do you question the presence of any Senators?

SENATOR HUDSON:

Yes. Senator Friedland.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Is Senator Friedland on the Floor? Senator Friedland on the
Floor? Strike his name, Mr. Secretary.

SENATOR HUDSON:

Senator Jones.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Jones on the Floor? Senator Jones is in the well.

SENATOR HUDSON:

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Senator J.E. Joyce.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator J.E. Joyce voted in the negative.

SENATOR HUDSON:

Senator Welch.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Welch on the Floor? Senator Welch on the Floor?
Senator Welch. Senator, would you call him again.

SENATOR HUDSON:

Senator Welch. Senator -- Senator Berman.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Berman on the Floor? Senator Berman on the Floor?
Senator Berman is in the back of the Chamber.

SENATOR HUDSON:

Senator Luft.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Luft is standing by his seat.

SENATOR HUDSON:

I think that's all, Mr. President.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

On that question, the Ayes are -- the Ayes are 30, the roll having been verified -- and 23 -- House Bill 1533, having received the constitutional majority, is declared passed. 1537. Senator Leverenz. 1538. Senator Leverenz. Senator Severns, for what purpose do you arise? Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President and Members of the Senate. I rise on a point of personal privilege.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

State your point.

SENATOR SEVERNS:

It is my honor today to have with us, paging in the Senate,

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David Durkee and his parents who are sitting in the President's Gallery, and I'd like the Senate to join me in welcoming them.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Could we join Senator Severns in welcoming the -- our guests. It's a very good looking page, too. Thank you. House Bill 1538. Senator Leverenz. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1538.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Leverenz.

SENATOR LEVERENZ:

Thank you, Mr. President, Ladies and Gentlemen of the Assembly. This would create the Permanent Noise Monitoring Act, as it relates to O'Hara Field. The Division of Aeronautics with DOT would design and construct and operate a permanent noise system -- monitoring system for the airport, for take offs and landings. I'd answer any questions that you might have. We've passed the identical Senate bill from here and as I say if you have any questions, answer them. Ask for your Aye vote to pass the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Is there discussion? If not, the question is, shall House Bill -- Senator Rock, I'm sorry.

SENATOR ROCK:

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

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

He indicates he'll yield.

SENATOR ROCK:

The cost of this is what?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

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Senator Leverenz.

SENATOR LEVERENZ:

Between eight hundred and a million dollars in start-up costs.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Rock.

SENATOR ROCK:

And the annual cost is what?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Leverenz.

SENATOR LEVERENZ:

Five hundred thousand dollars a year.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Rock.

SENATOR ROCK:

Well, it just seems to me that we could feed a lot of poor people or house a lot of the homeless with this money.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Leverenz, to close.

SENATOR LEVERENZ:

What did you want me to do now?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Close.

SENATOR LEVERENZ:

Close. In the alternative, we have passed this bill, once before from the Senate. It is a very important thing to do for those who live around the airport and my district right now, I believe, is on three sides of it. I have no idea what the new district looks like. It is impacting the area and we understand that you could impact the airport in a negative way. The fact remains that no one really knows what damage or lack of damage it is doing. And it is vital to have actual hard figures. That is why we ask for the fifteen noise monitoring systems and I would

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ask for your Aye vote to pass this bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Question is, shall House Bill 1538 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, Mr. Secretary. On that, the Ayes are 41, the Nays are 13, none voting Present. House Bill 1538 having received the constitutional majority, is declared passed. Senator Butler your light was on, he was closing. House Bill 1549. Senator Davidson. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1549.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and Members of the Senate, this bill came about due to the superintendent of the school district in one of three counties which I and Representative Hasara represent. And the concern was that freshmen, and you do have freshmen who are fifteen, the biggest concern was that they didn't have enough time to spend in the core curriculum if they were going to be trying to take the driver's ed course. I'd appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Is there discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I rise in opposition to the bill. I don't think this bill makes much sense, and let me just share my thoughts with my colleagues. This bill will prohibit a youngster from taking driver's ed program. Now what does that do? Keep in mind it doesn't prevent them from getting a driver's license once

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they're eighteen. It doesn't prevent them from going elsewhere and taking the program. And if for some other reason beyond the control of that student they're still in the ninth grade, we're really hurting the student and hurting the citizens of Illinois, because the driver's ed program is to teach potential drivers how to be good drivers. So what are we accomplishing? Allowing somebody to get behind the wheel who doesn't have the proper training. This is not, and I underline, this is not a prevention - such as Senator Severns' bill - this does not prevent dropouts from getting drivers' licenses. Don't get confused with that bill. This bill does not do that. All that this bill does is, saying that if you're not done with the ninth -- with the ninth year -- ninth grade, you can't take driver's education class. Well, Ladies and Gentlemen, if there is any sense to the driver's education class which -- which is supposed to be to teach youngsters how to be good drivers, this is the wrong approach. We ought to have as many people taking these classes as possible. And I'm not sure that there is any real correlation between having gotten to the ninth grade and whether you ought to be allowed to take the class. I urge a No vote.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Davidson, to close.

SENATOR DAVIDSON:

Mr. President and Members of the Senate, I have to disagree with my learned colleague. He well knows that if they don't take the driver's license training class in school, they're unable to get a driver's license until they're eighteen years old. And they can't bypass this by going to take the driver's course at a private school, because if you look at the Section there, yeah they can go do it, but they still can't get their license till they're eighteen, because of that Section dealing with the private course given refers back to the Section we're amending.

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And all we're trying to do is saying that that student should be out of the freshman year where they can devote their time on the core curriculum to be a better student and give them a better advantage of staying in school if they have an opportunity to start. All this is saying is, you must be finished with your freshman year. That's your ninth grade. This is good bill; I'd appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Collins, Senator Davidson was closing.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

All right. The questions is, shall House Bill 1549 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, Mr. Secretary. On that question, the Ayes are 22, the Nays are 28 and 2 voting Present. House Bill 1549, having not received the constitutional majority, is declared failed. House Bill 1564. Senator Thomas Dunn. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1564.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. This is the Charitable Trust Act that we amended and changed in committee. We made two changes, the first was that we granted language as requested by the Attorney General, and second, there were agreements made with congressionally chartered veterans' organizations to provide them a method to continue operation. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

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Is there discussion? If not, then the questions is, shall House Bill 1564 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, Mr. Secretary. On that question, the Ayes are 55, the Nays are 1, and none voting Present. House Bill 1564, having received the constitutional majority, is declared passed. House Bill 1655. Senator Rea. 1565. House Bill 1584. Senator Hall. House Bill 1608. Senator Macdonald. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1608.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Macdonald.

SENATOR MACDONALD:

Thank you, Mr. President. This bill requires courts to inquire, in certain cases, if there has been an order of protection issued involving any of the parties or children of the parties. It would apply in juvenile cases, paternity cases, divorce cases and domestic violence cases. The purpose of this bill is to insure that orders of protection are not overlooked when additional orders are entered into during the same or related proceedings. It is also designated to make sure that there are no orders issued that are in conflict. As you know, this is an amendment that became the bill. I know of no opposition, and I urge your support of this bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Is there discussion? If not, the question is, shall House Bill 1608 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, Mr. Secretary.

