

STATE OF ILLINOIS
86th GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

52nd Legislative Day

June 22, 1989

PRESIDENT ROCK:

The hour of ten having arrived, the Senate will please come to order. Will the Members be at their desks, and will our guests in the gallery please rise. Prayer this morning by Pastor Bob Hanson, Greenview United Church, Greenview, Illinois. Reverend.
THE REVEREND ROBERT HANSON:

(Prayer given by the Reverend Robert Hansen)

PRESIDENT ROCK:

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

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I move that reading and approval of the Journals of Thursday, June 15th; Friday, June 16th; Monday, June 19th; Tuesday, June the 20th, and Wednesday, June the 21st in the year 1989 be postponed, pending arrival of the printed Journals.

PRESIDENT ROCK:

All right. You've heard the motion as placed by Senator Hall. 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. Resolutions, Madam Secretary.

SECRETARY HAWKER:

Senate Resolution 449 offered by Senator Holmberg.

Senate Resolution 450 offered by Senator Holmberg.

Senate Resolution 451 offered by Senator Holmberg.

Senate Resolution 452 offered by Senator Fawell.

Senate Resolution 453 offered by Senator Macdonald, Senator Philip and all Members.

Senate Resolution 454 offered by Senator Severns.

Senate Resolution 455 offered by Senator Watson.

Senate Resolution 456 offered by Senator Brookins.

Senate Resolution 457 offered by Senator Brookins.

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Senate Resolution 458 offered by Senator Topinka.

Senate Resolution 459 offered by Senator Berman.

They're all congratulatory.

PRESIDENT ROCK:

Consent Calendar.

SECRETARY HAWKER:

Senate Resolution 460 offered by Senators Welch and J.E. Joyce.

It is substantive.

Senate Joint...

PRESIDENT ROCK:

Executive.

SECRETARY HAWKER:

Senate Joint Resolution 82.

It is also substantive.

PRESIDENT ROCK:

Executive.

SECRETARY HAWKER:

Senate Joint Resolution 81 offered by Senator Woodyard.

And it is -- pardon me. It is 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 adopted the following joint resolution in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Joint Resolution 38.

It is substantive.

PRESIDENT ROCK:

Executive.

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SECRETARY HAWKER:

I have a like message on House Joint Resolution 55.
And it is also substantive.

PRESIDENT ROCK:

Executive.

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 Bill 95 with House Amendments -- House Amendment 1.

I have like messages on Senate Bill 129 with House Amendments 1 and 3.

Senate Bill 394 with House Amendment 2.

Senate Bill 573 with House Amendment 1.

Senate Bill 912 with House Amendments 1 and 2.

Senate Bill 956 with House Amendment 2.

Senate Bill 1070 with House Amendment 1.

Senate Bill 1097 with House Amendment 1.

Senate Bill 1179 with House Amendment 1.

Senate Bill 1181 with House Amendment 1.

Senate Bill 1182 with House Amendment 1.

Senate Bill 1198 with House Amendment 1.

Senate Bill 1302 with House Amendment 1.

Senate Bill 1424 with House Amendments 1 and 2.

Senate Bill 1450 with House Amendment 1.

Those bills passed the House on June 20, 1989.

I have a like Message on Senate Bill -- Senate Bills 112 with House Amendment 1.

Senate Bill 136 with House Amendment 1.

Senate Bill 253 with House Amendment 1.

Senate Bill 265 with House Amendment 1.

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Senate Bill 369 with House Amendment 1.
Senate Bill 307 with House Amendments 1 and 2.
Senate Bill 344 with House Amendment 1.
Senate Bill 376 with House Amendment 1.
Senate Bill 472 with House Amendment 1.
Senate Bill 494 with House Amendment 1.
Senate Bill 500 with House Amendments 2 and 3.
Senate Bill 629 with House Amendment 3.
Senate Bill 633 with House Amendments 1 and 2.
Senate Bill 635 with House Amendments 1 and 2.
Senate Bill 692 with House Amendment 1.
Senate Bill 707 with House Amendment 1.
Senate Bill 751 with House Amendment 1.
Senate Bill 787 with House Amendment 1.
Senate Bill 855 with House Amendment 1.
Senate Bill 929 with House Amendment 1.
Senate Bill 952 with House Amendments 2 and 3.
Senate Bill 1043 with House Amendments 1 and 2.
Senate Bill 1044 with House Amendment 2.
Senate Bill 1072 with House Amendment 1.
Senate Bill 1197 with House Amendment 1.
Senate Bill 1289 with House Amendments 1, 3 and 4.
Senate Bill 1311 with House Amendment 1.
Senate Bill 1324 with House Amendment 1.
Senate Bill 1339 with House Amendment 1.
Senate Bill 1354 with House Amendment 1.
Senate Bill 1380 with House Amendment 1.
Senate Bill 1388 with House Amendment 1.

And Senate Bill 1424 -- 28 with House Amendments 1, 2 and 3.

They passed the House June 21, 1989. Filed by John F.

O'Brien, Clerk of the House.

PRESIDENT ROCK:

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...(machine cutoff) All right. Ladies and Gentlemen, we will begin on the Order of Recalls, and then on Page 21, there are a number of bills on House Bills 2nd Reading, and then we will begin again on House Bills 3rd Reading, beginning at Page 14, where we left off yesterday with Senator Topinka. All right. On the Order of House Bills 3rd Reading, Madam Secretary, is House Bill 40. Senator Netsch seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 40. Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Having voted on the prevailing side, I would move to Table Amendment No. 1 to House Bill 40, and I would be happy, briefly to explain what this is about. Senator Rigney and I have discussed this. This is the sales tax reform cleanup bill. We are - to be very honest about it - we are concerned that if the bill goes back to the House that the House has already, for two years in a row, killed this cleanup bill, and we think that it might happen again, or at least that it might be in danger. It is extremely important that it pass. Almost everything that is in House Bill 40 is the way we wanted it in the Senate as well. This amendment is not critical. It's a clarification of the platemaking process, and the Department of Revenue says that they can manage to accommodate to it in their rules and regulations. So I've discussed this with Senator Rigney, who is a co-sponsor of our original bill, which has already been defeated once in the -- the House. We think that it is so important that -- that this cleanup bill get to the Governor that we would like to take this amendment off so that we can pass it clean. That is why I'm moving to Table it.

PRESIDENT ROCK:

All right. Senator Netsch, having voted on the prevailing

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side, is moving to reconsider the vote by which Amendment No. 1 to House Bill 40 was adopted. Those in favor of the Motion to Reconsider, indicate by saying Aye. All opposed. The Ayes have it. The vote's reconsidered. Senator Netsch now moves to Table Amendment No. 1 to House Bill 40. All in favor of the Motion to Table, indicate by saying Aye. All opposed. The Ayes have it. Amendment No. 1 is Tabled. Are their further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 43. Senator Topinka. 90. Senator Marovitz. Senator Welch, on 183. Senator D'Arco, on 227. All right. On the Order of House Bills 3rd Reading, middle of Page 6. Senator D'Arco seeks leave of the Body to return House Bill 227 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 227, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 4 offered by Senator D'Arco.

PRESIDING OFFICER: (SENATOR LUFT)

Senator D'Arco, on Amendment No. 4.

SENATOR D'ARCO:

Thank you. Mr. President, Amendment No. 4 provides that the supervisors of assessment, beginning a term of office before December 1, shall be compensated at base pay plus three percent, and I would move for its adoption.

PRESIDENT ROCK:

All right. Senator D'Arco has moved the adoption of Amendment No. 4 to House Bill 227. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Are there further amendments?

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No further amendments.

PRESIDENT ROCK:

3rd Reading. Senator Berman. 2-5-7. On the Order of House Bills 3rd Reading is House Bill 257. Senator Berman seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 257, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Berman.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. This is the amendment requested by the Department of Professional -- Regulation. It affects the Landscape Architecture's Act and it is - incorporates the standard provisions on administrative hearings. Delays the effective date from January 1, 1990, to September 1, 1990. I know of no objections. I move the adoption.

