

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FIRST GENERAL ASSEMBLY

60TH LEGISLATIVE DAY

WEDNESDAY, DECEMBER 1, 1999

10:00 O'CLOCK A.M.

The Senate met pursuant to adjournment.
Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.
Prayer by Pastor John Standard, Springfield Bible Church,
Springfield, Illinois.
Senator Sieben led the Senate in the Pledge of Allegiance.

Senator Myers moved that reading and approval of the Journal of
Tuesday, November 30, 1999 be postponed pending arrival of the
printed Journal.
The motion prevailed.

LEGISLATIVE MEASURE FILED

The following floor amendment to the House Bill listed below has
been filed with the Secretary, and referred to the Committee on
Rules:

Senate Amendment No. 3 to House Bill 2148

REPORT FROM STANDING COMMITTEE

Senator Cronin, Chairperson of the Committee on Education to
which was referred Senate floor Amendment No. 1 to Senate Joint
Resolution No. 41, reported the same back with the recommendation
that it be adopted.

Under the rules, the foregoing amendment is eligible for
consideration by the Senate.

Senator Cronin, Chairperson of the Committee on Education, to
which was referred Senate floor Amendment No. 1 to House Bill No.
567, reported that the amendment has been tabled in Committee by the
Sponsor.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that 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 2773

A bill for AN ACT to amend the Illinois Public Aid Code by changing Section 1-3.

Which amendments are as follows:

Senate Amendment No. 2 to HOUSE BILL NO. 2773.

Senate Amendment No. 3 to HOUSE BILL NO. 2773.

Senate Amendment No. 5 to HOUSE BILL NO. 2773.

Non-concurred in by the House, November 30, 1999.

ANTHONY D. ROSSI, Clerk of the House

Under the rules, the foregoing House Bill No. 2773, with Senate Amendments numbered 2, 3 and 5, was referred to the Secretary's Desk.

INTRODUCTION OF BILLS

SENATE BILL NO. 1285. Introduced by Senator Halvorson, a bill for AN ACT to amend the Higher Education Student Assistance Act by changing Section 40.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 1286. Introduced by Senator Shadid, a bill for AN ACT regarding appropriations.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 1287. Introduced by Senator Watson, a bill for AN ACT to amend the Juvenile Court Act of 1987 by changing Section 1-7.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

At the hour of 10:35 o'clock a.m., Senator Donahue presiding.

CONSIDERATION OF HOUSE BILLS VETOED BY THE GOVERNOR

Pursuant to Motion in Writing filed and journalized on November 30, 1999, Senator Watson moved that House Bill No. 1261 do pass, the veto of the Governor to the contrary notwithstanding.

And on that motion, a call of the roll was had resulting as follows:

Yeas 56; Nays None.

The following voted in the affirmative:

Berman	Geo-Karis	Maitland	Shadid
Bomke	Halvorson	Mitchell	Sieben
Bowles	Hawkinson	Molaro	Silverstein
Burzynski	Jacobs	Munoz	Smith
Clayborne	Jones, E.	Myers	Sullivan
Cronin	Jones, W.	Noland	Syverson
Cullerton	Karpiel	Obama	Trotter
DeLeo	Klemm	O'Daniel	Viverito
del Valle	Lightford	O'Malley	Walsh, L.
Demuzio	Link	Parker	Walsh, T.
Dillard	Luechtefeld	Peterson	Watson
Donahue	Madigan, L.	Petka	Weaver
Dudycz	Madigan, R.	Radogno	Welch
Fawell	Mahar	Rauschenberger	Mr. President

This bill, having received the vote of three-fifths of the members elected, was declared passed, the veto of the Governor to the contrary notwithstanding.

Ordered that the Secretary inform the House of Representatives thereof.

Senator Lauzen asked and obtained unanimous consent for the Journal to reflect his affirmative vote on House Bill No. 1261.

Pursuant to Motion in Writing filed on November 17, 1999 and journalized November 30, 1999, Senator R. Madigan moved that House Bill No. 1325 do pass, the veto of the Governor to the contrary notwithstanding.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays 1.

The following voted in the affirmative:

Berman	Geo-Karis	Mahar	Rauschenberger
Bomke	Halvorson	Maitland	Shadid
Bowles	Hawkinson	Mitchell	Shaw
Burzynski	Hendon	Molaro	Sieben
Clayborne	Jacobs	Munoz	Silverstein
Cronin	Jones, E.	Myers	Smith
Cullerton	Karpiel	Noland	Sullivan
DeLeo	Klemm	Obama	Syverson
del Valle	Lauzen	O'Daniel	Trotter
Demuzio	Lightford	O'Malley	Viverito
Dillard	Link	Parker	Walsh, L.
Donahue	Luechtefeld	Peterson	Walsh, T.
Dudycz	Madigan, L.	Petka	Watson
Fawell	Madigan, R.	Radogno	Weaver
			Welch
			Mr. President

The following voted in the negative:

Jones, W.

This bill, having received the vote of three-fifths of the members elected, was declared passed, the veto of the Governor to the contrary notwithstanding.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to Motion in Writing filed and journalized on November 30, 1999, Senator Jacobs moved that House Bill No. 1723 do pass, the veto of the Governor to the contrary notwithstanding.

And on that motion, a call of the roll was had resulting as follows:

Yeas 34; Nays 17; Present 4.

The following voted in the affirmative:

Berman	Demuzio	Luechtefeld	Parker
Bomke	Halvorson	Madigan, L.	Radogno
Bowles	Hawkinson	Madigan, R.	Shadid
Clayborne	Hendon	Mitchell	Shaw
Cronin	Jacobs	Munoz	Silverstein
Cullerton	Jones, E.	Obama	Smith
DeLeo	Lightford	O'Daniel	Trotter
del Valle	Link	O'Malley	Viverito
			Walsh, L.
			Welch

The following voted in the negative:

Burzynski	Jones, W.	Maitland	Sullivan
Donahue	Karpiel	Noland	Walsh, T.
Dudycz	Klemm	Peterson	Watson
Geo-Karis	Lauzen	Rauschenberger	Weaver
			Mr. President

The following voted present:

Dillard
Fawell
Myers
Sieben

The motion having failed to receive the vote of three-fifths of the members elected was lost.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to Motion in Writing filed and journalized on November 30, 1999, Senator Hawkinson moved to accept the Governor's specific recommendations for change to House Bill No. 421.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Berman	Geo-Karis	Madigan, R.	Rauschenberger
Bomke	Halvorson	Mahar	Shadid
Bowles	Hawkinson	Maitland	Shaw
Burzynski	Hendon	Mitchell	Sieben
Clayborne	Jacobs	Munoz	Silverstein
Cronin	Jones, E.	Myers	Smith
Cullerton	Jones, W.	Noland	Sullivan
DeLeo	Karpiel	Obama	Syverson
del Valle	Klemm	O'Daniel	Trotter
Demuzio	Lauzen	O'Malley	Viverito