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On that, the Ayes are 55 -- 55, the Nays are none, none voting Present. House Bill 1608, having received the constitutional majority, is declared passed. House Bill 1623. Senator Rock. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1623.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 1623, as proposed is a new Act, and it is intended as the Act says, that the reporting of cases of domestic abuse, neglect and exploitation will cause the existing services of the State to be brought to bear in an effort to prevent further domestic abuse, neglect and exploitation. The guts of the bill is on Page 4 where it says, "The Department of Rehabilitation Services shall establish a domestic abuse project as provided for in this Act for adult disabled persons who have been abused, neglected or exploited in domestic living situations." As I'm sure we're all aware, we have a Child Abuse Reporting Act and we have a Senior Abuse Reporting Act and this attempts to deal with that class of person who is between the ages of eighteen and fifty-nine and who's in fact suffering from some disability. My understanding is that the Department of Rehabilitation Services is in agreement with this proposal. I presume that the only cost that they -- that would be the Statewide toll-free eight hundred number - I don't know what the cost is, but the Department has agreed to this, it came out of the House unanimously, it came out of both committees unanimously, I know of no objection and I would solicit a favorable vote.

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PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Is there discussion? If not, then the questions is, shall House Bill 1623 pass. Those in favor will vote Aye. 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, Mr. Secretary. On that question, the Ayes are 54, the Nays are none, and none voting Present. House Bill 1623, having received the constitutional majority, is declared passed. House Bill 1632. Senator Thomas Dunn. House Bill 1685. Senator Brookins. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 1685.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. House Bill 1685 will require private carries that transport persons under an agreement with the CTA to request the Department of State Police to conduct a criminal background check of persons applying for driver's positions, and I'd like a favorable vote.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Is there any discussion? Senator Topinka.

SENATOR TOPINKA:

Well yes, Mr. President, Ladies and Gentlemen of the Senate. May I ask the sponsor some questions?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

He indicates he'll yield.

SENATOR TOPINKA:

Yeah. I -- I didn't have a problem with your bill until you started amending it, when you got to Amendment No. 2, when you

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came up with the idea of two hundred supervisory employees who would be able to issue parking tickets and have vehicles towed. Now my question is, would these -- who would be these supervisory vehicles, would they have any kind of training? How would they keep track of tickets? Would -- would they -- it's kind of generic as to what -- there are these certain traffic ordinances they would be issuing tickets for, so I don't know it that means DUI laws, speed laws, size, weight laws. How far do you let them go, I mean before they start looking, acting like, thinking like and doing everything police officers do? That's one question. Second question is, is this going to cause more problems with us in the suburbs and downstate who are getting tickets from the City of Chicago, when we've never been there and then that causes all sorts of computer jam-ups and whether or not we can get these things taken care of?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Brookins.

SENATOR BROOKINS:

Thank you. Senator, number one, this is only parking tickets for -- for people parking in the CTA bus no parking zones. Only in the CTA no parking zones. That's number one. Number two, as you know, we have gone now to using from a computer type ticket writing device which we hope and pray that will alleviate that misinterpretation and misrouting of parking tickets in the City of Chicago. So they will be using a computer type situation, that's number one, and we have given approval to do that in an earlier bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Topinka.

SENATOR TOPINKA:

Well, I don't think that's necessarily true that this is just going to be limited to what's going on in the CTA parking lot is

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just for traffic, because your amendment specifically says that the CTA supervisory employees are empowered to enforce certain traffic ordinances enacted by the municipality. So it's wide open as to what they can do and I would also question, if they would have access to these computers 'cause generally speaking the Chicago Police Department would be doing that. And I think that your amendment is somewhat questionable, sir.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Brookins.

SENATOR BROOKINS:

Senator Topinka, it will be no parking in bus stops only, that is where that enforcement will go on, in bus stops only. And that is according to George P. Edwards, Intergovernmental Affairs, and that is what the amendment does. And that's the only thing that it regulates. I will say to you that this will be the first time that this will be taking place anywhere and those supervisors will only be able to enforce laws in the parking meters only, which we hope will free up police officers for other duties.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Senator, normally I wouldn't care how you issue traffic tickets in the City of Chicago, because I would consider that to be your jurisdiction and your problem. The problem is your sending them downstate. We're sick and tired of it. The City of Chicago doesn't straighten out their act, they don't respond to people that -- that write them letters and I don't think I want to vote for any bills that are going to give any more authority to the City to issue tickets, until we begin to get some of that problem straightened out. Now our people downstate have been coming to me, I don't know how many I've had in my district - I was a little bit -- well I wasn't too concerned

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with it until finally I got one myself, on my own car. And that car was no where near the City at the time involved and we finally got that straightened out, but perhaps it's because I am a Member of this Body. And people who aren't a Member of this Body cannot get those things straightened out, and the City doesn't respond. And we shouldn't issue -- we shouldn't allow the City to issue any more tickets until they get their system fixed.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Brookins.

SENATOR BROOKINS:

Let me say to you, that this will be an intergovernmental agreement, that's number one. But number two, yes -- yes mistakes are made and mistakes are going to be made under any circumstances. But we are hoping that with the new computer type ticket writer for parking tickets, we would eliminate as many mistakes as possible. There is a remedy when you get a ticket and you don't live in the jurisdiction and that is to follow through with a letter and et cetera and normally those tickets are nonsuited.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Further discussion? Senator Raica.

END OF TAPE

TAPE 4

SENATOR RAICA:

Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Indicates he'll yield.

SENATOR RAICA:

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Senator Brookins, what's the -- what does Superintendent Martin say about the CTA issuing tickets - do we have approval from him?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Brookins.

SENATOR BROOKINS:

Yes. I think that he is -- he is in agreement with this. Now, remember this is not tickets anywhere. This is only tickets for those parked in bus zones - only bus zones.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Raica.

SENATOR RAICA:

I understand that, but you said you think he's in favor of it, or he is in favor of it? Has this -- has this gone through his office at all?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Brookins.

SENATOR BROOKINS:

I cannot answer that. I know that this is brought to us by the City of Chicago, and et cetera. It is not my own thinking.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Watson, further discussion?

SENATOR WATSON:

Yes. Thank you, Mr. President. Well, I hate to dwell on the subject of what exact authority these people are going to have, but in the amendment - No. 2 - Senator, I don't see anywhere in there where it says that these CTA employees are going to be only issuing tickets in bus parking spots. I don't see that anywhere. It says here the CTA Transit Authority are empowered to enforce certain traffic ordinances enacted by the municipality. That could be a multitude of things depending on what the municipality wants.

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PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Brookins.

SENATOR BROOKINS:

Let me pull this out of the record for now.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Next case. House Bill 1692. Senator Schuneman. House Bill -- that's on a Recall. House Bill 1695. 1696 is on a Recall. 1733. Senator Luft. 1776. Senator Rea. 1811. Senator Leverenz. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 1811.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Leverenz.

SENATOR LEVERENZ:

Thank you, Mr. President. This bill would allow an individual that brings about an action to say he was not being paid the prevailing wage. And he could not lose his job for taking up an action or filing something with the Department of Labor to enforce it. Answer any questions you might have. Ask for your Aye vote to pass it.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Is there discussion? If not, the question is, shall House Bill 1811 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, Madam Secretary. On that question, the Ayes are 52, the Nays are none -- the Nays are 2, none voting Present. House Bill 1811, having received the constitutional majority, is declared passed. House Bill 1850. Senator O'Daniel. Read the bill, Madam Secretary.