PRESIDENT ROCK:

Senator Berman has moved the adoption of Amendment No. 2 to House Bill 257. 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. 365. Senator Joyce. On the Order of House Bills 3rd Reading is House Bill 365. Middle of Page 7. Senator Joyce seeks leave of the Body to return that bill to the Order of 2nd Reading for the purpose of Tabling an amendment. Leave is granted. On the Order of House Bills 2nd Reading, House Bill 365.

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Senator Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. President. I would move to Table Amendment No. 1. And then I believe Senator Maitland would move to Table Amendment No. 2.

PRESIDENT ROCK:

No. 2? All right. Senator Joyce, having voted on the prevailing side, is moving to reconsider the vote by which Amendment No. 1 to House Bill 365 was adopted. Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

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

PRESIDENT ROCK:

He indicates he will yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

Senator Joyce, I believe your amendment was -- No. 1 was the one that provided for two-thirds vote of county boards in Lake, Will and Kane, before the issued resolution of condemnation of property. Am I correct?

PRESIDENT ROCK:

Senator Joyce.

SENATOR J.J. JOYCE:

Yes.

PRESIDENT ROCK:

Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, I would -- I'd like to ask you to keep that amendment on, because I think it's a necessary thing in those three counties. 'Cause there have been arrogant abuses and misuses of authority by the county board in those three counties, and you've received complaints from Will County, and I've received complaints from Will County, and you represent part of Will County. And I --

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and I received plenty of complaints from Kane and Lake County.

PRESIDENT ROCK:

Further discussion? All right. Senator Joyce, having voted on the prevailing side, is moving to reconsider the vote by which Amendment No. 1 to House Bill 365 was adopted. All in favor of the Motion to Reconsider, indicate by saying Aye. All opposed. The Ayes have it. The motions carries. Senator Joyce now moves to Table Amendment No. 1. All in favor, indicate by saying Aye. All opposed. The Ayes have it. Amendment No. 1 is Tabled. Further amendments? I understand -- all right. Senator Joyce, on Amendment No. 2.

SENATOR J.J. JOYCE:

Yes. That's Senator Maitland's amendment. I would move to Table that amendment, because it no longer tracks, and then I will offer an amendment to deal with that in a minute.

PRESIDENT ROCK:

All right. Senator Joyce, having voted on the prevailing side, is moving to reconsider the vote by which Amendment No. 2 to House Bill 365 was adopted. All in favor of the Motion to Reconsider, indicate by saying Aye. All opposed. The Ayes have it. The vote is reconsidered. Senator Joyce now moves to Table Amendment No. 2 to House Bill 365. All in favor of the Motion to Table, indicate by saying Aye. All opposed. The Ayes have it. Amendment No. 2 is Tabled. Further amendments?

SECRETARY HAWKER:

Amendment No. 3 offered by Senator J.J. Joyce.

PRESIDENT ROCK:

Senator Joyce, on Amendment No. 3.

SENATOR J.J. JOYCE:

Thank you, Mr. President. This applies to any forest preserve district located entirely within -- it's Champaign County that gives the district authority to issue bonds under Section 13. I'd

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move for its adoption.

PRESIDENT ROCK:

Senator Joyce has moved the adoption for Amendment No. -- Amendment No. 3 to House Bill 365. 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. 470. Senator Barkhausen seeks leave of the Body to return House -- House Bill 470 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 470. Madam Secretary.

SECRETARY HAWKER:

Amendment No. 4 offer by Senator Barkhausen.

PRESIDENT ROCK:

Senator Barkhausen, on Amendment No. 4.

SENATOR BARKHAUSEN:

Mr. President and Members, this is the Uniform Premarital Agreement Act, which is endorsed by the bar associations. We made one significant change at their suggestion, and I'd be happy to answer any questions, and would otherwise ask for adoption.

PRESIDENT ROCK:

Senator Barkhausen's moved the adoption of Amendment No. 4 to House Bill 470. Discussion? Senator Marovitz.

SENATOR MAROVITZ:

Senator Barkhausen, is this the amendment and the bill that we've -- we've heard in this Chamber many, many times and defeated each time -- or similar to?

PRESIDENT ROCK:

Senator Barkhausen.

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SENATOR BARKHAUSEN:

I think, Senator, the only hearing we had, which was through no fault of yours or our committee's, which was very brief - came at the end of our Judiciary Committee meeting - and as I say, it was very brief and in spite of the endorsement of the Bar Association, it didn't really have much of a hearing. It did have a 5 to 5 vote.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

I apologize, but can you just give me a brief description of how this changes common law? I know part of it codifies common law, but in addition to that, in terms of disclosure of assets and those kinds of things, can you briefly describe what -- what this does to a premarital agreement?

PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

My understanding, and the reason for the interest in this, including on the part of the Bar Associations, is that -- is that common law is -- is pretty unpredictable in this area, and that premarital agreements are -- are more and more common, and yet the enforcement of them is unpredictable. I think with the trends that we see in society with an increasing number of second marriages, particularly those...

PRESIDENT ROCK:

All right. Senator Barkhausen, the white flag has been raised. Senator Barkhausen moves the adoption of Amendment No. 4 to House Bill 470. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

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No further amendments.

PRESIDENT ROCK:

3rd Reading. Senator Hudson, for what purpose do you arise, sir?

SENATOR HUDSON:

Point of personal privilege.

PRESIDENT ROCK:

State your point -- state your point, please.

SENATOR HUDSON:

In the gallery, to my -- behind me and to my far left, we having Winnie Dollear from Clarendon Hills and her son, Steve, who are with us today to watch us in action.

PRESIDENT ROCK:

Will our guests please stand and be recognized. Welcome to Springfield. Senator Marovitz, on 489. 714. Senator Fawell. Senator Fawell seeks leave of the Body to return House Bill 714 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 714, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Fawell.

PRESIDENT ROCK:

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This is an amendment that was give to me by a former speaker on the other side of the aisle. Basically what it does is, it's for property that was originally a public school. It has been acquired by a photographic school, and it has been listed as a non-for-profit organization by the Federal Income Tax, and this would allow that property to be continued to be taken off the tax rolls as a non-for-profit school.

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Senator Fawell has moved the adoption of Amendment No. 2 to House Bill 714. 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. 745. Senator Smith. Senator Smith seeks leave of the Body to return House Bill 745 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 745, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Luft.

PRESIDENT ROCK:

Senator Luft, on Amendment No. 1.

SENATOR LUFT:

Thank you, Mr. President. Amendment No. 1 is similar to Senate Bill 877 that failed in the Senate. I have rearranged it a little bit. Basically it's offered by the Illinois Hospital Association. It deals with the ICARE Program in five regions, and devises a special and different way of funding hospitals under the ICARE Program. I'd try to answer any questions. Otherwise, I'd move for the adoption of Amendment No. 1 to House Bill 745.

PRESIDENT ROCK:

Senator Luft has moved the adoption of Amendment No. 1 to House Bill 745. 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 Smith.

PRESIDENT ROCK:

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

SENATOR DeANGELIS:

I think it's my amendment.

SECRETARY HAWKER:

Pardon me. Amendment No. 2 should be offered by Senator DeAngelis.

PRESIDENT ROCK:

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Amendment No. 2 basically requires that with the ICARE Program, that certain information be sent back to the General Assembly. It also provides for two-year contracts with automatic escalators in the second year. I'd be happy to answer any questions.

PRESIDENT ROCK:

Senator DeAngelis has moved the adoption of Amendment No. 2 to House Bill 745. 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. 3 offered by Senator Smith.

PRESIDENT ROCK:

Senator Smith, on Amendment No. 3.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen. Amendment No. 3 merely deletes the Section of the Act which exempts children's hospitals from the ICARE Hospital Contracting Program. And since this provision is being negotiated in relation to Senate Bill 150, this apportionate share bill, this provision is unnecessary in this bill. I would...