Dillard	Lightford	Parker	Walsh, L.
Donahue	Link	Peterson	Walsh, T.
Dudycz	Luechtefeld	Petka	Watson
Fawell	Madigan, L.	Radogno	Weaver
			Welch
			Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of the Governor's specific recommendations for change to House Bill No. 421.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to Motion in Writing filed on November 16, 1999 and journalized November 30, 1999, Senator Fawell moved to accept the Governor's specific recommendations for change to House Bill No. 427.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Berman	Geo-Karis	Madigan, R.	Rauschenberger
Bomke	Halvorson	Mahar	Shadid
Bowles	Hawkinson	Maitland	Shaw
Burzynski	Hendon	Mitchell	Sieben
Clayborne	Jacobs	Munoz	Silverstein
Cronin	Jones, E.	Myers	Smith
Cullerton	Jones, W.	Noland	Sullivan
DeLeo	Karpiel	Obama	Syverson
del Valle	Klemm	O'Daniel	Trotter
Demuzio	Lauzen	O'Malley	Viverito
Dillard	Lightford	Parker	Walsh, L.
Donahue	Link	Peterson	Walsh, T.
Dudycz	Luechtefeld	Petka	Watson
Fawell	Madigan, L.	Radogno	Weaver
			Welch
			Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of the Governor's specific recommendations for change to House Bill No. 427.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to Motion in Writing filed and journalized on November 30, 1999, Senator Dudycz moved to accept the Governor's specific recommendations for change to House Bill No. 526.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Berman	Geo-Karis	Madigan, R.	Rauschenberger
Bomke	Halvorson	Mahar	Shadid
Bowles	Hawkinson	Maitland	Shaw
Burzynski	Hendon	Mitchell	Sieben
Clayborne	Jacobs	Munoz	Silverstein

Cronin	Jones, E.	Myers	Smith
Cullerton	Jones, W.	Noland	Sullivan
DeLeo	Karpiel	Obama	Syverson
del Valle	Klemm	O'Daniel	Trotter
Demuzio	Lauzen	O'Malley	Viverito
Dillard	Lightford	Parker	Walsh, L.
Donahue	Link	Peterson	Walsh, T.
Dudycz	Luechtefeld	Petka	Watson
Fawell	Madigan, L.	Radogno	Weaver
			Welch
			Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of the Governor's specific recommendations for change to House Bill No. 526.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to Motion in Writing filed on November 29, 1999 and journalized November 30, 1999, Senator Obama moved to accept the Governor's specific recommendations for change to House Bill No. 721.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Berman	Geo-Karis	Madigan, R.	Rauschenberger
Bomke	Halvorson	Mahar	Shadid
Bowles	Hawkinson	Maitland	Shaw
Burzynski	Hendon	Mitchell	Sieben
Clayborne	Jacobs	Munoz	Silverstein
Cronin	Jones, E.	Myers	Smith
Cullerton	Jones, W.	Noland	Sullivan
DeLeo	Karpiel	Obama	Syverson
del Valle	Klemm	O'Daniel	Trotter
Demuzio	Lauzen	O'Malley	Viverito
Dillard	Lightford	Parker	Walsh, L.
Donahue	Link	Peterson	Walsh, T.
Dudycz	Luechtefeld	Petka	Watson
Fawell	Madigan, L.	Radogno	Weaver
			Welch
			Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of the Governor's specific recommendations for change to House Bill No. 721.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to Motion in Writing filed and journalized on November 30, 1999, Senator Luechtefeld moved to accept the Governor's specific recommendations for change to House Bill No. 1366.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Berman	Geo-Karis	Madigan, R.	Rauschenberger
Bomke	Halvorson	Mahar	Shadid
Bowles	Hawkinson	Maitland	Shaw
Burzynski	Hendon	Mitchell	Sieben
Clayborne	Jacobs	Munoz	Silverstein
Cronin	Jones, E.	Myers	Smith
Cullerton	Jones, W.	Noland	Sullivan
DeLeo	Karpiel	Obama	Syverson
del Valle	Klemm	O'Daniel	Trotter
Demuzio	Lauzen	O'Malley	Viverito
Dillard	Lightford	Parker	Walsh, L.
Donahue	Link	Peterson	Walsh, T.
Dudycz	Luechtefeld	Petka	Watson
Fawell	Madigan, L.	Radogno	Weaver
			Welch
			Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of the Governor's specific recommendations for change to House Bill No. 1366.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to Motion in Writing filed on November 29, 1999 and journalized November 30, 1999, Senator Maitland moved to accept the Governor's specific recommendations for change to House Bill No. 1383.

And on that motion, a call of the roll was had resulting as follows:

Yeas 43; Nays 11; Present 3.

The following voted in the affirmative:

Berman	Halvorson	Mitchell	Sieben
Bowles	Jacobs	Munoz	Silverstein
Burzynski	Jones, E.	Myers	Smith
Clayborne	Jones, W.	Obama	Syverson
Cronin	Karpiel	O'Daniel	Trotter
DeLeo	Klemm	Parker	Viverito
del Valle	Lauzen	Peterson	Walsh, L.
Dillard	Link	Petka	Watson
Dudycz	Madigan, L.	Rauschenberger	Weaver
Fawell	Madigan, R.	Shadid	Mr. President
Geo-Karis	Maitland	Shaw	

The following voted in the negative:

Bomke	Hawkinson	Mahar	Radogno
Cullerton	Hendon	Noland	Welch
Donahue	Luechtefeld	O'Malley	

The following voted present:

Demuzio
Lightford
Walsh, T.

The motion prevailed.

And the Senate concurred with the House in the adoption of the

Governor's specific recommendations for change to House Bill No. 1383.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to Motion in Writing filed on November 29, 1999 and journalized November 30, 1999, Senator Rauschenberger moved to accept the Governor's specific recommendations for change to House Bill No. 1388.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Berman	Geo-Karis	Madigan, R.	Rauschenberger
Bomke	Halvorson	Mahar	Shadid
Bowles	Hawkinson	Maitland	Shaw
Burzynski	Hendon	Mitchell	Sieben
Clayborne	Jacobs	Munoz	Silverstein
Cronin	Jones, E.	Myers	Smith
Cullerton	Jones, W.	Noland	Sullivan
DeLeo	Karpiel	Obama	Syverson
del Valle	Klemm	O'Daniel	Trotter
Demuzio	Lauzen	O'Malley	Viverito
Dillard	Lightford	Parker	Walsh, L.
Donahue	Link	Peterson	Walsh, T.
Dudycz	Luechtefeld	Petka	Watson
Fawell	Madigan, L.	Radogno	Weaver
			Welch
			Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of the Governor's specific recommendations for change to House Bill No. 1388.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to Motion in Writing filed and journalized on November 30, 1999, Senator Fawell moved to accept the Governor's specific recommendations for change to House Bill No. 1676.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Berman	Geo-Karis	Madigan, R.	Rauschenberger
Bomke	Halvorson	Mahar	Shadid
Bowles	Hawkinson	Maitland	Shaw
Burzynski	Hendon	Mitchell	Sieben
Clayborne	Jacobs	Munoz	Silverstein
Cronin	Jones, E.	Myers	Smith
Cullerton	Jones, W.	Noland	Sullivan
DeLeo	Karpiel	Obama	Syverson
del Valle	Klemm	O'Daniel	Trotter
Demuzio	Lauzen	O'Malley	Viverito
Dillard	Lightford	Parker	Walsh, L.

Donahue	Link	Peterson	Walsh, T.
Dudycz	Luechtefeld	Petka	Watson
Fawell	Madigan, L.	Radogno	Weaver
			Welch
			Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of the Governor's specific recommendations for change to House Bill No. 1676.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to Motion in Writing filed and journalized on November 30, 1999, Senator Cronin moved to accept the Governor's specific recommendations for change to House Bill No. 1762.

And on that motion, a call of the roll was had resulting as follows:

Yeas 57; Nays None.