SECRETARY HAWKER:

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House Bill 1850.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President, Members of the Senate. House Bill 1850, as amended, establishes a pool fund to allow the Department of Mines and Minerals to plug out or repair abandoned, leaking wells contaminating the environment. It also eliminates the surety bond requirement and has a restructuring and continuation of fees to enable the Department to maintain privacy over the Federal Injection Well Program, and also clarifying changes regarding submission of geological data and regulations of oil field waste haulers. This -- this bill, as amended, is -- is an agreed bill between the Department of Mines and Minerals, the petroleum industry and the Illinois Gas and Oil Association and somewhat the Illinois Strippers. And Senator Woodyard and myself have worked several months with all concerns, and it's -- it's pretty well Agreed Bill List -- agreed bill, and I'd appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Is there discussion? If not, then the question is, shall House Bill 1850 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, the Ayes are 55, the Nays are none, and none voting Present. House Bill 1850, having received the constitutional majority, is declared passed. House Bill 1853. Senator Cullerton. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 1853.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This bill creates the Tanning Facility Permit Act and would authorize the Department of Public Health to promulgate rules to implement it. The bill comes to us with the support of the Illinois State Medical Society, and it's modeled after legislation recommended by the American Academy of Dermatologists. The purpose of the Act is to guarantee that there are certain minimal protections. I've found in the -- numerous tanning facilities throughout the State of Illinois -- as a matter of fact, I understand that in the City of Chicago there's over one thousand of these places. We did have some concerns expressed in committee by Senator Alexander and Senator del Valle. And we did offer an amendment that attempted to accommodate some of their concerns. We are requiring, for example, that all protective eyewear be properly sanitized prior to each use. We clarify that the Department of Public Health may designate and use local government health departments to administer and enforce the Act. And there was a concern about where the fees collected under the Act would go, and we created a Tanning Facility Permit Fund. I'd be happy to answer any questions. I believe that it's a...

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Is there discussion? If not, then the question is, shall House Bill 1853 pass. Those -- 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, Madam Secretary. On that, the Ayes are 50, the Nays are 3, 1 voting Present. House Bill 1853, having received the

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constitutional majority, is declared passed. House Bill 1854.
Senator Madigan. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 1854.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President, Members of the Senate. House Bill 1854, as amended, does two things. Number one -- first of all, it allows visiting resident physicians to practice medicine in the State of Illinois under the supervision of a licensed Illinois physician, but does not allow that visiting resident to prescribe or perform surgery. And the second thing that it does is, it establishes a grace period for physicians to renew their license after it has expired. It basically changes the term expiration to a lapse period and allows the Department of Professional Regulation to establish or set an additional fee when this situation occurs. I'd be glad to answer any questions and know of no opposition. And absent any questions, I would move for its adoption.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Is there discussion? If not, then the question is, shall House Bill 1854 pass. All 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, Madam Secretary. On that, the Ayes are 50, none voting Nay, and none voting Present. House Bill 1854, having received the constitutional majority, is declared passed. House Bill 1855 is on the Recall List. At the top of Page 14, House Bill 1857. Senator Jacobs. Read the bill, Madam Secretary.

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SECRETARY HAWKER:

House Bill 1857.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Jacobs. Senator Jacobs.

SENATOR JACOBS:

...(machine cutoff)...you. Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 1857 requests that a valid license must be held by any person who purports to be engaged in the diagnosis or treatment of physical or mental ailments or conditions including, but not limited to, deformities, diseases, et cetera. It clarifies ailments and conditions throughout all treatment language. This bill is in response to a -- a court decision in Danville regarding the case involving the practice of midwifery. And I know of no known opposition, and ask for its support.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Is there discussion? If not, then the question is, shall House Bill 1857 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 55, the Nays are none, and none voting Present. House Bill 1857, having received the required constitutional majority, is declared passed. House Bill 1891. Senator del Valle. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 1891.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator del Valle.

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SENATOR DEL VALLE:

Thank you, Mr. President. House Bill 1891, as amended, reflects the agreement reached with the Chicago Teachers' Union, the Board of Education and the State Board of Education. It requires that any full-time, certified teacher in the Chicago public schools who has taught at the same school for two consecutive years, and has been satisfactorily evaluated for those two years, must be assigned to a permanent, full-time teaching position, if a vacant position for which the person is qualified exists at the school. There was also another amendment to the bill that was put on by Senator Welch that prohibits the removal of absestos from schools unless certain conditions are met, and allows school boards to remove absestos if it is determined to be in the best interest of the school and the community. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Is there discussion? Senator Watson.

SENATOR WATSON:

Well, I'm standing in between my two experts on education here and trying to get an answer, and maybe I need to ask the sponsor. Are we changing the tenure law here for the teachers of Chicago -- public schools?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator del Valle.

SENATOR DEL VALLE:

This applies to what are known as full-time basis teachers - FTBs. And we're talking about individuals who are certified and who have been teaching in a school for two consecutive years, who have been evaluated satisfactorily, and who are qualified for the particular vacancy that exists.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Watson.

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SENATOR WATSON:

I'm -- I'm not sure that that answered my question. What -- what is it now? If we're changing it to two years, what is it now?

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator del Valle.

SENATOR DEL VALLE:

That's exactly, Senator Watson, the problem that we're trying to get at. As it stands right now, those individuals fitting that description that I just gave can be out there for three, four, five, six years, because someone decided that the assignment was not going to be made. Therefore, those individuals will not have the status that other teachers have and will not be allowed to be able to continue to upgrade themselves in terms of salary, because they will have hit a ceiling. And that's the problem we're trying to get at.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Watson.

SENATOR WATSON:

A major problem that I see in -- in our area of the State, is actually the tenure law. We -- we got these people in there, and to get them out, it's -- it's like moving concrete. And sometimes these people need to be moved out. And I think the -- what you're doing here is giving these people certification or putting them in this concrete after a two-year period. And I really think that that might be a -- a step in a -- in a wrong direction, in trying to get qualified people in education and keeping them in.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator del Valle.

SENATOR DEL VALLE:

I'd like to clarify that this does not affect the tenure. A teacher does not begin his or her probationary period to be

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considered for tenure until he or she is assigned to a position by a principal. What we're achieving here is the assignment. It doesn't address the tenure issue. It allows a person to begin that process of working towards a tenure.

PRESIDING OFFICER: (SENATOR J.J. JOYCE)

Senator Collins.

SENATOR COLLINS:

Senator del Valle just clarified it. That -- that's what I turned my light on for - to clarify this. This has nothing to do with tenure. And let me just repeat it again. What it has to do with, Senator Watson, is basic fairness. Whether or not one is in support of -- of the tenure laws or not, if we, in fact, have those laws, they ought to be uniform. It ought to be fair so that a person should not be denied basic benefits simply because they have not been assigned to a permanent position. And yet, someone can come in with less seniority than they have and get signed to a permanent position within a two-year period. And then that person has more benefits and -- and rights than a person who's been there for six or seven years. So we're talking about basic fairness in this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. Senator del Valle. This -- this part of the bill applies only to the Chicago school system, doesn't it?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator del Valle.

SENATOR DEL VALLE:

That's correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpziel.

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SENATOR KARPIEL:

As I understood it, the problem was that you have these teachers who are certified, teaching sort of on a temporary basis for two years and then perhaps move to another school or picked up -- and they never really get to the point where they can start to obtain tenure, is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator del Valle.