PRESIDENT ROCK:

Senator Smith has moved the adoption of Amendment No. 3 to

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House Bill 745. 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. 788. Senator Jones seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 788. Madam Secretary.

SECRETARY HAWKER:

Amendment No. 6 <sic> (7) offered by Senator Jones.

PRESIDENT ROCK:

Senator Jones on Amendment No. 6 <sic> (7).

SENATOR JONES:

Yeah, thank you, Mr. President and Members of the Senate. Amendment No. -- Amendment No. 6 <sic> (7) eliminate the requirement that appraisers obtain a brokers and sales persons license in the Real Estate License Practice Act, and also provides for the voluntary certification of appraisers, clarified the language in the bill concerning the mandatory discipline and -- discrimination in the provisions of real estate services as relate to affordable housing and of the administering of the affordable housing program. This is a request from the Office of the Governor. And other technical parts of the bill was cleaned up and I move its adoption.

PRESIDENT ROCK:

Senator Jones has moved the adoption of Amendment No. 6 <sic> (7) to House Bill 788. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

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Amendment No. 7 <sic> (8) offered by Senator Luft.

PRESIDENT ROCK:

Senator Luft, on Amendment No. 7 <sic>.

SENATOR LUFT:

Thank you, Mr. President. Amendment No. 7 <sic> adds moderate income households as eligible for certain programs under the programs stated in House Bill 788. We create a housing development credits program to encourage investment in affordable housing, if funding is available. We provide for a senior congregate housing demo project, a homeless veterans demo project and a rural housing -- project. And we provide that the program administrator and DCCA develop a plan to use tax increment financing from commercial industrial developments for the affordable housing. That is only a plan; it's not a change in any of the TIF systems. I'd attempt to answer any questions. If not, I move for the adoption of Amendment No. 7 <sic> to House Bill --

PRESIDENT ROCK:

Senator Luft has moved the adoption of Amendment No. 7 <sic> (8) to House Bill 788. Discussion? Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. I don't have a question on Senate Amendment No. 1 -- I mean 7 <sic>. I'm questioning -- was -- Amendment No. 3 Tabled?

PRESIDENT ROCK:

Madam Secretary.

SECRETARY HAWKER:

No, it was not.

SENATOR KARPIEL:

Thank you.

PRESIDENT ROCK:

Senator Luft's moved the adoption of Amendment No. 7 <sic> (8) to House Bill 788. All in favor, indicate by saying Aye. All

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opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 8 <sic> (9) offered by Senators Barkhausen and Welch.

PRESIDENT ROCK:

Senator Barkhausen. Senator Welch.

SENATOR WELCH:

Mr. President, I'm going to handle that amendment, I believe, but first I have a motion I would like to -- having voted on the prevailing side, move to Table Amendment No. 3 to House Bill 788, and the purpose for that is so this money for the Open Space Land Acquisition Development will then track. I tried this motion yesterday, was held up because Senator Schaffer was off the Floor. We gave him plenty of time.

PRESIDENT ROCK:

All right. Senator Welch is moving to Table -- moving to reconsider the vote by which Floor Amendment No. 3 to House Bill 788 was adopted. Discussion? Senator Karpiel.

SENATOR KARPIEL:

Well, I stand in opposition to that motion, and I'd like a roll call vote on Tabling of Amendment No. 3. Unfortunately again, our amendment maker is not on the Floor, but I do know that he doesn't want his amendment removed from this bill.

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Well, just in closing, let me say that -- I was the only Democrat to vote for that amendment, and after reading it over and reconsidering it, I -- I don't think it's a good idea. What it's going to do is keep small amounts of money to be subject to County Board approval for spending and basically -- several different

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programs of their own choosing and -- and it basically thwarts the intent of the rest of the bill, which is to give money to the Open Space and to affordable housing. So I think the amendment should be taken off. The amendment to be offered by Senator Barkhausen is a much better amendment, and I think it cleans up the bill. I would move for the reconsideration of Amendment No. 3.

PRESIDENT ROCK:

All right. Senator Welch has moved to reconsider the vote by which Amendment No. 3 to House Bill 788 was adopted. Those in favor of the motion to reconsider will vote Aye -- I'm sorry. He was -- the gentleman was closing. Senator Karpel has spoken against it, requested a roll call, and the gentleman was closing. Those in favor of the motion to reconsider 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? Take the record. On that question, there are 33 voting Aye, 26 voting Nay, none voting Present. The vote is now reconsidered. Senator Welch now moves to Table Amendment No. 3. Senator Schaffer, discussion on the Motion to Table?

SENATOR SCHAFFER:

Well, actually the -- the problem with this is that with this bill with this amendment off, those of us in downstate Illinois are probably going to get nothing from this program. What the amendment did, was, in effect, break the program off and say that your title transfer of revenue would be spent in your county, either on affordable housing or -- for Open Space. Now some areas are interested in Open Space, some are interested in affordable housing, most probably would have a mix. The bottom line is, I don't think there is anybody in here that doesn't understand that if this bill goes back to its original form, that the vast majority of this money, the overwhelming vast majority of this money, is going to be spent in two or three places in this State

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that doesn't include downstate Illinois. It's totally unfair. If the money is raised locally, it ought to stay locally. I'm an Open Space advocate. I understand where Senator Barkhausen is coming from. But he will -- this -- repealing this amendment and following with Senator Barkhausen's amendment will negatively impact on every downstate county in terms of either affordable housing or Open Space. If you want your share of the money from this new revenue source downstate, you've got to oppose taking this amendment off.

PRESIDENT ROCK:

All right. Senator Schaffer -- I mean Senator Welch has moved to Table Amendment No. 3 to House Bill 788. All in favor of the motion to Table, indicate by saying Aye. All opposed. The Ayes have it. Amendment No. 3 is Tabled. Further amendments?

SECRETARY HAWKER:

Amendment No. 9 offered by -- pardon me -- Amendment No. 8 <sic> (9) offered by Senators Barkhausen and Welch.

PRESIDENT ROCK:

Senator Barkhausen. I'm sorry. You want a roll call on the Motion to Table? The same roll call won't suffice. Those in favor of the Motion to Table indicate by voting Aye, opposed vote Nay, and the voting is open. I thought it was a good idea. Those in favor of the Motion to Table will indicate by voting Aye, opposed will vote Nay, and the voting is open. Have all voted who wish? Take the record. On that question, there are 31 Ayes, 27 Nays, Motion to Table prevails and Amendment No. 3 is Tabled. Are there further amendments?

SECRETARY HAWKER:

Amendment No. 8 <sic> (9) offered by Senators Barkhausen and Welch.

PRESIDENT ROCK:

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Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, Amendment No. 8 <sic> (9), I think, is designed to achieve basically the same objective as Senator Schaffer's earlier amendment. It provides a -- stepped-up phase-in, if you will, for the existing Real Estate Transfer Tax revenue that was provided in the original bill. So that the money that was going to be earmarked for this purpose over a five-year period, would -- that would instead be accomplished in two years. I would emphasize for those interested in Open Space on -- on -- in the OSLAD program on both sides of the aisle, that the amount of money devoted to this purpose after a two-year period will be exactly the same as that which is devoted to the affordable housing program. Senator Welch and I will be glad to answer any questions and otherwise...

PRESIDENT ROCK:

Senator Barkhausen has moved the adoption of Amendment No. 8 <sic> (9) to House Bill 788. 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. 9 <sic> (10) offered by Senator Jones.

PRESIDENT ROCK:

Senator Jones, on Amendment No. 9 <sic>.

SENATOR JONES:

Thank you, Mr. President and Members of the Senate. Amendment No. 9 <sic> is really a technical amendment to clear up duplicative language in the bill, and I move its adoption.