The following voted in the affirmative:

Berman	Geo-Karis	Madigan, R.	Rauschenberger
Bomke	Halvorson	Mahar	Shadid
Bowles	Hawkinson	Maitland	Shaw
Burzynski	Hendon	Mitchell	Sieben
Clayborne	Jacobs	Munoz	Silverstein
Cronin	Jones, E.	Myers	Smith
Cullerton	Jones, W.	Noland	Sullivan
DeLeo	Karpiel	Obama	Syverson
del Valle	Klemm	O'Daniel	Trotter
Demuzio	Lauzen	O'Malley	Viverito
Dillard	Lightford	Parker	Walsh, L.
Donahue	Link	Peterson	Walsh, T.
Dudycz	Luechtefeld	Petka	Watson
Fawell	Madigan, L.	Radogno	Welch
			Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of the Governor's specific recommendations for change to House Bill No. 1762.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to Motion in Writing filed and journalized on November 30, 1999, Senator Weaver moved to accept the Governor's specific recommendations for change to House Bill No. 1766.

And on that motion, a call of the roll was had resulting as follows:

Yeas 57; Nays None.

The following voted in the affirmative:

Berman	Geo-Karis	Madigan, R.	Rauschenberger
Bomke	Halvorson	Mahar	Shadid
Bowles	Hawkinson	Maitland	Shaw
Burzynski	Hendon	Mitchell	Sieben
Clayborne	Jacobs	Munoz	Silverstein

Cronin	Jones, E.	Myers	Smith
Cullerton	Jones, W.	Noland	Sullivan
DeLeo	Karpiel	Obama	Syverson
del Valle	Klemm	O'Daniel	Trotter
Demuzio	Lauzen	O'Malley	Viverito
Dillard	Lightford	Parker	Walsh, L.
Donahue	Link	Peterson	Walsh, T.
Dudycz	Luechtefeld	Petka	Watson
Fawell	Madigan, L.	Radogno	Weaver
			Welch

The motion prevailed.

And the Senate concurred with the House in the adoption of the Governor's specific recommendations for change to House Bill No. 1766.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to Motion in Writing filed and journalized on November 30, 1999, Senator Petka moved to accept the Governor's specific recommendations for change to House Bill No. 1816.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Berman	Geo-Karis	Madigan, R.	Rauschenberger
Bomke	Halvorson	Mahar	Shadid
Bowles	Hawkinson	Maitland	Shaw
Burzynski	Hendon	Mitchell	Sieben
Clayborne	Jacobs	Munoz	Silverstein
Cronin	Jones, E.	Myers	Smith
Cullerton	Jones, W.	Noland	Sullivan
DeLeo	Karpiel	Obama	Syverson
del Valle	Klemm	O'Daniel	Trotter
Demuzio	Lauzen	O'Malley	Viverito
Dillard	Lightford	Parker	Walsh, L.
Donahue	Link	Peterson	Walsh, T.
Dudycz	Luechtefeld	Petka	Watson
Fawell	Madigan, L.	Radogno	Weaver
			Welch
			Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of the Governor's specific recommendations for change to House Bill No. 1816.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to Motion in Writing filed and journalized on November 30, 1999, Senator Syverson moved to accept the Governor's specific recommendations for change to House Bill No. 1832.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Berman	Geo-Karis	Madigan, R.	Rauschenberger
Bomke	Halvorson	Mahar	Shadid
Bowles	Hawkinson	Maitland	Shaw
Burzynski	Hendon	Mitchell	Sieben
Clayborne	Jacobs	Munoz	Silverstein
Cronin	Jones, E.	Myers	Smith
Cullerton	Jones, W.	Noland	Sullivan
DeLeo	Karpiel	Obama	Syverson
del Valle	Klemm	O'Daniel	Trotter
Demuzio	Lauzen	O'Malley	Viverito
Dillard	Lightford	Parker	Walsh, L.
Donahue	Link	Peterson	Walsh, T.
Dudycz	Luechtefeld	Petka	Watson
Fawell	Madigan, L.	Radogno	Weaver
			Welch
			Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of the Governor's specific recommendations for change to House Bill No. 1832.

Ordered that the Secretary inform the House of Representatives thereof.

Pursuant to Motion in Writing filed on November 18, 1999 and journalized November 30, 1999, Senator Trotter moved to accept the Governor's specific recommendations for change to House Bill No. 2005.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Berman	Geo-Karis	Madigan, R.	Rauschenberger
Bomke	Halvorson	Mahar	Shadid
Bowles	Hawkinson	Maitland	Shaw
Burzynski	Hendon	Mitchell	Sieben
Clayborne	Jacobs	Munoz	Silverstein
Cronin	Jones, E.	Myers	Smith
Cullerton	Jones, W.	Noland	Sullivan
DeLeo	Karpiel	Obama	Syverson
del Valle	Klemm	O'Daniel	Trotter
Demuzio	Lauzen	O'Malley	Viverito
Dillard	Lightford	Parker	Walsh, L.
Donahue	Link	Peterson	Walsh, T.
Dudycz	Luechtefeld	Petka	Watson
Fawell	Madigan, L.	Radogno	Weaver
			Welch
			Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of the Governor's specific recommendations for change to House Bill No. 2005.

Ordered that the Secretary inform the House of Representatives thereof.

REPORT FROM RULES COMMITTEE

Senator Weaver, Chairperson of the Committee on Rules, during its December 1, 1999 meeting, reported the following Legislative Measure has been assigned to the indicated Standing Committee of the Senate:

State Government Operations: Senate Amendment No. 3 to House Bill 2148.

READING A BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Syverson, House Bill No. 539 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

Berman	Geo-Karis	Madigan, R.	Rauschenberger
Bomke	Halvorson	Mahar	Shadid
Bowles	Hawkinson	Maitland	Shaw
Burzynski	Hendon	Mitchell	Sieben
Clayborne	Jacobs	Munoz	Silverstein
Cronin	Jones, E.	Myers	Smith
Cullerton	Jones, W.	Noland	Sullivan
DeLeo	Karpiel	Obama	Syverson
del Valle	Klemm	O'Daniel	Trotter
Demuzio	Lauzen	O'Malley	Viverito
Dillard	Lightford	Parker	Walsh, L.
Donahue	Link	Peterson	Walsh, T.
Dudycz	Luechtefeld	Petka	Watson
Fawell	Madigan, L.	Radogno	Weaver
			Welch
			Mr. President

This bill, having received the vote of three-fifths of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the title be as aforesaid, and that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Peterson, House Bill No. 1120 having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Revenue, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1120 by replacing the title with the following:

"AN ACT concerning victims of Nazi persecution."; and by inserting below Section 5 the following:

"Section 10. The Illinois Public Aid Code is amended by changing Sections 3-1.2, 3-5, 4-1.6, 4-2, 5-2, 5-4, 6-1.2, and 6-2 as follows: (305 ILCS 5/3-1.2) (from Ch. 23, par. 3-1.2)

Sec. 3-1.2. Need. Income available to the person, when added to contributions in money, substance, or services from other sources,

including contributions from legally responsible relatives, must be insufficient to equal the grant amount established by Department regulation for such person.

In determining earned income to be taken into account, consideration shall be given to any expenses reasonably attributable to the earning of such income. If federal law or regulations permit or require exemption of earned or other income and resources, the Illinois Department shall provide by rule and regulation that the amount of income to be disregarded be increased (1) to the maximum extent so required and (2) to the maximum extent permitted by federal law or regulation in effect as of the date this Amendatory Act becomes law. The Illinois Department may also provide by rule and regulation that the amount of resources to be disregarded be increased to the maximum extent so permitted or required.