SENATOR DEL VALLE:

You are correct, Senator Karpriel.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator del Valle -- I'm sorry. Senator Karpriel.

SENATOR KARPIEL:

...(machine cutoff)...that I had had problems with this originally, but I think that since it is confined to the Chicago School District and since there does seem to be a problem with getting these people tenured, I did support it in committee and -- and will support it on the Floor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? If not, Senator del Valle may close.

SENATOR DEL VALLE:

I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 1981 <sic> (1891) pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 50, the Nays are 4, none voting Present. House Bill 1591 <sic> (1891), having received the required constitutional majority is declared passed. 1910. Senator Kelly. 1918. Senator Jacobs. Jacobs.

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1960. Senator Brookins. 1968. Cullerton. On the Order of House Bills 3rd Reading is House Bill 1968, Madam Secretary.

SECRETARY HAWKER:

House Bill 1968.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This bill, as amended, deals with the issue of university bookstores that operate and compete with private bookstores in the -- in the surrounding academic community. And to understand the bill, I think it's important to first understand what the law does now and how we are changing it. First of all, with regard to the current law, there is a Statute which says that the governing boards of a State institution of higher learning may not permit a retail store to be operated when it's expected that that institution would be reasonably expected to be in a significant level of general competition with some private real merchants -- retail merchants in the community. But it does not prohibit the sale by the institution of items commonly sold before January 1st, 1980. So that is the current law. There is a cutoff date of January 1st, 1980. Prior to that time -- prior to that date, if you were selling products such as books, food, beverages, you can operate. Now it's turned out that the definition of a significant level of general competition is somewhat unclear. So, the first goal of this Statute is to clarify that. And so what we say is -- that the -- this bookstore would not be able to operate unless there are three things that occur. Number one, that the goods sold by that store are unavailable in quantities sufficient to meet the reasonable expected student demand. Number two, or they're

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unavailable on a year-round basis. Or number three, were commonly sold by the institution on or -- on such property before January 1st, 1980. We also state in this bill that if the university wishes to lease some of their space for -- for such an operation, they should provide merchants with an opportunity to compete for the operation. That's all they have to do - just provide them the opportunity to compete. We further state in the new law that we define "commonly sold." And what we mean here is we say commonly sold is defined as things that were exclusively -- that "means exclusively those lines of products sold in the regular course of business prior to January 1st, 1980." The purpose of that is to -- to clarify that such things as stationery was sold before 1980. But to now say that stationery is -- really includes greeting cards is extending it. But we also, at the request of the University of Illinois, have put in a Section that says the "Act does not prohibit the sale of goods which are the result of technological advances." This would be things like computer software -- since 1980 "and are required for assignments or classroom activities." It's not a dissertation, just a kind of an explanation, because now we come to the Section that deals with credit. Currently, the law right now says that credit cards can be used for textbooks, food, beverages in classroom -- or things required for classroom activities. And there is a change in this Statute. This would say that the governing board of a State institution of higher learning can only use credit cards for lines of products typically sold by that institution on credit before January 1st, 1980. That was also put on at the request of the University of Illinois. And they can make available credit to any student who has a scholarship but has not yet received the money. So I think that it's important that we understand what the law did and what it says now. As I understand it, the universities of the State are in agreement with the bill, except for Northern Illinois

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University which is operating a credit operation that would not be allowed to be operated in its current state if this bill passed. But they would be able to...

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR CULLERTON:

Yes. They -- they would be able to operate this credit system if they would do it in conjunction with a independent credit organization.

PRESIDING OFFICER: (SENATOR DEMUZIO)

We only have a five-minute time limit today. Discussion? Senator Weaver.

SENATOR WEAVER:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Weaver.

SENATOR WEAVER:

A few questions, Senator Cullerton, for legislative intent and clarification. This Act currently does not prohibit the sale, by universities on university property, of items commonly sold by universities prior to January 1st, 1980. However, you're attempting to remove language which now gives the universities specific the authority to sell books, food, beverage and items connected with the operation of the university. If this bill is enacted into law, will the universities be prohibited from selling food and beverage, if the university sold food and beverage before 1980?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

No. If the university sold food and beverage before 1980, it would continue to do so.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver.

SENATOR WEAVER:

And food and beverage could be sold on university property if sold before 1980?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver.

SENATOR WEAVER:

One other question. Would the answer be the same for books and items connected with the operation of the institution, that is, if books and items connected with the operation of the university were sold before 1980, can the university continue to sell them after the enactment of this law?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Cullerton.

SENATOR CULLERTON:

Yes. If books and items connected with the operation of the university were sold by the university or on university property before 1980, then books and such items can still be sold by the university or on university property after the enactment of this legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. Well, I'd just like to say that I'm still opposed to the bill. The reason for the bill is that there's one merchant in the City of DeKalb who doesn't like what the bookstore is doing at the university in town. And in 1984, he

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didn't like it then either. So, he came to Springfield, and we passed a bill specifically helping him. So, this is the same fellow. Now, he wants another bill. I don't know of any other individual in the State except, maybe the people here, who are able to pass legislation like this guy is. Frankly, what this is going to do is going to increase fees for students, because if they can't get credit at the local bookstore, what they're going to have to do is go out and find another way to get money. If a student applies for a student loan and doesn't have the money, how is he going to buy books? He's not. He's going to go through the first couple weeks without books. How is he going to buy any other material that he needs to live with? He's not. He probably doesn't have a credit card. Most students at nineteen don't have credit cards. So, what this bill does basically, it helps one individual at the expense of the entire twenty-six thousand students at Northern Illinois University. Many of you have constituents whose children go to Northern. And I might point out also that they are voters. So what this bill does -- I want to thank Senator Cullerton for now legislating in my district. Those of you in DuPage County, I know, have thanked him before for legislating in your districts. Those of you whose -- whose district he hasn't touched yet, he'll be coming your way pretty soon. So be -- be prepared. And it's nice of him to be interested in my area. But just let me say that -- that a person should only be allowed to pass one bill unless they get elected to -- to the Legislature. I think that's more than enough. I think that -- I think that we have to be careful that we don't raise students' fees, because they're raising us -- their tuition five percent. So at what point do we say, "Students, you're going to have to pay enough as it is." Now, I know the Retail Merchants are supporting it. They're a very powerful group. We all like to support the Retail Merchants. They're sitting up in the gallery.