PRESIDENT ROCK:

Senator Jones has moved the adoption of Amendment No. 9 <sic> (10) to House Bill 788. Discussion? If not, all in favor indicate by saying Aye. All opposed. The Ayes have it. The

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amendment's adopted. Further amendments? Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 1359. Middle of Page 11. Senator Rea seeks leave of the Body to return House Bill 1359 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 1359, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Rea.

PRESIDENT ROCK:

Senator Rea, on Amendment No. 1.

SENATOR REA:

Thank you, Mr. President. This amendment requires a written receipt for the purchase of rebuilt motor vehicle parts, stating the date of the purchase and the speedometer reading of the motor vehicle in which a part is to be installed. I'd like to place this amendment on the bill and get it into conference committee because, there's still some discussions that are going on with the various groups as to perhaps some type of an agreed change that might come about. I would move for its adoption.

PRESIDENT ROCK:

Senator Rea has moved the adoption of Amendment No. 1 to House Bill 1359. 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. 1463. Senator Barkhausen seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes

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of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 1463, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 4 offered by Senator Barkhausen.

PRESIDENT ROCK:

Senator Barkhausen, on Amendment No. 4.

SENATOR BARKHAUSEN:

Mr. President and Members, this is a recommendation of the Cook County State's Attorney. It would raise, from a Class 2 to a Class 1 felony, the aggravated battery of a child under thirteen years of age, and make a Class X felony a repeat violation of this crime. It makes the penalty similar for this heinous crime as for use of a firearm in the commission of aggravated battery. And I would move its adoption.

PRESIDENT ROCK:

Senator Barkhausen has moved the adoption of Amendment No. 4 to House Bill 1463. 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. 1571. Senator Kelly seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 1571, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senators Kelly and Schaffer.

PRESIDENT ROCK:

...(machine cutoff)...Senator Kelly.

SENATOR KELLY:

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Thank you, Mr. President, Members of the Senate. This amendment would change the current concept in 1571, which is a part of the package for Mental Health. The bill in its present form contains the recommendations of the House Special Committee on Patient Care. Amendment No. 2 has been agreed to by the Senate and House sponsors, and also by the Department of Mental Health and Developmental Disabilities. It deletes the five-hundred-dollar penalty for violations of patient rights, clarifies the pregnancy testing provision, modifies the pre-service staff training, and clarifies access to abuse records by Guardianship and Advocacy Commission and protection and advocacy agency. Unfortunately, the bill is headed to a conference committee, not because of this amendment, which is agreed, but because of the next amendment. And I solicit your support, as does Senator Schaffer.

PRESIDENT ROCK:

Senator Kelly has moved the adoption of Amendment No. 4 <sic> (2) to House Bill 1571. 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. 5 <sic> (3) offered by Senators Kelly, Schaffer and Daley.

PRESIDENT ROCK:

Senator Kelly on Amendment No. 5 <sic> (3).

SENATOR KELLY:

Thank you, Mr. President. Amendment No. 3. This is the one that is opposed by the House sponsors. They want to leave the Inspector General, take it out of the Department of Mental Health, where it is in place presently. We -- we discussed this issue at great length, and Senator Schaffer and, I hope, Senator Daley. I know that Senator Schaffer and I had met with the -- with the

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House sponsors and with the respective staffs and the Departments, and they -- we feel that it should be left in and would just -- it's just initiated last year in an agreement. We think it ought to have a little bit longer time. It also -- by being in there, we would have it under the appointment of the Governor, with the advice and consent of the Senate in confirming. So I would move the adoption of this amendment.

PRESIDENT ROCK:

Senator Kelly has moved the adoption of Amendment No. 5 <sic> (3) to House Bill 1571. 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. Ladies and Gentlemen, if I can have your attention. We have a very special guest, and the Chair will yield to Senator Frank Watson.

SENATOR WATSON:

Thank you, Mr. President. Appreciate you and the Membership in giving us the opportunity to introduce our special guest, and we certainly do have one here today. Dawn Spacuzzo is a constituent of mine. She's from Collinsville, and she is "Miss Illinois", and has been "Miss Illinois" since July 1st of this past year, and her reign will end July, 1st in just a few short weeks. And she has been an ambassador for Illinois - not only throughout this country, but throughout the world. She's been on many trips and done an outstanding job in representing our State, not only at the Miss America Pageant, but all over this world and this country. So I'd like to introduce Dawn at this time, have her say a few words to us, and we also have a resolution that we have adopted, which we will present here today to her, in honor of

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her being with us. So Dawn Spacuzzo from Collinsville, "Miss Illinois".

DAWN SPACUZZO:

(Remarks by Dawn Spacuzzo)

SENATOR WATSON:

Well, Dawn, you can bet I will. Well, we're glad to have you here and appreciate you taking the time to be with us. Thank you very much. Thank you, Mr. President and Members.

PRESIDENT ROCK:

Senator Maitland. 1686. On the Order of House Bills 3rd Reading is House Bill 1686. Senator Maitland seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 1686, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Maitland.

PRESIDENT ROCK:

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. Amendment No. 2 to House Bill 1686 is the amendment that we talked about in -- in committee. It is the result of an agreement between IDNS, Commonwealth Edison, Chem Nuclear and others. I would be happy to go into details of the amendment. It is quite lengthy. I -- I know of no opposition, so unless there are questions, I would move for the adoption.

PRESIDENT ROCK:

Senator Maitland has moved the adoption of Amendment No. 2 to House Bill 1686. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

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SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Senator Marovitz, on 1737. Senator Marovitz seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 1737, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Marovitz.

PRESIDENT ROCK:

Senator Marovitz, on Amendment No. 1.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. Amendment No. 1 is a result of an agreement between the forest preserves and the trial lawyers. It states that a local public entity shall be immune from liability regarding property for which it grants lease, license or easement, only -- only if it's a beneficiary of liability insurance obtained by the licensee or lessee which is reasonably and fairly sufficient. I want to make it very clear that nothing in this amendment - this is legislative intent - nothing in this amendment is deemed or intended to relieve any utility company from liability as a result of a lease, license or easement from a public entity.

PRESIDENT ROCK:

Senator Marovitz has moved the adoption of Amendment No. 1 to House Bill 1737. 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. 1754. Senator Marovitz seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 1754, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 3 offered by Senator Marovitz.

PRESIDENT ROCK:

Senator Marovitz, on Amendment No. 3.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. Amendment No. 3 removes a provision of the bill that was opposed by the bar associations and the condominium associations - that if the association does not provide a required information to a new owner within fifteen days of a formal request, any lien of the association is extinguished. That provision is removed from the bill, and I ask for adoption of Amendment No. 1.

PRESIDENT ROCK:

All right. Discussion on Amendment No. 3? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. A point of personal privilege.

PRESIDENT ROCK:

State your point.

SENATOR PHILIP:

In the President's Gallery there are twenty-one children from the Discovery Depot Day Care - ages four to school age. I wish they'd please rise and be recognized by the Senate.

PRESIDENT ROCK:

Will our guests please rise and be recognized. Welcome to Springfield. All right. Senator Marovitz has moved the adoption of Amendment No. 3 to House Bill 1754. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it.

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The amendment's adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 1881. Senator Berman seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 1881, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Berman.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

Thank you. This is similar to the bill that we passed out of here dealing with the rights of children to inherit under wills drawn before 1955. The amendment will allow prospective - not retroactive - liability for fiduciaries under the provisions of this bill. It also incorporates the notice requirements that we incorporated in the Senate bill. I move the adoption of Amendment No. 2.

PRESIDENT ROCK:

Senator Berman's moved the adoption of Amendment No. 2 to House Bill 1881. 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. 1966. Senator Woodyard seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 1966, Madam Secretary.

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SECRETARY HAWKER:

Amendment No. 1 offered by Senator Woodyard.