In determining the resources of an individual or any dependents, the Department shall exclude from consideration the value of funeral and burial spaces, grave markers and other funeral and burial merchandise, funeral and burial insurance the proceeds of which can only be used to pay the funeral and burial expenses of the insured and funds specifically set aside for the funeral and burial arrangements of the individual or his or her dependents, including prepaid funeral and burial plans, to the same extent that such items are excluded from consideration under the federal Supplemental Security Income program.

The homestead shall be exempt from consideration except to the extent that it meets the income and shelter needs of the person. "Homestead" means the dwelling house and contiguous real estate owned and occupied by the person, regardless of its value.

Occasional or irregular gifts in cash, goods or services from persons who are not legally responsible relatives which are of nominal value or which do not have significant effect in meeting essential requirements shall be disregarded. The eligibility of any applicant for or recipient of public aid under this Article is not affected by the payment of any grant under the "Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act" or any distributions or items of income described under subparagraph (X) of paragraph (2) of subsection (a) of Section 203 of the Illinois Income Tax Act.

The Illinois Department may, after appropriate investigation, establish and implement a consolidated standard to determine need and eligibility for and amount of benefits under this Article or a uniform cash supplement to the federal Supplemental Security Income program for all or any part of the then current recipients under this Article; provided, however, that the establishment or implementation of such a standard or supplement shall not result in reductions in benefits under this Article for the then current recipients of such benefits.

(Source: P.A. 84-1308.)

(305 ILCS 5/3-5) (from Ch. 23, par. 3-5)

Sec. 3-5. Amount of aid. The amount and nature of financial aid granted to or in behalf of aged, blind, or disabled persons shall be determined in accordance with the standards, grant amounts, rules and regulations of the Illinois Department. Due regard shall be given to the requirements and conditions existing in each case, and to the amount of property owned and the income, money contributions, and other support, and resources received or obtainable by the person, from whatever source. However, the amount and nature of any financial aid is not affected by the payment of any grant under the "Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act" or any distributions or items of income described under subparagraph (X) of paragraph (2) of subsection (a) of Section

203 of the Illinois Income Tax Act. The aid shall be sufficient, when added to all other income, money contributions and support, to provide the person with a grant in the amount established by Department regulation for such a person, based upon standards providing a livelihood compatible with health and well-being.

(Source: P.A. 84-832.)

(305 ILCS 5/4-1.6) (from Ch. 23, par. 4-1.6)

Sec. 4-1.6. Need. Income available to the family as defined by the Illinois Department by rule, or to the child in the case of a child removed from his or her home, when added to contributions in money, substance or services from other sources, including income available from parents absent from the home or from a stepparent, contributions made for the benefit of the parent or other persons necessary to provide care and supervision to the child, and contributions from legally responsible relatives, must be insufficient to equal the grant amount established by Department regulation for such a person.

In considering income to be taken into account, consideration shall be given to any expenses reasonably attributable to the earning of such income. The Illinois Department may also, subject to such limitations as may be prescribed by federal law or regulation, permit all or any portion of earned or other income to be set aside for the future identifiable needs of a child. If federal law or regulations permit or require exemption of other income of recipients, the Illinois Department may provide by rule and regulation for the exemptions thus permitted or required. The eligibility of any applicant for or recipient of public aid under this Article is not affected by the payment of any grant under the "Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act" or any distributions or items of income described under subparagraph (X) of paragraph (2) of subsection (a) of Section 203 of the Illinois Income Tax Act.

The Illinois Department may, by rule, set forth criteria under which an assistance unit is ineligible for cash assistance under this Article for a specified number of months due to the receipt of a lump sum payment.

(Source: P.A. 90-17, eff. 7-1-97.)

(305 ILCS 5/4-2) (from Ch. 23, par. 4-2)

Sec. 4-2. Amount of aid.

(a) The amount and nature of financial aid shall be determined in accordance with the grant amounts, rules and regulations of the Illinois Department. Due regard shall be given to the self-sufficiency requirements of the family and to the income, money contributions and other support and resources available, from whatever source. Beginning July 1, 1992, the supplementary grants previously paid under this Section shall no longer be paid. However, the amount and nature of any financial aid is not affected by the payment of any grant under the "Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act" or any distributions or items of income described under subparagraph (X) of paragraph (2) of subsection (a) of Section 203 of the Illinois Income Tax Act. The aid shall be sufficient, when added to all other income, money contributions and support to provide the family with a grant in the amount established by Department regulation.

(b) The Illinois Department may conduct special projects, which may be known as Grant Diversion Projects, under which recipients of financial aid under this Article are placed in jobs and their grants are diverted to the employer who in turn makes payments to the recipients in the form of salary or other employment benefits. The Illinois Department shall by rule specify the terms and conditions of such Grant Diversion Projects. Such projects shall take into

consideration and be coordinated with the programs administered under the Illinois Emergency Employment Development Act.

(c) The amount and nature of the financial aid for a child requiring care outside his own home shall be determined in accordance with the rules and regulations of the Illinois Department, with due regard to the needs and requirements of the child in the foster home or institution in which he has been placed.

(d) If the Department establishes grants for family units consisting exclusively of a pregnant woman with no dependent child or including her husband if living with her, the grant amount for such a unit shall be equal to the grant amount for an assistance unit consisting of one adult, or 2 persons if the husband is included. Other than as herein described, an unborn child shall not be counted in determining the size of an assistance unit or for calculating grants.

Payments for basic maintenance requirements of a child or children and the relative with whom the child or children are living shall be prescribed, by rule, by the Illinois Department.

These grants may be increased in the following circumstances:

1. If the child is living with both parents or with persons standing in the relationship of parents, and if the grant is necessitated because of the unemployment or insufficient earnings of the parent or parents and neither parent is receiving benefits under "The Unemployment Compensation Act", approved June 30, 1937, as amended, the maximum may be increased by not more than \$25.

2. If a child is age 13 or over, the maximum may be increased by not more than \$15.

The allowances provided under Article IX for recipients participating in the training and rehabilitation programs shall be in addition to the maximum payments established in this Section.

Grants under this Article shall not be supplemented by General Assistance provided under Article VI.

(e) Grants shall be paid to the parent or other person with whom the child or children are living, except for such amount as is paid in behalf of the child or his parent or other relative to other persons or agencies pursuant to this Code or the rules and regulations of the Illinois Department.

(f) An assistance unit, receiving financial aid under this Article or temporarily ineligible to receive aid under this Article under a penalty imposed by the Illinois Department for failure to comply with the eligibility requirements or that voluntarily requests termination of financial assistance under this Article and becomes subsequently eligible for assistance within 9 months, shall not receive any increase in the amount of aid solely on account of the birth of a child; except that an increase is not prohibited when the birth is (i) of a child of a pregnant woman who became eligible for aid under this Article during the pregnancy, or (ii) of a child born within 10 months after the date of implementation of this subsection, or (iii) of a child conceived after a family became ineligible for assistance due to income or marriage and at least 3 months of ineligibility expired before any reapplication for assistance. This subsection does not, however, prevent a unit from receiving a general increase in the amount of aid that is provided to all recipients of aid under this Article.

The Illinois Department is authorized to transfer funds, and shall use any budgetary savings attributable to not increasing the grants due to the births of additional children, to supplement existing funding for employment and training services for recipients of aid under this Article IV. The Illinois Department shall target, to the extent the supplemental funding allows, employment and

training services to the families who do not receive a grant increase after the birth of a child. In addition, the Illinois Department shall provide, to the extent the supplemental funding allows, such families with up to 24 months of transitional child care pursuant to Illinois Department rules. All remaining supplemental funds shall be used for employment and training services or transitional child care support.