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But this is only one retail merchant -- one retail merchant. Nobody else has heard from this guy. He's not in your districts. He's in mine. I'll take him on. I'm voting against him. I would ask you also not to vote against him, but to vote for the students who go there. That's all I'm asking. I would urge a No vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, much as I like and admire the prior speaker, I don't agree with him. Northern Illinois is as much a State-supported, tax-supported institution as all of the others. And when you want to talk about the merchants, they're the ones who are going to supply the sales tax and what have you that helps support these universities. And I think we'd better keep that in mind. And this bill was heard in Consumer's Affairs. It's been amended. The University of Illinois, Southern Illinois have signed off on it. I think it's fair. It doesn't affect the credit that they had prior to 1980. And I think it's a good bill. And I think we'd better keep in mind, whether it's in your area or my area, if we don't support business so they can pay taxes, we can't have the support for our universities. I urge a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. I rise against this bill, even though it's not in my area or in my district. Who is this person, I think to elaborate a little further? He's the former manager of the Northern Illinois bookstore who moved down the street and set up, shall we say, a competing bookstore. When Northern had the idea - because bills had become so very, very, high - that they would issue credit so that students could gradually pay off their

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high book prices, I think he felt that that was not competitive anymore, although he had sought to create competition himself. One of the things that intervened between the time that, as Senator Welch has said, we passed specific legislation to help him in '84, is the fact that Northern had gone into a large building complex for their bookstore and auxiliary services. And they are using the profit from the bookstore, small as it is, to pay off the bonds on that building. It's absolutely essential that they continue to exist. This legislation would prevent them from doing that. The city and the students would suffer. And therefore, I think we ought to delay this bill until they can work out some agreement as they are trying to do with this bookstore owner.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. We defeated this Senate -- when this was a Senate Bill a couple of weeks ago. There's no question about it that this is special legislation. But it is special legislation that affects approximately twenty-six thousand students adversely at Northern -- at Northern Illinois University. It also affects the building program that that university started, and hopefully is going to be paid off by the fees that it generates and the money that it also generates at its credit card bookstore. The question before us -- and the Lady from Lake mentioned the fact that Southern Illinois University and the University of Illinois have signed off on this, because they're not affected by it. They're grandfathered in. Give this university of Northern Illinois University an equal opportunity. Vote this bill down. Vote No. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Cullerton may close.

SENATOR CULLERTON:

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Yes. Thank you. Mr. President, I think the controversial part of the bill deals with the issue of credit. And I think it should be made clear that all the university bookstore has to do is offer credit through an independent credit organization not affiliated with the institution or a bank or other credit card. They can -- they can offer those credit cards, accept them, and -- and the students can continue to buy food or other items at the store on credit. So I think that's the only controversial part, and I think there's an answer for it, and I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is shall House Bill 1968 pass. Those in favor will vote Aye. Those opposed, 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 32, the Nays are 16, none voting Present. House Bill 1968, having received the required constitutional majority, is declared passed. 19 -- Senator Welch, for what purpose do you arise?

SENATOR WELCH:

Well, let's have a verification.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch has requested a verification. Senator Welch has requested a verification of those Members who voted in the affirmative. All Members will be in their seats. Madam Secretary, please read those who voted in the affirmative.

SECRETARY HAWKER:

The following Members voted in the affirmative: Barkhausen, Collins, Cullerton, Daley, D'Arco, Davidson, Demuzio, Dudycz, Ralph Dunn, Friedland, Geo-Karis, Hawkinson, Hudson, Jacobs, Jones, Karpel, Kelly, Leverenz, Macdonald, Madigan, Mahar, Maitland, Philip, Raica, Rea, Savickas, Severns, Smith, Topinka, Watson, Weaver and Woodyard.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch, do you question the presence of any Member that voted in the affirmative? Senator Welch.

SENATOR WELCH:

Senator Kelly.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR WELCH:

Senator Jacobs.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jacobs on the Floor? Senator Jacobs on the Floor? He has just arrived on the Floor.

SENATOR WELCH:

Senator Rea.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rea is in his seat.

SENATOR WELCH:

Senator Jones.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones on the Floor? Senator Jones on the Floor? Strike his name. Senator Welch, do you question the presence of any other Member?

SENATOR WELCH:

Yeah. I'm still -- I'm still looking.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Well.

SENATOR WELCH:

Leverenz. Senator Leverenz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Leverenz. Is that Senator Leverenz behind you in his chair? I can't see. Oh no. I'm sorry. Senator Leverenz on the

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

SENATOR WELCH:

Nothing further.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. On a verified roll, there are 29 Ayes, 16 Nays, none voting Present. House Bill 6 -- 1968, having failed to received the required constitutional majority, is declared lost. Sponsor requests Postponed Consideration. 1971. Senator Jones. I'm sorry. Senator Severns, for what purpose do you arise?

SENATOR SEVERNS:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

State your point.

SENATOR SEVERNS:

Well, not in my district. I'm honored to have with us today - as is the Secretary of the Senate - Lucille Hopwood, Secretary Hawker's mother; Ron and Doris Hopwood, her brother and sister-in-law; and Dee Ring, one of her sisters. And I'd like the Senate to join me in welcoming them here today.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Our guests in the gallery will please rise. Welcome -- or wave. Welcome. Welcome. 1972. Jones. What about 1971? All right. House Bill 1972, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 1972.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President, Members of the Senate. House

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Bill 1972, as amended, brings the Land Sales Registration Act in compliance with Federal law. And what it does is -- the all-sales contract rate relating to the purchase of real -- real property in a subdivision must also state that the developer has obligated to deliver the warranty deed within a hundred days -- hundred and eighty days from time a purchaser has executed the sales contract. That's all that it does, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

I don't quite understand the amendment. There was an amendment put on this bill, was there not? And the way my analysis reads, the amendment requires that every sales contract relating to purchase of real estate in a subdivision that the contract should clearly state that the developer shall decline the warranty deed within -- I mean -- shall deliver -- you mean shall deliver the warranty deed within the hundred and eighty days after execution. There was a typo here -- decline. I couldn't understand why you have the bill. Okay. I have no objection.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Jones, do you wish to close? I'm sorry. Senator Hawkinson, I beg your pardon. Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield.

SENATOR HAWKINSON:

Does this amendment in any way require a deed to be delivered

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before the property is paid for?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

According to the way it is read here, from time that the sale is -- is executed and providing that the purchaser is not in default.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hawkinson.

SENATOR HAWKINSON:

Well, Senator, a lot of people sell homes and other property under contracts for deed, which provide that a warranty deed will be delivered at the end of two years, five years, ten years, whenever the -- the contract is satisfied. Are you, in any way, changing the -- the normal law regarding sales by contracts for deed?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Well, let me put it this way to you. The amendment was brought to us on the Land Sales Act to bring it in compliance, and perhaps Senator Madigan, who put the amendment on, could explain it even further, yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator -- Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. To answer your question, Senator Hawkinson, I know of no change that that -- that makes to your question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hawkinson.

SENATOR HAWKINSON:

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Perhaps you could enlighten us as to what kinds of sales contracts we're talking about then.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Madigan.

SENATOR MADIGAN:

As I understand the amendment as presented to me, that this had to do with developers selling lots and that they were to be able to deliver a deed to them as the Federal law specifies. And the State Statutes did not cover that. And the simple request was that the Statute come into compliance with the -- this Federal Act.

PRESIDING OFFICER: (SENATOR DEMUZIO)

...(machine cutoff)...discussion? If not, Senator Jones may close.

SENATOR JONES:

I just ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 1972 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none. None voting Present. House Bill 1972, having received the required constitutional majority, is declared passed. 1995. Davidson. On the -- 2005. Luft. House Bills 3rd Reading is House Bill 2-0-0-5, Madam Secretary.

SECRETARY HAWKER:

House Bill 2005.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

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SENATOR LUFT:

Thank you, Mr. President. This bill requires that regional tourism councils, when they conduct business, must do so pursuant to open meetings -- the Open Meetings and Record Inspection Act. And it also changes the number of not-for-profit regional tourism councils from four to five. Attempt to answer any questions. Otherwise, I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. I received a call today from my own regional tourism council that deals with eighteen counties in Northern Illinois and is dividing a limited pool of funds with the other existing councils right now. With the addition of one more council, divide that pool so that Northern Illinois would have less to work with. And also, how many counties would the new tourism council deal with?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft. Senator -- Senator -- Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. This does not ask for any more money. It does not require any more money, and we're not trying to take any money away from any other region. We're just asking for the designation at this time.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

The -- the second question is how many counties would this fifth tourism council deal with? Mine deals with eighteen.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

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Three.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

I think that's kind of an unfair distribution of weight if the money's going to be divided equally, which is the way I understand. And I would be opposing this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Luft may close.