PRESIDENT ROCK:

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President, Members of the Senate. This amendment was suggested by the Illinois Retail Merchants Association to clarify the Statutes under the Consumer Fraud Act relating to rescissions of -- or rescission of sales that are on a door-to-door basis, and evidently a recent court case promulgated the need for this amendment. Thank you very much.

PRESIDENT ROCK:

Senator Woodyard's moved the adoption of Amendment No. 1 to House Bill 1966. 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. If I can have your attention, WAND-TV News has requested permission to shoot some film up in the gallery. Without objection, leave is granted. 2025. Senator Joyce seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 2025, Madam Secretary.

SECRETARY HAWKER:

Amendment 2 offered by Senator J.J. Joyce.

PRESIDENT ROCK:

Senator Joyce, on Amendment No. 2.

SENATOR J.J. JOYCE:

Thank you, Mr. President. This -- this deals with a problem

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that we've -- we've been wrestling with for some time, and that is the referendum when there's a landfill going to be annexed by a municipality. This takes away the -- the Municipal League's objections, and what it says that if fifty percent of the waste is going to be generated within twenty-five miles of the proposed site, they can go ahead and site it; otherwise there would be a referendum.

PRESIDENT ROCK:

Senator Joyce has moved the adoption of Amendment No. 2 to House Bill 2025. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. On this amendment? Senator Jones.

SENATOR JONES:

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

PRESIDENT ROCK:

Indicates he'll yield.

SENATOR JONES:

This amendment, Senator Joyce, what does it do?

PRESIDENT ROCK:

Senator Joyce.

SENATOR J.J. JOYCE:

Well, I just explained it. It says that a municipality can annex a site and have a landfill within twenty-five miles. No. If -- if the waste is coming from more than twenty-five miles, they have to have a referendum. If more than fifty percent. It -- it allows a referendum.

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Then what impact would that have on the City of Chicago as relate to its waste situation? A large -- percentage of that waste goes outside the City to other areas, and what you've

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saying is that they would have to have a referendum?

PRESIDENT ROCK:

Senator Joyce.

SENATOR J.J. JOYCE:

It would let that municipality have a referendum if over fifty percent of the waste came from outside a twenty-five mile area.

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

So therefore, then if -- if the waste is coming - let's say - from the City of, Chicago and -- and that particular landfill -- it would comprise of more than fifty percent, then it would take a referendum by that local unit of government in order for them to accept that waste. Am I correct?

PRESIDENT ROCK:

Senator Joyce.

SENATOR J.J. JOYCE:

It doesn't require that unit of local government to do that. It says they can opt to do it.

PRESIDENT ROCK:

Further discussion? Senator Macdonald.

SENATOR MACDONALD:

Well, I stand in opposition to this particular amendment. We seem to get variations of this referendum amendment over and over and over again. I think it is not clear. Really, I think Senator Jones has aptly described what this does to many parts of the State of Illinois, and I would recommend a rejection of this amendment, and I ask for a roll call.

PRESIDENT ROCK:

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

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

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I also want to echo my opposition to the amendment. This was in a bill form and it was -- never came out of committee, and unfortunately, the cost effect -- the devastating effect it would have for every municipality in this State, is mind-shattering. Unfortunately, it's a problem that has to be addressed by this Assembly in the future as far as proper waste disposal in this State. But it's a fact of life that the garbage - whether it be -- wherever it's generated, has to be disposed of in some location. And what this Gentleman is trying to do is protect his own area, and the people in that area want a referendum. But the facts of life are, we can't - at this time - support an amendment like this, and it should be defeated.

PRESIDENT ROCK:

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I stand in -- in support of this amendment, and I was one of those who originally was violently opposed to -- to this type of action, because of the referendum and because of the usurpation of the local power, but I think that this amendment as it sets now is a good amendment. Number one and number two, you know, you should have some self determination, and I think it's really sort of surprising that we are hearing some conversation from the other side of the aisle that says that this is not good, even though it's self-determination. I stand in strong support of this amendment.

PRESIDENT ROCK:

Further discussion? Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Only to stand in support of Senator Joyce's amendment. I think it's strange that everybody's sitting here thinking that their garbage is going to go somewhere else --

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or their waste, rather, is going to go somewhere else, and they don't need the protection. When, in fact, this offers protection to all of us, and why shouldn't we have that protection? We don't know what the future holds in this, and if anybody really wants to help out Senator Joyce to solve this problem, then let's pass this bill, as amended. Let's put it into a conference committee, and all those people that are eager to work on it, let them work on it. But I think it's extremely important. It's a matter that must be discussed, and I stand in very strong support of Senator Joyce's amendment.

PRESIDENT ROCK:

Any further discussion? Senator Joyce may close.

SENATOR J.J. JOYCE:

Well, thank you, Mr. President. Senator Lechowicz, you couldn't be more wrong. We passed this out of committee, we passed it out of the Senate, and it didn't get out of the House. This is a milder version of what we have passed in the past, and for all of you so-called environmentalists - I'm looking at one - you vote against every bill that will deal with recycling, dealing with waste that is generated. We try and get the -- a bottle bill of sorts through here and you vote against that, and the same people get up and argue that you can't stop the landfills going downstate, because where are we going to put our garbage? Well, folks, we're going to have to deal with where we're going to put our garbage, and we're going to have to start at home, and we're going to have to start dealing with -- with the problems that we're generating in our own household, but you continually vote No on those sorts of things, because you know you can go downstate, and you can go into some community, and you can spread enough money around so that they'll take your garbage. Well, I am getting damn sick and tired of it, and other people are downstate, and when you go into site a landfill, you've got the most volatile

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situation that you could possibly imagine. You put so much pressure on those local people that they get defeated in the next election whether they were for it or not, because they weren't strong enough in their opposition. So I'm telling you -- you're looking for garbage wars, and you had better start passing some of these things, and Senator Macdonald, for you to oppose this, oppose the bottle bill, oppose recycling, oppose everything else, is ridiculous. You know, we're going to have to deal with this and deal with it now. So I'd ask for an Aye vote on this amendment.

PRESIDENT ROCK:

Question is the adoption of Amendment No. 2 to House Bill 2025. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Take the record. On that question, there are 23 voting Aye, 29 Nays, and 1 voting Present. Amendment No. 2 fails. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 2201. Senator D'Arco. Senator D'Arco seeks leave of the Body to return House Bill 2201 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 2201, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Welch.

PRESIDENT ROCK:

Senator Welch, on Amendment No. 1.

SENATOR WELCH:

Yeah. Thank you, Mr. President. I've cleared this amendment

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with Senator D'Arco. What this amendment will do is -- it affects the underlying bill which creates mounds of clean debris and allows berms to be created. In the committee, I raised a question about the height of those berms. This amendment will limit those to fifty feet in height. In addition, it limits the bill to applying only to a not-for-profit corporation and also to those municipalities having a population of more than one million people. So it basically affects Chicago. It's a fifty-foot limit, and it has to be a not-for-profit corporation. I'd be glad to try to answer any questions.

PRESIDENT ROCK:

Senator Welch has moved the adoption of Amendment No. 1 to House Bill 2201. 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. Senator Maitland, on 2310. Senator Maitland seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 2310, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 3 offered by Senator Maitland.

PRESIDENT ROCK:

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. Amendment No. 3 to House Bill 2310 is an amendment that -- that clarifies the preemptive nature of the -- of the bill. There was some concern about some of the language that was preemptive over

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the federal guidelines. This is an agreed-to amendment, and I would move for the adoption.

PRESIDENT ROCK:

Senator Maitland's moved the adoption of Amendment No. 3 to House Bill 2310. 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. 4 offered by Senator Maitland.

PRESIDENT ROCK:

Senator Maitland, on Amendment No. 4.

SENATOR MAITLAND:

Thank you very much, Mr. President. Amendment No. 4 to House Bill 2310 is a reduction in fees that would affect the Allied Company. It is a fifty-thousand-dollar one-time fee, and then a subsequent annual fee of fifteen thousand dollars. This is a reduction in fee, and I would move for the adoption.