In making the transfers authorized by this subsection, the Illinois Department shall first determine, pursuant to regulations adopted by the Illinois Department for this purpose, the amount of savings attributable to not increasing the grants due to the births of additional children. Transfers may be made from General Revenue Fund appropriations for distributive purposes authorized by Article IV of this Code only to General Revenue Fund appropriations for employability development services including operating and administrative costs and related distributive purposes under Article IXA of this Code. The Director, with the approval of the Governor, shall certify the amount and affected line item appropriations to the State Comptroller.

The Illinois Department shall apply for all waivers of federal law and regulations necessary to implement this subsection; implementation of this subsection is contingent on the Illinois Department receiving all necessary federal waivers. The Illinois Department may implement this subsection through the use of emergency rules in accordance with Section 5-45 of the Illinois Administrative Procedure Act. For purposes of the Illinois Administrative Procedure Act, the adoption of rules to implement this subsection shall be considered an emergency and necessary for the public interest, safety, and welfare.

Nothing in this subsection shall be construed to prohibit the Illinois Department from using funds under this Article IV to provide assistance in the form of vouchers that may be used to pay for goods and services deemed by the Illinois Department, by rule, as suitable for the care of the child such as diapers, clothing, school supplies, and cribs.

(g) (Blank).

(h) Notwithstanding any other provision of this Code, the Illinois Department is authorized to reduce payment levels used to determine cash grants under this Article after December 31 of any fiscal year if the Illinois Department determines that the caseload upon which the appropriations for the current fiscal year are based have increased by more than 5% and the appropriation is not sufficient to ensure that cash benefits under this Article do not exceed the amounts appropriated for those cash benefits. Reductions in payment levels may be accomplished by emergency rule under Section 5-45 of the Illinois Administrative Procedure Act, except that the limitation on the number of emergency rules that may be adopted in a 24-month period shall not apply and the provisions of Sections 5-115 and 5-125 of the Illinois Administrative Procedure Act shall not apply. Increases in payment levels shall be accomplished only in accordance with Section 5-40 of the Illinois Administrative Procedure Act. Before any rule to increase payment levels promulgated under this Section shall become effective, a joint resolution approving the rule must be adopted by a roll call vote by a majority of the members elected to each chamber of the General Assembly.

(Source: P.A. 89-6, eff. 3-6-95; 89-193, eff. 7-21-95; 89-641, eff. 8-9-96; 90-17, eff. 7-1-97; 90-372, eff. 7-1-98; 90-655, eff. 7-30-98.)

(305 ILCS 5/5-2) (from Ch. 23, par. 5-2)

Sec. 5-2. Classes of Persons Eligible. Medical assistance under this Article shall be available to any of the following classes of

persons in respect to whom a plan for coverage has been submitted to the Governor by the Illinois Department and approved by him:

1. Recipients of basic maintenance grants under Articles III and IV.

2. Persons otherwise eligible for basic maintenance under Articles III and IV but who fail to qualify thereunder on the basis of need, and who have insufficient income and resources to meet the costs of necessary medical care, including but not limited to, all persons who would be determined eligible for such basic maintenance under Article IV by disregarding the maximum earned income permitted by federal law.

3. Persons who would otherwise qualify for Aid to the Medically Indigent under Article VII.

4. Persons not eligible under any of the preceding paragraphs who fall sick, are injured, or die, not having sufficient money, property or other resources to meet the costs of necessary medical care or funeral and burial expenses.

5. (a) Women during pregnancy, after the fact of pregnancy has been determined by medical diagnosis, and during the 60-day period beginning on the last day of the pregnancy, together with their infants and children born after September 30, 1983, whose income and resources are insufficient to meet the costs of necessary medical care to the maximum extent possible under Title XIX of the Federal Social Security Act.

(b) The Illinois Department and the Governor shall provide a plan for coverage of the persons eligible under paragraph 5(a) by April 1, 1990. Such plan shall provide ambulatory prenatal care to pregnant women during a presumptive eligibility period and establish an income eligibility standard that is equal to 133% of the nonfarm income official poverty line, as defined by the federal Office of Management and Budget and revised annually in accordance with Section 673(2) of the Omnibus Budget Reconciliation Act of 1981, applicable to families of the same size, provided that costs incurred for medical care are not taken into account in determining such income eligibility.

(c) The Illinois Department may conduct a demonstration in at least one county that will provide medical assistance to pregnant women, together with their infants and children up to one year of age, where the income eligibility standard is set up to 185% of the nonfarm income official poverty line, as defined by the federal Office of Management and Budget. The Illinois Department shall seek and obtain necessary authorization provided under federal law to implement such a demonstration. Such demonstration may establish resource standards that are not more restrictive than those established under Article IV of this Code.

6. Persons under the age of 18 who fail to qualify as dependent under Article IV and who have insufficient income and resources to meet the costs of necessary medical care to the maximum extent permitted under Title XIX of the Federal Social Security Act.

7. Persons who are 18 years of age or younger and would qualify as disabled as defined under the Federal Supplemental Security Income Program, provided medical service for such persons would be eligible for Federal Financial Participation, and provided the Illinois Department determines that:

(a) the person requires a level of care provided by a hospital, skilled nursing facility, or intermediate care facility, as determined by a physician licensed to practice medicine in all its branches;

(b) it is appropriate to provide such care outside of an institution, as determined by a physician licensed to practice medicine in all its branches;

(c) the estimated amount which would be expended for care outside the institution is not greater than the estimated amount which would be expended in an institution.

8. Persons who become ineligible for basic maintenance assistance under Article IV of this Code in programs administered by the Illinois Department due to employment earnings and persons in assistance units comprised of adults and children who become ineligible for basic maintenance assistance under Article VI of this Code due to employment earnings. The plan for coverage for this class of persons shall:

(a) extend the medical assistance coverage for up to 12 months following termination of basic maintenance assistance; and
(b) offer persons who have initially received 6 months of the coverage provided in paragraph (a) above, the option of receiving an additional 6 months of coverage, subject to the following:

(i) such coverage shall be pursuant to provisions of the federal Social Security Act;

(ii) such coverage shall include all services covered while the person was eligible for basic maintenance assistance;

(iii) no premium shall be charged for such coverage; and

(iv) such coverage shall be suspended in the event of a person's failure without good cause to file in a timely fashion reports required for this coverage under the Social Security Act and coverage shall be reinstated upon the filing of such reports if the person remains otherwise eligible.

9. Persons with acquired immunodeficiency syndrome (AIDS) or with AIDS-related conditions with respect to whom there has been a determination that but for home or community-based services such individuals would require the level of care provided in an inpatient hospital, skilled nursing facility or intermediate care facility the cost of which is reimbursed under this Article. Assistance shall be provided to such persons to the maximum extent permitted under Title XIX of the Federal Social Security Act.

10. Participants in the long-term care insurance partnership program established under the Partnership for Long-Term Care Act who meet the qualifications for protection of resources described in Section 25 of that Act.

The Illinois Department and the Governor shall provide a plan for coverage of the persons eligible under paragraph 7 as soon as possible after July 1, 1984.

The eligibility of any such person for medical assistance under this Article is not affected by the payment of any grant under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act or any distributions or items of income described under subparagraph (X) of paragraph (2) of subsection (a) of Section 203 of the Illinois Income Tax Act. The Department shall by rule establish the amounts of assets to be disregarded in determining eligibility for medical assistance, which shall at a minimum equal the amounts to be disregarded under the Federal Supplemental Security Income Program. The amount of assets of a single person to be disregarded shall not be less than \$2,000, and the amount of assets of a married couple to be disregarded shall not be less than \$3,000.