SENATOR LUFT:

Thank you, Mr. President. Only to say that the only opposition this has had in its second year now is from Senator Holmberg. I think DCCA and everybody that I know of has expressed no opposition. So, I'd ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 2-0-0-5 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 39, the Nays are 12, 3 voting Present. House Bill 2005, having received the required constitutional majority, is declared passed. 2010. Senator Luft. On the Order of House Bills 3rd Reading is House Bill 2010, Madam -- Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2010.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Presently, a medical provider to the State of Illinois can pledge their assets as collateral --

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their accounts receivable as collateral to a commercial bank. This bill, as amended, would let them pledge those assets to the Illinois Health Facility Authority in an attempt to get their money earlier and at a cheaper rate.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 2-0-1-0 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 2010, having received the required constitutional majority, is declared passed. 2012. On the Order of House Bills 3rd Reading is House Bill 2-0-1-2, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2012.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. The bill, as amended, requires secondary schools offering special education services and programs to include supported employment in integrated community settings for eligible handicapped children who have been determined, at an IEP meeting, to be in need of participation in the supported employment services. And it requires the State Board of Education, in consultation with such programs as Project Choices, to design and develop the supported employment programs.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 2-0-1-0 -- I'm sorry -- 2-0-1-2 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish?

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Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 54, the Nays are none, none voting Present. House Bill 2-0-1-2, having received the required constitutional majority, is declared passed. 2-0-4-0. Senator Jones. On the Order of House Bills 3rd Reading is House Bill 2040, Mr. -- Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2040.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President, Members of the -- of the Senate. House Bill 2-0-4-0, as amended, would prohibit the Department of Public Aid from reducing the components of nursing home medicaid rate to a level below that of 7-1-91. The bill, as amended, takes effect June the 30th, 1992. This -- this bill is the bill that the Department will use as they negotiate the reimbursement for nursing homes, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Fawell.

SENATOR FAWELL:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Fawell.

SENATOR FAWELL:

Senator Jones, according to our analysis, this is going to cost thirty-three million dollars. Is that a possibility? And if so, where are we going to get this thirty-three million dollars?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

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SENATOR JONES:

Again, as I indicated to you, I don't know who -- who drafted your staff analysis for you, but this bill doesn't cost any money like that. What it does, it deals with the Nursing Home rate that is currently being negotiated. And this bill is the bill that would be used to deal with that particular issue. So I -- it came through the -- the Health and Welfare Committee, at -- at which time this issue was discussed. So when you mentioned about a cost, that rate is already there, and -- which passed in Senate Bill 384, which I passed quite some time ago. So, perhaps Senator Topinka could shed some light. But this -- I can't see the cost that your talking about.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Topinka.

SENATOR TOPINKA:

Yes, Mr. President. And to -- to all the Members. At the time, obviously, when we see a thirty-three million dollar price tag, there are those of us on the committee who get a little bit testy and upset. However, this is indeed, as far as I'm -- I've been led to believe by Senator Jones and the department, that this is going to be a tool for, indeed, negotiating where the Department of Public Aid is going to be on long-term care. So, from that standpoint, we do have that confirmation from you, Senator Jones, that indeed, this will be a worked-out arrangement. And it's not going anywhere unless it is. Very fine.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall House Bill 2040 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 32, the Nays are 16, one voting Present.

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House Bill 2040, having received the required constitutional majority, is declared passed. 2134. Senator Joyce. 2139. Senator Jones. House Bills 3rd Reading is House Bill 2139, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2139.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President, Members of the Senate. House Bill 2139, as amended, clarifies that voters of a township may ask that the annual tax be levied for the control and maintenance of those cemeteries controlled or owned by that township -- I mean in that township. Also, the purchaser of a cemetery shall honor all care fund instruments, and -- and it deletes reference to informing all holders of instruments, by certified mail, of a cemetery. This has been worked out between the funeral directors and the cemetery owners in -- in the State of Illinois. I'm quite certain the bill will end up in conference committee, because there are other -- some other provisions as relate to vaults. Senator Weaver may want to comment on that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. I understand that all parties concerned are meeting tomorrow afternoon and going to work out a compromise. And it will come back in a conference committee report.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall -- further discussion? All right. The

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question is, shall House Bill 2139 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 6, 2 voting Present. House Bill 2139, having received the required constitutional majority, is declared passed. 2147. On the Order of House Bills 3rd Reading, Mr. Secretary. 2147.

ACTING SECRETARY: (MR. HARRY)

House Bill 2147.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jeremiah Joyce.

SENATOR J.E. JOYCE:

Thank you, Mr. President, Members of the Senate. House Bill 2147 would permit the City of Chicago to establish community-based committees consisting of community leaders to advise the city in connection with designated State and Federal human service programs. I know of no objection to the bill. The bill would provide for the appointment of the committee by the Mayor of the City of Chicago. Be happy to answer any questions. Otherwise, I'd ask for your...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Discussion? If not, the question is, shall House Bill 2147 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 51, the Nays are none, none -- 1 voting Present. House Bill 2147, having received the required constitutional majority, is declared passed. 2149. Savickas. 2169. Senator Savickas. 2228. Senator Cullerton. 2250. Senator Welch. House Bills 3rd Reading is House Bill 2-2-5-0, Mr.

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ACTING SECRETARY: (MR. HARRY)

House Bill 2250.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. What this bill does is amend the Environmental Protection Act concerning the composting of leaves and grass. The bill insures that facilities composting for use are a safe distance away, as best we can determine, from residences. An amendment to the bill states that the increases for setbacks for any composting facility changes from two hundred feet at current to one eighth of a mile for those commercial businesses. An amendment that was also added repeats a bill that we passed out of the Senate that was an Attorney General initiative concerning the prohibition of the distribution of water from a public water supply that would be dangerous to life, health or to property, or would violate regulations adopted under the Act. The purpose of this additional amendment was to make things clearer for the Attorney General's Enforcement Division. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall House Bill 2250 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, 1 voting Present. House Bill 2250, having received the required constitutional majority, is declared passed. 2282. Senator Jones. Page 16. 2252 <sic> (2352). Senator Philip. On the

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Order of House Bills 3rd Reading is House Bill 2352, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2352.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 2352, as amended, would create the DuPage Flood Control Construction Limitation Act. It would only pertain to DuPage County - two rivers in DuPage County, Salt Creek and the DuPage River; limits building within a hundred and fifty yards of each side of the creek. You wonder why a hundred and fifty yards? Because the average floodplain on the DesPlaines and Salt Creek River are a hundred and fifty yards. It exempts reservoir and bermes, highways, roads and utility lines. Be happy to answer any questions and ask for your favorable consideration.