PRESIDENT ROCK:

Senator Maitland's moved the adoption of Amendment No. 4 to House Bill 2310. 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. 5 offered by Senator Rea.

PRESIDENT ROCK:

Senator Rea, on Amendment No. 5.

PRESIDENT ROCK:

Withdraw, Madam Secretary. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 2321. Senator Daley. On the Order of House

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Bills 3rd Reading is House Bill 2321. Senator Daley seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 2321, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Daley.

PRESIDENT ROCK:

Senator Daley, on Amendment No. 1.

SENATOR DALEY:

Thank you, Mr. President and Members of the Senate. Amendment No. 1 to House Bill 2321 creates the mechanism for building a new Blackhawks and Bulls indoor stadium, on the parking lot south of the existing stadium. The new building will be a twenty-one thousand seated area, costing a hundred and twenty million. The building and land acquisition costs will be privately financed by the issuance of taxable commercial paper that is not guaranteed, paid for or supported by any governmental entity. The debt is not in any way a debt of the State or any agency of the unit of government. The amendment has three points. Number one, quick-take for part of the land to be used for the stadium and parking lots. The City of Chicago will have the authority to acquire the property and resell it to the stadium venture at its cost. A new property tax classification which sets a twenty percent valuation, establishes a minimum property tax of one million per year, and provides for the tax to increase as the -- the stadium income increases, and it protects the new stadium from being voted dry. The joint venture has also entered into a written agreement with the Midwest Community Council for providing for treatment of the relocated residents. There will be approximately eighty families relocated. The housing will be provided at the expense of the joint venture. A property owner in

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the -- quick-take zone will have the choice of having a comparable replacement structure built for him in the neighborhood, or he will be bought out at a fair market value. A renter in the area will have the choice of getting the standard relocation - currently forty-five hundred - for having a new apartment made available in the neighborhood. No resident will be left without a new housing arrangement already being entered into. I'd be happy to answer questions.

PRESIDENT ROCK:

All right. Senator Daley has moved the adoption of Amendment No. 1 to House Bill 2321. 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 Brookins seeks leave of the Body to return that bill to Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is 2491, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Brookins.

PRESIDENT ROCK:

Senator Brookins, on Amendment No. 1.

SENATOR BROOKINS:

Thank you, Mr. President. Amendment No. 1 creates a pre-apprenticeship training board to assist those persons seeking apprenticeship with the construction trade, but who needs assistance to meet entrance standards. It creates a -- this board will consist of eleven members; one appointed by the Governor and one by the four legislative leader, three by the construction trade unions, two by employees associations of contractors, and

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one by the chancellor of the City of Chicago.

PRESIDENT ROCK:

Senator Brookins has moved the adoption of Amendment No. 1 to House Bill 2491. Discussion? If not, all -- Senator Geo-Karis. 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 Brookins.

PRESIDENT ROCK:

Senator Brookins, on Amendment No. 2.

SENATOR BROOKINS:

Withdraw Amendment No. 2.

PRESIDENT ROCK:

Amendment's withdrawn. Further Amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

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

PRESIDENT ROCK:

State your point, please.

SENATOR GEO-KARIS:

Sitting at the President's Gallery to my right upstairs is Girl Scout Troup Number 34 from Gurnee, Illinois, with Mrs. Bassinger -- Bensinger rather, who is their scout leader, and a few other parents. And I would like you all to welcome our Girl Scout Troop and their friends and supporters from Gurnee, Illinois, Lake County, and...

PRESIDENT ROCK:

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Will our guests in the gallery please rise and be recognized. Welcome to Springfield. If I can have your attention further, WCIA-TV also has requested permission to videotape. Without objection, leave is granted. 2510. Senator Kustra. 2513. Have you got that one, Madam Secretary? Senator D'Arco seeks leave of the Body -- it's the middle of Page 17. Senator D'Arco seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 2513, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator D'Arco.

PRESIDENT ROCK:

Senator D'Arco.

SENATOR D'ARCO:

Thank you. Amendment No. 2 is a technical amendment. It changes Article VII to Article VIII, which is technically correct, and I would move for its adoption.

PRESIDENT ROCK:

Senator D'Arco's moved the adoption of Amendment No. 2 to House Bill 2513. 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. Same Page, same area. 2514. Senator D'Arco seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 2514, Madam Secretary.

SECRETARY HAWKER:

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Amendment No. 1 offered by Senator D'Arco.

PRESIDENT ROCK:

Senator D'Arco.

SENATOR D'ARCO:

Mr. President, Amendment No. 1 and the subsequent amendment, Amendment No. 2, are amendments of the Illinois State Tollway Authority. These are very extensive amendments. I'm not going to tell you that they're not, and my intent is to have the House non-concur in these amendments, and request that a conference committee be appointed, and I would move to adopt Amendment No. 1.

PRESIDENT ROCK:

Senator D'Arco has moved the adoption of Amendment No. 1 to House Bill 2514. Discussion? Senator Schaffer.

SENATOR SCHAFFER:

Well, I don't want to, you know, add to the length of deliberations, but do they repeal the tollway? Did this add a tollway in Southern Illinois? Could we get just a real, kind of brief explanation, before we all get on record as approving it?

PRESIDENT ROCK:

Senator D'Arco.

SENATOR D'ARCO:

No. They -- they do not repeal the tollway. They, in fact, give the tollway more extensive powers, and because of that, my intent is to go over these amendments very carefully and non-concur in the House, and request that a conference committee be appointed.

PRESIDENT ROCK:

Senator Schaffer.

SENATOR SCHAFFER:

Whose amendments are they? I chair the Tollway Advisory Committee, and nobody said "boo" to me about any amendments. Just curious.

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PRESIDENT ROCK:

Senator D'Arco.

SENATOR D'ARCO:

They are the Tollway's amendments.

PRESIDENT ROCK:

Senator D'Arco has moved the adoption of Amendment No. 1 to House Bill 2514. Senator Joyce.

SENATOR J.J. JOYCE:

Well. Thank you, Mr. President. I -- would the sponsor yield for a question?

PRESIDENT ROCK:

Indicates he'll yield, Senator Joyce.

SENATOR J.J. JOYCE:

Who has seen these amendments? Our staff hasn't. You know where are these things coming from?

END OF TAPE

TAPE 2

PRESIDENT ROCK:

Senator D'Arco.

SENATOR D'ARCO:

They're coming from the Tollway Authority.

PRESIDENT ROCK:

Senator Joyce.

SENATOR J.J. JOYCE:

One of these you've got on this bill is dealing with quick-take for five hundred and sixty acres in Grundy County for an airport. You know, I -- no one from Grundy County's contacted me about that.

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PRESIDENT ROCK:

Senator D'Arco.

SENATOR D'ARCO:

Well, that's -- I -- I told you what I wanted to do was adopt them and non-concur in the House, and have a conference committee appointed, so we can over every item in these amendments.

PRESIDENT ROCK:

All right. Senator D'Arco has moved the adoption of Amendment No. 1 to House Bill 2514. Discussion on Amendment No. 1? 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 D'Arco.

PRESIDENT ROCK:

Senator D'Arco, on Amendment No. 2.

SENATOR D'ARCO:

Same reasoning applies to Amendment No. 2, Mr. President.

PRESIDENT ROCK:

Senator D'Arco has moved the adoption of Amendment No. 2 to House Bill 2514. Senator Joyce, on Amendment No. 2.

SENATOR J.J. JOYCE:

What's Amendment No. 2 do?

PRESIDENT ROCK:

Senator D'Arco.

SENATOR D'ARCO:

That's the quick-take amendment that you objected to a moment ago.

PRESIDENT ROCK:

Senator Joyce.

SENATOR J.J. JOYCE:

I rise in opposition to this amendment. For crying out loud, you know, we ought to go home for two weeks and come back here.