To the extent permitted under federal law, any person found guilty of a second violation of Article VIII A shall be ineligible for medical assistance under this Article, as provided in Section 8A-8.

The eligibility of any person for medical assistance under this

Article shall not be affected by the receipt by the person of donations or benefits from fundraisers held for the person in cases of serious illness, as long as neither the person nor members of the person's family have actual control over the donations or benefits or the disbursement of the donations or benefits.

(Source: P.A. 89-525, eff. 7-19-96.)

(305 ILCS 5/5-4) (from Ch. 23, par. 5-4)

Sec. 5-4. Amount and nature of medical assistance. The amount and nature of medical assistance shall be determined by the County Departments in accordance with the standards, rules, and regulations of the Illinois Department of Public Aid, with due regard to the requirements and conditions in each case, including contributions available from legally responsible relatives. However, the amount and nature of such medical assistance shall not be affected by the payment of any grant under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act or any distributions or items of income described under subparagraph (X) of paragraph (2) of subsection (a) of Section 203 of the Illinois Income Tax Act. The amount and nature of medical assistance shall not be affected by the receipt of donations or benefits from fundraisers in cases of serious illness, as long as neither the person nor members of the person's family have actual control over the donations or benefits or the disbursement of the donations or benefits.

In determining the income and assets available to the institutionalized spouse and to the community spouse, the Illinois Department of Public Aid shall follow the procedures established by federal law. The community spouse resource allowance shall be established and maintained at the maximum level permitted pursuant to Section 1924(f)(2) of the Social Security Act, as now or hereafter amended, or an amount set after a fair hearing, whichever is greater. The monthly maintenance allowance for the community spouse shall be established and maintained at the maximum level permitted pursuant to Section 1924(d)(3)(C) of the Social Security Act, as now or hereafter amended. Subject to the approval of the Secretary of the United States Department of Health and Human Services, the provisions of this Section shall be extended to persons who but for the provision of home or community-based services under Section 4.02 of the Illinois Act on the Aging, would require the level of care provided in an institution, as is provided for in federal law.

The Department of Human Services shall notify in writing each institutionalized spouse who is a recipient of medical assistance under this Article, and each such person's community spouse, of the changes in treatment of income and resources, including provisions for protecting income for a community spouse and permitting the transfer of resources to a community spouse, required by enactment of the federal Medicare Catastrophic Coverage Act of 1988 (Public Law 100-360). The notification shall be in language likely to be easily understood by those persons. The Department of Human Services also shall reassess the amount of medical assistance for which each such recipient is eligible as a result of the enactment of that federal Act, whether or not a recipient requests such a reassessment.

(Source: P.A. 89-507, eff. 7-1-97; 90-655, eff. 7-30-98.)

(305 ILCS 5/6-1.2) (from Ch. 23, par. 6-1.2)

Sec. 6-1.2. Need. Income available to the person, when added to contributions in money, substance, or services from other sources, including contributions from legally responsible relatives, must be insufficient to equal the grant amount established by Department regulation (or by local governmental unit in units which do not receive State funds) for such a person.

In determining income to be taken into account:

- (1) The first \$75 of earned income in income assistance

units comprised exclusively of one adult person shall be disregarded, and for not more than 3 months in any 12 consecutive months that portion of earned income beyond the first \$75 that is the difference between the standard of assistance and the grant amount, shall be disregarded.

(2) For income assistance units not comprised exclusively of one adult person, when authorized by rules and regulations of the Illinois Department, a portion of earned income, not to exceed the first \$25 a month plus 50% of the next \$75, may be disregarded for the purpose of stimulating and aiding rehabilitative effort and self-support activity.

"Earned income" means money earned in self-employment or wages, salary, or commission for personal services performed as an employee. The eligibility of any applicant for or recipient of public aid under this Article is not affected by the payment of any grant under the "Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act" or any refund or payment of the federal Earned Income Tax Credit, or any distributions or items of income described under subparagraph (X) of paragraph (2) of subsection (a) of Section 203 of the Illinois Income Tax Act.

If federal laws or regulations applicable to persons receiving assistance under Articles III or IV of this Code permit or require the exemption of earned income in excess of the foregoing limitation on earned income exemptions or permit or require the exemption of certain other income and resources, the Illinois Department, may, by rule, authorize comparable exemptions in determining need under this Section.

(Source: P.A. 90-457, eff. 1-1-98.)

(305 ILCS 5/6-2) (from Ch. 23, par. 6-2)

Sec. 6-2. Amount of aid. The amount and nature of General Assistance for basic maintenance requirements shall be determined in accordance with local budget standards for local governmental units which do not receive State funds. For local governmental units which do receive State funds, the amount and nature of General Assistance for basic maintenance requirements shall be determined in accordance with the standards, rules and regulations of the Illinois Department. Beginning July 1, 1992, the supplementary grants previously paid under this Section shall no longer be paid. However, the amount and nature of any financial aid is not affected by the payment of any grant under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act or any distributions or items of income described under subparagraph (X) of paragraph (2) of subsection (a) of Section 203 of the Illinois Income Tax Act. Due regard shall be given to the requirements and the conditions existing in each case, and to the income, money contributions and other support and resources available, from whatever source. In local governmental units which do not receive State funds, the grant shall be sufficient when added to all other income, money contributions and support in excess of any excluded income or resources, to provide the person with a grant in the amount established for such a person by the local governmental unit based upon standards meeting basic maintenance requirements. In local governmental units which do receive State funds, the grant shall be sufficient when added to all other income, money contributions and support in excess of any excluded income or resources, to provide the person with a grant in the amount established for such a person by Department regulation based upon standards providing a livelihood compatible with health and well-being, as directed by Section 12-4.11 of this Code.

The Illinois Department may conduct special projects, which may be known as Grant Diversion Projects, under which recipients of financial aid under this Article are placed in jobs and their grants

are diverted to the employer who in turn makes payments to the recipients in the form of salary or other employment benefits. The Illinois Department shall by rule specify the terms and conditions of such Grant Diversion Projects. Such projects shall take into consideration and be coordinated with the programs administered under the Illinois Emergency Employment Development Act.

The allowances provided under Article IX for recipients participating in the training and rehabilitation programs shall be in addition to such maximum payment.

Payments may also be made to provide persons receiving basic maintenance support with necessary treatment, care and supplies required because of illness or disability or with acute medical treatment, care, and supplies. Payments for necessary or acute medical care under this paragraph may be made to or in behalf of the person. Obligations incurred for such services but not paid for at the time of a recipient's death may be paid, subject to the rules and regulations of the Illinois Department, after the death of the recipient.

(Source: P.A. 89-646, eff. 1-1-97; 90-372, eff. 7-1-98.)

Section 15. The Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act is amended by changing Section 3.07 as follows:

(320 ILCS 25/3.07) (from Ch. 67 1/2, par. 403.07)

Sec. 3.07. "Income" means adjusted gross income, properly reportable for federal income tax purposes under the provisions of the Internal Revenue Code, modified by adding thereto the sum of the following amounts to the extent deducted or excluded from gross income in the computation of adjusted gross income:

(A) An amount equal to all amounts paid or accrued as interest or dividends during the taxable year;

(B) An amount equal to the amount of tax imposed by the Illinois Income Tax Act paid for the taxable year;

(C) An amount equal to all amounts received during the taxable year as an annuity under an annuity, endowment or life insurance contract or under any other contract or agreement;

(D) An amount equal to the amount of benefits paid under the Federal Social Security Act during the taxable year;

(E) An amount equal to the amount of benefits paid under the Railroad Retirement Act during the taxable year;

(F) An amount equal to the total amount of cash public assistance payments received from any governmental agency during the taxable year other than benefits received pursuant to this Act;

(G) An amount equal to any net operating loss carryover deduction or capital loss carryover deduction during the taxable year.