PRESIDENT ROCK:

Discussion? Is there any discussion? If not, the question is shall House Bill 2352 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's 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, 6 Nays, 2 voting Present. House Bill 2352, having received the required constitutional majority, is declared passed. 2418. Senator Demuzio. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

House Bill 2418.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is a product of the State Comptroller's Office. It does, in fact, create the Balanced Budget Note Act. And what it would require is that a sponsor to file a note regarding any supplemental appropriation bill as to its affect on the budget. As you know, we have had some quite extensive supplementals around here over the last several years, and this would require the sponsor of such a supplemental to -- to come up with a note saying how -- what the total effect would be with respect to the budget. And I would ask for your support.

PRESIDENT ROCK:

Discussion? Any discussion? Senator Welch.

SENATOR WELCH:

Yes. Thank you, Mr. President. I would just like to say that I think this is an internal matter for the State Legislature, not for the Executive Branch of government. If we want to do this, we should pass rules that say we should do this in the House or the Senate. What this says is, when you want to put something in a bill, you have to comply with some provision that the Comptroller wants for our own benefit here in the Legislature. We are already under constitutional requirements that we pass a balanced budget. I don't think we need to remind ourselves, at the behest of a constitutional officer, to comply with the Constitution and have a balanced budget. I just think that this may be a good idea, but it's something that we should decide to do ourselves. I don't think we really want to be filing additional memorandum. They'll probably become like fiscal notes, which you can write yourself. They get filed, and they get lost. So it's a -- an added step which I think will probably end up doing nothing except confusing

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people. Thank you.

PRESIDENT ROCK:

Further discussion? Senator Weaver.

SENATOR WEAVER:

Question of the sponsor, Mr. President.

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Weaver.

SENATOR WEAVER:

Senator Demuzio, do you think this might cut down on some of the size of the Christmas trees that show up around here periodically?

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

Well, I think it would certainly have cut down on the size of the last Christmas tree that went out of here and the last supplemental appropriation the last Session?

PRESIDENT ROCK:

Further discussion? If not, the question is, shall House Bill 2418 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's 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 44 Ayes, 9 Nays, 1 voting Present. House Bill 2418, having received the required constitutional majority, is declared passed. 2465 was on the Recall. 2486. Senator Cullerton. Read the bill, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

House Bill 2486.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

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Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. This bill is designed to be an enforcement tool the State may use in order to help collect child support payments. It would say that agencies requiring the licensee to certify on the renewal application for their State license that they are not more than thirty days delinquent in the child support payments. And they can check with the Department of Public Aid to see if they are past due. And if they refuse to pay, then they can -- their licenses can be withheld. Be happy to answer any questions, and ask for a favorable vote.

PRESIDENT ROCK:

Discussion? Any discussion? If not, the question is shall House Bill 2486 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, there are 55 Ayes, no Nays, none voting Present. House Bill 2486, having received the required constitutional majority, is declared passed. 20 -- I'm sorry. Senator Geo-Karis, for what purpose do...

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate. There will be a Republican Caucus at the end of this Session in Senator Philip's room.

PRESIDENT ROCK:

And hopefully will be through by six o'clock.

SENATOR GEO-KARIS:

I think you will.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator -- Senator Karpel, on 2489. Senator Cullerton, on 2510. 2-5-1-0. On the Order of House Bills 3rd Reading. We're

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in the middle of Page 16, Ladies and Gentlemen. Only a couple away from concluding. 2510. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

House Bill 2510.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. When this bill came over from the House, it was a very elaborate assessment collection mechanism dealing with the issue of hospitals, especially hospitals that were in poor neighborhoods. We have decided that it was a little too sweeping. We've made the bill a shell, and we've asked that it go back to the House so that it can be -- go into a conference committee as an appropriate vehicle, if it's necessary, for an assessment bill. So I move for its adoption and passage.

PRESIDENT ROCK:

Discussion? If not, the question is, shall House Bill 2510 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 44 Ayes, no Nays, none voting -- 5 voting Present. House Bill 2510, having received the required constitutional majority, is declared passed. 2524. Senator Collins. 2592 is on the Recall. 2611. Senator Joyce. No, thanks. All right. Ladies and Gentlemen, what we're going to do is ask the Secretary to read the appropriation bills - Pages 16, 17, 18, 19 and 20. Then we'll take one roll call. And then there has been a request to go to the Order of Motions in Writing. There are Motions to Discharge that have been filed by three Members, which obviously, if they

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are to be discharged and placed on 2nd, this is the appropriate day, since the deadline is Wednesday. All right. Page 16 on the Calendar. Mr. Secretary, please read the bills on 3rd Reading.

ACTING SECRETARY: (MR. HARRY)

House Bill 319.

(Secretary reads title of bill)

House Bill 373.

(Secretary reads title of bill)

House Bill 376.

(Secretary reads title of bill)

House Bill 384.

(Secretary reads title of bill)

House Bill 393.

(Secretary reads title of bill)

House Bill 394.

(Secretary reads title of bill)

House Bill 395.

(Secretary reads title of bill)

House Bill 505.

(Secretary reads title of bill)

House Bill 545.

(Secretary reads title of bill)

House Bill 581.

(Secretary reads title of bill)

House Bill 629.

(Secretary reads title of bill)

House Bill 631.

(Secretary reads title of bill)

House Bill 633.

(Secretary reads title of bill)

House Bill 634.

(Secretary reads title of bill)

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House Bill 636.

(Secretary reads title of bill)

House Bill 637.

(Secretary reads title of bill)

House Bill 639.

(Secretary reads title of bill)

House Bill 640.

(Secretary reads title of bill)

House Bill 641.

(Secretary reads title of bill)

House Bill 642.

(Secretary reads title of bill)

House Bill 643.

(Secretary reads title of bill)

House Bill 644.

(Secretary reads title of bill)

House Bill 645.

(Secretary reads title of bill)

House Bill 646.

(Secretary reads title of bill)

House Bill 647.

(Secretary reads title of bill)

House Bill 649.

(Secretary reads title of bill)

House Bill 650.

(Secretary reads title of bill)

House Bill 651.

(Secretary reads title of bill)

House Bill 652.

(Secretary reads title of bill)

House Bill 653.

(Secretary reads title of bill)

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House Bill 654.

(Secretary reads title of bill)

House Bill 655.

(Secretary reads title of bill)

House Bill 656.

(Secretary reads title of bill)

House Bill 657.

(Secretary reads title of bill)

House Bill 658.

(Secretary reads title of bill)

House Bill 659.

(Secretary reads title of bill)

House Bill 660.

(Secretary reads title of bill)

House Bill 736.

(Secretary reads title of bill)

House Bill 737.

(Secretary reads title of bill)

House Bill 808.

(Secretary reads title of bill)

House Bill 887.

(Secretary reads title of bill)

House Bill 888.

(Secretary reads title of bill)

House Bill 1048.

(Secretary reads title of bill)

House Bill 1155.

(Secretary reads title of bill)

And House Bill 1878.

(Secretary reads title of bill)

3rd Reading of the bills.

PRESIDENT ROCK:

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The question is, shall this series of bills pass. Those in favor will vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. This series of bills, having received a required constitutional majority by record vote, is declared passed. And the record vote for each bill passed shall be entered in the Journal. ...(machine cutoff)... Ladies and Gentlemen, there's been a request to go to the Order of Motions in Writing before we conclude our business today. I would ask the Members to please be attentive and turn to Page 29 on the Calendar. There are three Motions in Writing that Members have requested that we address. That will be those with respect to 1351, 1383 and 2550. Ladies and Gentlemen, on Page 29 on the Calendar, and then we will have effectively concluded our business until nine-thirty, nine-thirty tomorrow morning. At nine-thirty tomorrow morning, we will again begin on the Calendar with both 2nd Reading, Recalls, 3rd Reading. Senator Philip, for what purpose do you arise, sir?