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Get a little sanity about this damn place.

PRESIDENT ROCK:

All right. Senator -- further discussion? Senator Luft.

SENATOR LUFT:

Thank you -- thank you, Mr. President. Only as a note of caution, if anybody cares about listening to what's going in this place, and I'm a...

PRESIDENT ROCK:

Can I ask the staff to take the conferences off the Floor?
Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. I would only caution the Members of this Body that we are entering a period that gets to be very dangerous, and I'll give you a classic example that I was a part of. I put an amendment on a bill a while ago that cost the State of Illinois sixty million dollars, and nobody said a word. Senator DeAngelis put an amendment on the same bill that added a couple dollars to it; nobody said a word. We are now taking quick-take provisions for tens of thousands or whatever of acres. I would only suggest that we all start participating and listening. Thank you.

PRESIDENT ROCK:

Further discussion? Senator D'Arco, you wish to close?

SENATOR D'ARCO:

Thank you, Mr. President. I would move to adopt Amendment No. 2.

PRESIDENT ROCK:

All right. The question is the adoption of Amendment No. 2 to House Bill 2514. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there is 1 Aye, 38 Nays, none voting Present.

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Amendment No. 2 fails. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 2574. Senator Welch. Senator Welch seeks leave of the Body to return 2574 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 2574.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Schaffer.

PRESIDENT ROCK:

Senator Schaffer, on Amendment No. 1.

SENATOR SCHAFFER:

Mr. President, this bill deals with the local use of tipping fees. In its present form, there was some concern that it would restrict a county from accumulating funds - and they don't necessarily get a lot of funds from tipping fee - for the purpose of spending those funds on a new landfill or a recycling center or incinerator, et cetera. But on the other hand, we kind of like to know what they are doing with the money. So this particular amendment would allow them to accumulate it, but it would require a report including, you know, how much money was collected and itemized accounting of how -- what money was expended, an estimate of the money to be collected for the three years pursuant. We're prepared to let them do what they want to do, but we'd like to see it done in such a way that the citizens could monitor the operation, and I believe there's no opposition to the amendment.

PRESIDENT ROCK:

Senator Schaffer has moved the adoption of Amendment No. 1 to House Bill 2574. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

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SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 2737. Senator Davidson. Senator Davidson.

SENATOR DAVIDSON:

Mr. President, I'd like to leave it on 3rd Reading, with leave of the Session to come back to it, because I've been informed by the Reference Bureau that the amendment they gave me yesterday is technically flawed. They thought they'd have the correct amendment up here, and they do not. I'd like leave of the Body to come back to it later today, whenever they get the amendment to me, if that is legitimate.

PRESIDENT ROCK:

2739. Senator Maitland. Senator Maitland. 2-7-3-9. On the Order of House Bills 3rd Reading is House Bill 2739. Senator Maitland seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 2739, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Maitland.

PRESIDENT ROCK:

Senator Maitland.

SENATOR MAITLAND:

Thank you, very much Mr. President and Members of the Senate. Amendment No. 1 to House Bill 2739 is -- is strictly a technical amendment that was called to our attention yesterday. There is no opposition, I would move for the adoption.

PRESIDENT ROCK:

Senator Maitland has moved the adoption of Amendment No. 1 to House Bill 2739. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The amendment's

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adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. There'll be another Recall List. 2790. Senator Welch seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 2790, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Welch.

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This amendment leaves the original bill intact. And what it adds is changes in the Responsible Properties Transfer Act, broadening the types of security interest that may be involved in a transfer, and requiring only a single document to be filed with respect to transfers that involve multiple transactions. There are other clarifying changes that have been worked out among the parties. I believe that the Bankers Association, the Realtors, the Chamber of Commerce and other groups, were involved in -- in this agreement. I would move for adoption of the amendment.

PRESIDENT ROCK:

Senator Welch has moved the adoption of Amendment No. 1 to House Bill 2790. 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. 2805. Senator Daley seeks leave of the Body -- No. Pull it out of the record, Madam Secretary. On the top of Page 21, Senator Weaver. 2786. Senator Weaver seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted? On the Order of House Bills 2nd Reading is House Bill 2786, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senators Philip and Weaver.

PRESIDENT ROCK:

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This increases income tax rate from 2.5 to 2.96, and the corporate rate from 4. to 4.73, effective July 1. Move the adoption.

PRESIDENT ROCK:

Senator Philip has moved the adoption of Amendment No. 2 to House Bill 2766 <sic> (2786). Discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, Mr. President, if I can get everybody's attention. This amendment was -- was just now dropped on our desk. It is a rather lengthy one. The explanation, I think, given by Senator Philip, was rather brief - probably too brief for this amendment. I would -- rather than asking questions, I would just simply ask the Gentleman if he would, please, tell us again what he intends to do with this amendment, so that we may have some idea as to where we are at here.

PRESIDENT ROCK:

Senator Philip.

SENATOR PHILIP:

Well, I would suggest to you that this might be a solution to our tax problem. Hopefully, we'd get it on 3rd Reading and -- and

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maybe work something out. Who knows? And of course, this was adopted yesterday on another bill by a voice vote.

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

Well, I don't -- I don't have any trouble with that process. The problem is I don't know what's in this amendment that you've distributed, and how it is the same as the amendment that you claim you adopted to another bill yesterday. There are so many bills around here I don't what you did yesterday, let alone what you are doing this morning. So if you could just tell me what's in this amendment, I'd appreciate it.

PRESIDENT ROCK:

Senator Philip.

SENATOR PHILIP:

I'd be happy to do that. It -- it increases the personal income tax rate from 2.5 to 2.96, the corporate rate 4 percent to 4.736, as of July 1, 1989. And this -- it also gives some property tax relief, and this is the same amendment that Senator Dunn had yesterday, that we adopted by a voice vote. Exactly the same amendment. So you've had it for, you know, at least a day -- two days. Quite frankly, I have to compliment Senator Dunn. He had an excellent idea.

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

Can -- can you tell me that since we're raising this money, can you tell me how this money is to be distributed that is being raised?

PRESIDENT ROCK:

Senator Philip.

SENATOR PHILIP:

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Fifty percent of it goes into GRF, and I believe 363 million is allocated for tax credit.

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

Well let me ask you, if this is Senator Dunn's amendment, apparently it was attached to Senator Netsch's bill. Why do we need another amendment and another sponsor? I mean, what's -- what's the -- what's the area for the duplication, if you might respond to that.

PRESIDENT ROCK:

Senator Philip.

SENATOR PHILIP:

Yes. We're not sure that Senator Netsch is going to call her bill. We want -- sure that we have something available, if necessary. It's simple.

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

Well, Senator Netsch has been here a lot longer than I have, and I suspect I trust her more than what I'm hearing from the other side. She has not given any indication to anyone that I know that she's not going to -- to call her bill. It just seems -- pardon? It just seems to me that since she is on the Floor, she might want to respond to that, but I just think that, you know, we are getting into a little bit of duplication here, and perhaps Senator Dawn -- perhaps Senator Netsch would have something more to say with respect to that.

PRESIDENT ROCK:

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President. You know, reading the local

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newspapers - you know we can always trust the media - but the media reported she didn't know whether she was going to call her bill or not. So, you know, I'm not sure what she's going to do. We -- we've got more duplications running around here than Carter's got liver pill -- that's nothing unusual.

PRESIDENT ROCK:

Senator DeAngelis.

SENATOR DeANGELIS:

Yes. I was going to point out that Senator Netsch did indicate verbally yesterday that she was not certain that she was going to call the bill, and even if she were, I'm not so certain that -- Representative Flinn in the House -- Flinn-Currie would call the bill, either. So what we're doing is buying a little insurance, that's all -- at the same price.

PRESIDENT ROCK:

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. To Senator Philip, I would say that I talked to the Senator yesterday about this, and Senator Netsch gave me a commitment that she would, in fact, call the bill that I amended.