"Income" does not include any grant assistance received under the Nursing Home Grant Assistance Act or any distributions or items of income described under subparagraph (X) of paragraph (2) of subsection (a) of Section 203 of the Illinois Income Tax Act.

This amendatory Act of 1987 shall be effective for purposes of this Section for tax years ending on or after December 31, 1987.

(Source: P.A. 90-491, eff. 1-1-98.)"

There being no further amendments, the bill, as amended, was ordered to a third reading.

On motion of Senator Watson, House Bill No. 1124 was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, House Bill No. 1202 was

taken up, read by title a second time and ordered to a third reading.

CONSIDERATION OF RESOLUTIONS ON SECRETARY'S DESK

Senator Radogno moved that Senate Resolution No. 223, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Radogno moved that Senate Resolution No. 223, be adopted. And on that motion a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Berman	Geo-Karis	Madigan, R.	Rauschenberger
Bomke	Halvorson	Mahar	Shadid
Bowles	Hawkinson	Maitland	Shaw
Burzynski	Hendon	Mitchell	Sieben
Clayborne	Jacobs	Munoz	Silverstein
Cronin	Jones, E.	Myers	Smith
Cullerton	Jones, W.	Noland	Sullivan
DeLeo	Karpiel	Obama	Syverson
del Valle	Klemm	O'Daniel	Trotter
Demuzio	Lauzen	O'Malley	Viverito
Dillard	Lightford	Parker	Walsh, L.
Donahue	Link	Peterson	Walsh, T.
Dudycz	Luechtefeld	Petka	Watson
Fawell	Madigan, L.	Radogno	Weaver
			Welch
			Mr. President

The motion prevailed.

And the resolution was adopted.

Senator Watson moved that Senate Joint Resolution No. 41, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Cronin offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Joint Resolution 41 on page 1, line 3, by replacing "October 1" with "September 30"; and on page 1, by replacing lines 6 through 13 with the following:

"of the School Code; and

WHEREAS, The charter school financing mechanism specified in subsection (f) of Section 27A-9 of the School Code constitutes a directive to the State Board of Education rather than a mandate on any school district; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the request made by Schaumburg CCSD 54 - Cook with respect to substitute certificates, identified in the report filed by the State Board of Education as request WM199-1227, is disapproved; and be it further

RESOLVED, That the request made by Palatine THSD 211 - Cook with respect to substitute certificates, identified in the report filed by the State Board of Education as request WM199-1256-2, is disapproved; and be it further

RESOLVED, That the request made by Rock Island-Milan SD 41 - Rock

Island with respect to substitute certificates, identified in the report filed by the State Board of Education as request WM199-1281-2, is disapproved; and be it further

RESOLVED, That the request made by Collinsville CUSD 10 - Madison with respect to the compilation of average daily attendance, identified in the report filed by the State Board of Education as request WM199-1260, is disapproved; and be it further

RESOLVED, That the request made by Fremont SD 79 - Lake with respect to charter schools, identified in the report filed by the State Board of Education as request WM199-1216 (A), is disapproved; and be it further

RESOLVED, That the request made by Woodland CCSD 50 - Lake with respect to charter schools, identified in the report filed by the State Board of Education as request WM199-1223 (A), is disapproved; and be it further

RESOLVED, That no waiver or modifications of the provisions of subsection (f) of Section 27A-9 of the School Code shall be available to school districts pursuant to Section 2-3.25g of the School Code, and that any application for such a waiver or modification shall be ineligible for consideration."

The motion prevailed.

And the amendment was adopted.

Senator Watson moved that Senate Joint Resolution No. 41, as amended, be adopted.

And on that motion a call of the roll was had resulting as follows:

Yeas 57; Nays 1.

The following voted in the affirmative:

Berman	Geo-Karis	Mahar	Shadid
Bomke	Halvorson	Maitland	Shaw
Bowles	Hawkinson	Mitchell	Sieben
Burzynski	Hendon	Munoz	Silverstein
Clayborne	Jones, E.	Myers	Smith
Cronin	Jones, W.	Noland	Sullivan
Cullerton	Karpziel	Obama	Syverson
DeLeo	Klemm	O'Daniel	Trotter
del Valle	Lauzen	O'Malley	Viverito
Demuzio	Lightford	Parker	Walsh, L.
Dillard	Link	Peterson	Walsh, T.
Donahue	Luechtefeld	Petka	Watson
Dudycz	Madigan, L.	Radogno	Weaver
Fawell	Madigan, R.	Rauschenberger	Welch
			Mr. President

The following voted in the negative:

Jacobs

The motion prevailed.

And the resolution, as amended, was adopted.

Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Senator Watson moved that Senate Joint Resolution No. 46, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Watson moved that Senate Joint Resolution No. 46, be adopted.

And on that motion a call of the roll was had resulting as follows:

Yeas 57; Nays None.

The following voted in the affirmative:

Berman	Geo-Karis	Madigan, R.	Rauschenberger
Bomke	Halvorson	Mahar	Shadid
Bowles	Hawkinson	Maitland	Shaw
Burzynski	Hendon	Mitchell	Sieben
Clayborne	Jacobs	Munoz	Silverstein
Cronin	Jones, E.	Myers	Smith
Cullerton	Jones, W.	Noland	Sullivan
DeLeo	Karpiel	Obama	Trotter
del Valle	Klemm	O'Daniel	Viverito
Demuzio	Laufen	O'Malley	Walsh, L.
Dillard	Lightford	Parker	Walsh, T.
Donahue	Link	Peterson	Watson
Dudycz	Luechtefeld	Petka	Weaver
Fawell	Madigan, L.	Radogno	Welch
			Mr. President

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

CONSIDERATION OF HOUSE AMENDMENT TO SENATE BILL
ON SECRETARY'S DESK

On motion of Senator Sullivan, Senate Bill No. 1144, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Sullivan moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Berman	Geo-Karis	Madigan, R.	Rauschenberger
Bomke	Halvorson	Mahar	Shadid
Bowles	Hawkinson	Maitland	Shaw
Burzynski	Hendon	Mitchell	Sieben
Clayborne	Jacobs	Munoz	Silverstein
Cronin	Jones, E.	Myers	Smith
Cullerton	Jones, W.	Noland	Sullivan
DeLeo	Karpiel	Obama	Syverson
del Valle	Klemm	O'Daniel	Trotter
Demuzio	Laufen	O'Malley	Viverito
Dillard	Lightford	Parker	Walsh, L.
Donahue	Link	Peterson	Walsh, T.
Dudycz	Luechtefeld	Petka	Watson
Fawell	Madigan, L.	Radogno	Weaver
			Welch
			Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of their

Amendment No. 1 to Senate Bill No. 1144.

Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 11:45 o'clock a.m., Senator Maitland presiding.

CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILL
ON SECRETARY'S DESK

On motion of Senator Syverson, House Bill No. 2773, with Senate Amendments numbered 2, 3 and 5 on the Secretary's Desk, was taken up for immediate consideration.

Senator Syverson moved that the Senate refuse to recede from its Amendments numbered 2, 3 and 5 to House Bill No. 2773 and that a First Committee of Conference consisting of five members on the part of the Senate and five members on the part of the House be appointed to adjust the differences between the two Houses in regard to said amendments.