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senator Keats and Senator Donahue are absent today because of illness. Hopefully, they'll both be here tomorrow. I'd like the record to indicate that.

PRESIDENT ROCK:

The record will so reflect. Page 29 on the Calendar. On the Order of Motions in Writing. There's a motion filed with respect to House Bill 1351. Read the motion, Madam Secretary, please.

SECRETARY HAWKER:

I move to discharge the Committee on Judiciary I from further consideration of House Bill 1351, and that the bill be placed on the Order of 2nd Reading.

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Filed by Senator Barkhausen.

PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, House Bill 1351 is a bill that deals with the subject of child support. It did not have a hearing in our Senate Judiciary I Committee. It is a bill that the Department of Public Aid is very much interested in, as well as those groups who are strongly interested in more adequate child support. The Department is interested in having this bill available as a possible vehicle for the consideration of additional changes in the child support area. I don't know that they intend that anything be accomplished with regard to this bill yet before the end of this Session, but they are interested in -- in -- at some point, moving in this direction. And I would urge your support for this Motion to Discharge, and would be glad to answer your questions.

PRESIDENT ROCK:

All right. The Gentleman has moved to discharge the Committee on Judiciary I from further consideration of House Bill 1351, and asks that the bill be placed on the Order of 2nd Reading. Discussion on that motion? Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. What is the plan?

PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

I don't know at this point, Senator, that we know exactly what the plan is. There is -- has been a suggestion that the calculation of child support be changed -- that the income base on which calculations of child support be made is to be changed. I don't know that that is something that we're going to end up

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doing. What we're interested in is having this available as -- as a vehicle for some additional discussions in this area. And as I indicated, its a matter that a great many people are interested in.

PRESIDENT ROCK:

Senator Dunn.

SENATOR T. DUNN:

Well, to the bill: I would think you're correct that there are a great many people who are interested in this bill. And I would suggest to you that we defeat this unknown vehicle that is out there driving around and the sponsor says they're willing to move on. They are willing to move on it, but they're not willing to tell us what it is. And based on that, I think we ought to know what it is, and we ought to have a hearing in the committee, and that there be testimony from both sides. And based on that, I would urge a No vote on discharging this from Judiciary I.

PRESIDENT ROCK:

Further discussion on the motion? Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President, Members of the Senate. I join my colleague, the Chairman of Judiciary, Senator Dunn. There are already quite a number of vehicles already out there - one or two of which we've passed today on this very subject, which would be germane in case everybody came to some agreement and there was some necessity of passing urgent legislation within the next seven to ten days. Those vehicles are already out there. And I know I'm sponsoring at least one of them. I'd be happy to -- to listen to -- to the director of the department or anybody else that was concerned about child support. But there's no necessity to pass another vehicle out that -- when we have several of them already out there on this subject matter.

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Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I also rise in opposition to this motion. Nobody's willing to say what this total rewrite of the child support laws is. I think it something that ought to have hearings and go through committee, and it shouldn't be done in the eleventh hour like this.

PRESIDENT ROCK:

Further discussion on the motion? Senator Barkhausen, to close.

SENATOR BARKHAUSEN:

Well, the other speakers have asked for hearings. I think that's what we're looking for here. We didn't get one in committee. It is a matter that's of vital support to -- to many citizens in this State, and I urge your -- an Aye vote.

PRESIDENT ROCK:

Question is, the Motion to Discharge the Committee on Judiciary I from further consideration of House Bill 1351. Those in favor of the motion will vote Aye. Opposed will vote Nay. And the voting is open. All voted who wish? All voted who wish? All voted who wish? Take the record. On that question, there are 17 Ayes, 32 Nays, and the motion fails. The Motion in Writing with respect to House Bill 1383. Madam Secretary, read the motion, please.

SECRETARY HAWKER:

I move to discharge the Committee on Local Government from further consideration of House Bill 1383, and that the bill be placed on the Order of 2nd Reading.

Filed by Senator Cullerton.

PRESIDENT ROCK:

Senator Cullerton.

SENATOR CULLERTON:

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Yes. Thank you, Mr. President, Members of the Senate. I've filed this motion. This bill was simply inadvertently not called in committee. I thought it was on the agreed list, and it was not. It's not a controversial bill. I've checked it out with Senator Fawell and Senator Daley. They have no objection. It deals with Clerk of Courts Act. It provides that fees for the clerks in certain counties surrounding Cook County may be established for standardizing judicial record keeping systems. I don't believe it's controversial, but Representative Steczo and Kubik asked what the status was, and it came to my attention it was still in committee. So that's the reason for the motion.

PRESIDENT ROCK:

Discussion on the motion? Senator Fawell.

SENATOR FAWELL:

Thank you very much, Mr. President. Senator Cullerton, it is true that you came and asked me about this, but at the time I didn't realize this was the bill that the clerks had called me up about and said they didn't want. That's the reason I originally Tabled it.

PRESIDENT ROCK:

All right. Motion's withdrawn. Further motions? Senator del Valle is not in the Chamber. All right. Have we got any paperwork up there, Madam Secretary, please. Messages -- what -- Message from the Governor.

SECRETARY HAWKER:

A Message for the Governor by Stephen F. Selcke, Director of Legislative Affairs, June 24, 1991.

Mr. President, the Governor directs me to lay before the Senate the following message:

To the Honorable Members of the Senate, 87th General Assembly, I have nominated and appointed the following named persons to the offices enumerated below, and respectfully ask

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concurrence in and confirmation of these appointments of your Honorable Body.

PRESIDENT ROCK:

Committee on Executive Appointments. Ladies and Gentlemen, before everybody gets away, Senator Geo-Karis has called for a Republican Caucus immediately after adjournment in Senator Philip's office. We will begin again tomorrow at the hour of nine-thirty. Nine-thirty on the Floor. Resolutions, Madam Secretary. Senator Sam, for what purpose do you arise, sir?

SENATOR VADALABENE:

Thank you, Mr President. This is another announcement in regards to Independence Day speech. Now, I'm hopeful we'll be out of here by then, so be prepared. I've got a bunch of them here. They just got here. They're still hot, and they're going like hotcakes. Independence speeches are here.

PRESIDENT ROCK:

Yeah. Don't forget. He's got the Fourth of July flag speeches ready for everybody. Resolutions, Madam Secretary.

SECRETARY HAWKER:

Senate Resolution 5 -- pardon me -- 5-7-4 offered by Senator Ralph Dunn.

Senate Resolution 5-7-5 offered by Senator Ralph Dunn.

Senate Resolution 5-7-6 offered by Senator Severns.

Senate Resolution 5-7-7 offered by Senator Savickas.

Senate Resolution 5-7-8 offered by Senators Kelly and Jeremiah Joyce.

Senate Resolution 5-7-9 offered by Senator Kelly.

And Senate Resolution 580 offered by Senator Dudycz.

And Senate Resolution 581 offered by Senator Schaffer.

They're all congratulatory and death resolutions.

PRESIDENT ROCK:

Consent Calendar. Further business? Further announcements?

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If not, Senator Vadalabene moves that the Senate stand adjourned until Tuesday, June 25th, at the hour of 9:30 a.m. Senate stands adjourned.

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