The motion prevailed.

The President appointed as such Committee on the part of the Senate, the following: Senators Donahue, Parker, Syverson, Berman and Obama.

Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 11:59 o'clock a.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 2:55 o'clock p.m., the Senate resumed consideration of business.

Senator Geo-Karis, presiding.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A message from the House by

Mr. Rossi, Clerk:

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

SENATE BILL NO. 877

A bill for AN ACT to amend the Illinois Procurement Code by changing Section 50-13.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 877

House Amendment No. 3 to SENATE BILL NO. 877

Passed the House, as amended, December 1, 1999.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 877

AMENDMENT NO. 1. Amend Senate Bill 877 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Procurement Code is amended by changing Section 50-13 as follows:

(30 ILCS 500/50-13)

Sec. 50-13. Conflicts of interest.

(a) Prohibition. It is unlawful for any person holding an elective office in this State, holding a seat in the General Assembly, or appointed to or employed in any of the offices or agencies of State government and who receives compensation for that such employment in excess of 60% of the salary of the Governor of the State of Illinois, or who is an officer or employee of the Capital Development Board or the Illinois Toll Highway Authority, or who is the spouse or minor child of any such person to have or acquire any contract, or any direct pecuniary interest in any contract therein, whether for stationery, printing, paper, or any services, materials, or supplies, that will be wholly or partially satisfied by the payment of funds appropriated by the General Assembly of the State of Illinois or in any contract of the Capital Development Board or the Illinois Toll Highway Authority.

(b) Interests. It is unlawful for any firm, partnership, association, or corporation, in which any person listed in subsection (a) is entitled to receive (i) more than 7 1/2% of the total distributable income or (ii) an amount in excess of the salary of the Governor, to have or acquire any such contract or direct pecuniary interest therein.

(c) Combined interests. It is unlawful for any firm, partnership, association, or corporation, in which any person listed in subsection (a) together with his or her spouse or minor children is entitled to receive (i) more than 15%, in the aggregate, of the total distributable income or (ii) an amount in excess of 2 times the salary of the Governor, to have or acquire any such contract or direct pecuniary interest therein.

(d) Securities. Nothing in this Section invalidates the provisions of any bond or other security previously offered or to be offered for sale or sold by or for the State of Illinois.

(e) Prior interests. This Section does not affect the validity of any contract made between the State and an officer or employee of the State or member of the General Assembly, his or her spouse, minor child or any combination of those persons if that contract was in existence before his or her election or employment as an officer, member, or employee. The contract is voidable, however, if it cannot be completed within 365 days after the officer, member, or employee takes office or is employed.

(f) Exceptions.

(1) Public aid payments. This Section does not apply to payments made for a public aid recipient.

(2) Teaching. This Section does not apply to a contract for personal services as a teacher or school administrator between a member of the General Assembly or his or her spouse, or a State officer or employee or his or her spouse, and any school district, public community college district, the University of Illinois, Southern Illinois University, Illinois State University, Eastern Illinois University, Northern Illinois University, Western Illinois University, Chicago State University, Governor State University, or Northeastern Illinois University.

(3) Ministerial duties. This Section does not apply to a contract for personal services of a wholly ministerial character, including but not limited to services as a laborer, clerk, typist, stenographer, page, bookkeeper, receptionist, or telephone switchboard operator, made by a spouse or minor child of an elective or appointive State officer or employee or of a

member of the General Assembly.

(4) Child and family services. This Section does not apply to payments made to a member of the General Assembly, a State officer or employee, his or her spouse or minor child acting as a foster parent, homemaker, advocate, or volunteer for or in behalf of a child or family served by the Department of Children and Family Services.

(5) Licensed professionals. Contracts with licensed professionals, provided they are competitively bid or part of a reimbursement program for specific, customary goods and services through the Department of Children and Family Services, the Department of Human Services, the Department of Public Aid, the Department of Public Health, or the Department on Aging.

(g) Penalty. A person convicted of a violation of this Section is guilty of a business offense and shall be fined not less than \$1,000 nor more than \$5,000.

(Source: P.A. 90-572, eff. 2-6-98.)".

AMENDMENT NO. 3 TO SENATE BILL 877

AMENDMENT NO. 3. Amend Senate Bill 877, AS AMENDED, by replacing the title with the following:

"AN ACT to amend the Illinois Procurement Code by adding Section 53-30."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Procurement Code is amended by adding Section 53-30 as follows:

(30 ILCS 500/53-30 new)

Sec. 53-30. Illinois State Toll Highway Authority. The Illinois State Toll Highway Authority may enter into contracts, leases, licenses, or agreements for a term not to exceed 25 years that relate to the grant of concessions or the leasing of any part of a toll highway for motor fuel service stations and facilities, garages, stores, or restaurants. Nothing in this Section shall be construed to apply to properties in which the Illinois State Toll Highway Authority is the lessee.

Section 99. Effective date. This Act takes effect upon becoming law."

Under the rules, the foregoing Senate Bill No. 877, with House Amendments numbered 1 and 3, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of the following joint resolution, to-wit:

SENATE JOINT RESOLUTION NO. 45

Together with the attached amendment thereto, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE JOINT RESOLUTION NO. 45

Passed by the House, December 1, 1999.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT TO SENATE JOINT RESOLUTION 45

AMENDMENT NO. 1. Amend Senate Joint Resolution 45 on page 2, below line 27, by inserting the following:

"(d-5) The members of the Illinois Growth Task Force appointed

pursuant to House Joint Resolution 10 shall serve as the members of the Illinois Growth Task Force created by this Senate Joint Resolution 45;".

Under the rules, the foregoing Senate Joint Resolution No. 45, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

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

SENATE BILL NO 1020

A bill for AN ACT to amend the Illinois Pension Code by changing Sections 18-125 and 18-133.

Passed the House, December 1, 1999.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of the following joint resolution, to-wit:

SENATE JOINT RESOLUTION NO. 41

Concurred in by the House, December 1, 1999.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has acceded to the request of the Senate for a First Committee of Conference to consider the differences between the two Houses in regard to Senate Amendments numbered 2, 3 and 5 to a bill of the following title, to-wit:

HOUSE BILL NO. 2773

A bill for AN ACT to amend the Illinois Public Aid Code by changing Section 1-3.

I am further directed to inform the Senate that the Speaker of the House has appointed as such committee on the part of the House: Representatives Joseph Lyons, Currie, Hamos.

Action taken by the House, December 1, 1999.

ANTHONY D. ROSSI, Clerk of the House

JOINT ACTION MOTIONS FILED

The following Joint Action Motion to the Senate Bill listed below has been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in House Amendments 1 & 3 to Senate Bill 877

The following Joint Action Motion to the Senate Resolution listed

below has been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in H.A. 1 to Senate Joint Resolution 45

REPORTS FROM RULES COMMITTEE

Senator Weaver, Chairperson of the Committee on Rules, during its December 1, 1999 meeting, reported the following Joint Action Motion has been assigned to the indicated Standing Committee of the Senate:

State Government Operations: Motion to concur with House Amendments 1 and 3 to Senate Bill No. 877.

Senator Weaver, Chairperson of the Committee on Rules, reported that the following Joint Action Motion has been approved for consideration:

Motion to concur with H.A. 1 to Senate Joint Resolution 45.

The foregoing concurrence was placed on the Secretary's Desk.

At the hour of 2:57 o'clock p.m., the Chair announced that the Senate stand adjourned until Thursday, December 2, 1999 at 9:00 o'clock a.m.