PRESIDENT ROCK:

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you. I was just trying to find out what the amendment did, since I had not seen it prior to -- as I understand it, it is precisely the same as Senator Dunn's. Is that correct?

PRESIDENT ROCK:

Senator Philip.

SENATOR PHILIP:

That is absolutely correct.

SENATOR NETSCH:

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Okay. Thank you.

PRESIDENT ROCK:

Senator Philip, you wish to close?

SENATOR PHILIP:

Yes. I sure do, Mr. President. It's the same as Senator Dunn's, exactly the same. I think we ought to have it position. Who knows what's going to happen around here. The excuse is a duplication. We have duplicated more things around here than I hate to mention. So I would hope we'd have some favorable support.

PRESIDENT ROCK:

All right. The question is the adoption of Amendment No. 2 to House Bill 2786. Those in favor, indicate by voting Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? All voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, there are 24 voting Aye, 26 voting Nay, 1 voting Present. The amendment fails. Further amendments? I'm sorry, Senator Philip, for what purpose do you rise? Senator Philip.

SENATOR PHILIP:

Verification of the negative, please.

PRESIDENT ROCK:

That request is in order, Senator Philip. All right. Will Members please be in their seats. Senator Philip has requested a verification. Madam Secretary, read the negative roll call, please.

SECRETARY HAWKER:

The following Members voted in the negative: Berman, Carroll, Daley, D'Arco, del Valle, Demuzio, Hall, Hawkinson, Holmberg, Hudson, Jacobs, J.J. Joyce, Kelly, Lechowicz, Luft, Marovitz, Netsch, Newhouse, O'Daniel, Rea, Severns, Smith, Vadalabene, Welch, Zito and Mr. President.

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PRESIDENT ROCK:

Question the presence of any Member, Senator Philip? Senator Philip.

SENATOR PHILIP:

Senator Lechowicz.

PRESIDENT ROCK:

Senator Lechowicz is in the Chamber.

SENATOR PHILIP:

Senator Hudson.

PRESIDENT ROCK:

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

SENATOR PHILIP:

Senator del Valle.

PRESIDENT ROCK:

Senator del Valle is in the back of the Chamber.

SENATOR PHILIP:

Senator Jacobs.

PRESIDENT ROCK:

In his seat.

SENATOR PHILIP:

Senator Welch.

PRESIDENT ROCK:

Senator Welch is in the middle aisle.

PRESIDENT ROCK:

The roll has been verified. There are 24 voting Aye, 25 voting Nay. The amendment fails. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. All right. Ladies and Gentlemen, I presume that there have been a couple of additional recall requests that have

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been filed. In order to afford proper distribution of the amendments - and I would hope all Members would recognize that we ought to have amendments distributed. We'll have a Recall List later. But in the meantime, we'll go back around and pick up those who were tardy. And the first who was tardy was Senator Topinka, who seeks leave of the Body to return Senate <sic> Bill 43 to the Order Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 43, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Topinka.

PRESIDENT ROCK:

Senator Topinka, on Amendment No. 1.

SENATOR TOPINKA:

Yes. With all apologies to you, you know, Mr. President, and to all Ladies and Gentlemen of the Senate, for being tardy this morning, but this -- this amendment basically exempts Catholic cemeteries from the bill, and it is sought by the Catholic cemeteries, and so I appreciate that, and so does God.

PRESIDENT ROCK:

All right. Senator Topinka has moved the adoption of Amendment No. 1 to House Bill 43. 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. 90. Senator Marovitz seeks leave of the Body to return House Bill 90 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 90, Madam Secretary.

SECRETARY HAWKER:

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Amendment No. 4 offered by Senator DeAngelis.

PRESIDENT ROCK:

Senator DeAngelis. House Bill 90 is now on the Order of 2nd Reading for purposes of your amendment.

SENATOR DeANGELIS:

Yes. Did Senator Marovitz not have an amendment prior to this file for recall? Were you not offering an amendment?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Well, you were quicker on the draw than I was, so your amendment is first and my amendment is second. You were just quicker on the draw, but I might -- might ask a question of the Chair, parliamentary inquiry. I would ask whether this amendment is in order. We amended this bill yesterday. The amendment, I believe, that has been filed by Senator DeAngelis is flawed, and does not amend the bill as amended.

PRESIDENT ROCK:

All right. Madam Secretary, take it out of the record, and I would ask Senators Marovitz and DeAngelis to speak with one another. 183. Senator Welch. 602. Senator Philip. Going to go with 602, or do you want to wait? Senator DeAngelis, would you mind speaking with Senator Marovitz? It's going to take us a -- an hour here to figure out whether it tracks or doesn't track, and which amendment is on or off. We -- we don't need that kind of grief. On the Order of House Bills 2nd Reading -- 3rd Reading is House Bill 602. Senator Philip seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 602. Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by President Rock...

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PRESIDENT ROCK:

Please -- Please withdraw that amendment. Further amendments?

SECRETARY HAWKER:

Amendment No. 1 offered by Senators Collins, Newhouse, Brookins, del Valle, Alexander and Smith.

PRESIDENT ROCK:

Senator Collins asks -- leave to withdraw. Further amendments?

SECRETARY HAWKER:

Amendment No. 1 with the same sponsorship.

PRESIDENT ROCK:

Withdraw.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Maitland.

PRESIDENT ROCK:

Senator Maitland, on Amendment No. 1. And Ladies and Gentlemen, again, if I can have your attention, WHOI-Peoria has requested permission to shoot some videotape. Without objection, leave is granted. Senator Maitland, on Amendment No. 1.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. Amendment No. 1 to House Bill 602 is the rather lengthy document that you now have on your desk which deals with -- with the State Aid Formula. Last evening I -- I passed out to all of you what the revision would do to each one of your Senatorial Districts. If all of you had a chance to -- to read that document, you find that it is a very radical, dramatic change to the School Aid Formula that we now have in place. That document represents several months of work by a number of people, and I would single out Senator Berman, Senator Kustra, Representative McPike, Representative -- Representative Hoffman, who assisted me with that piece of work, plus a number of organizations, and by

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mentioning their names I don't want to, in any way, suggest that they are supportive of the document, but rather provided tremendous assistance as we dealt with what many of us consider the need for rewrite of the School Aid Formula in Illinois. Many of us have said for several years now that it was absolutely necessary to adjust that document, if we were to get into elementary and secondary schools across this State the necessary revenue to fund them adequately into the turn of the century. I believe that the document that you have before you begins that attempt, and I represent I -- I -- I purely recognize the wide swing in dollars that are contained in that document over what you now have in the present formula. But Ladies and Gentlemen of the Senate, if you followed last week or two weeks ago the...Kentucky decision that completely threw out Kentucky's entire educational plan, both programmatically and -- and financially, you must recognize the problem that we have in Illinois. We have a wide swing of money behind each and every student - from a low of twenty-one hundred dollars to a high of over ten thousand dollars. We are wide open for litigation, and this is of concern to all of us. The document that you have before you would establish a -- a statewide operating tax rate of three dollars and fifty cents. This is our attempt to equalize those dollars behind each and every student in the State. It moves in the direction of equity. Something that I believe needs to be done. It further makes some dramatic changes in the way we weight Chapter I, and the list goes on and on. But most importantly, what this document does is it provides substantial tax relief -- substantial tax relief to the citizens of this State. The document that you have before you would guarantee two hundred and fifty million dollars of tax relief statewide, something many Members, if not most, on both sides of the aisle, have been asking for year-in and year-out. I believe that to be a step in the right direction. I don't want --

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I don't want this formula change to be a -- an absolute proposal to you today. It should not be a "Take this or take nothing at all." I recognize this was sprung upon most of you last evening, and it was done for a reason. It was done to call attention to what is a very serious problem in Illinois, shared by both Republicans and Democrats, and one that we cannot ignore. If you look at 490, that bill was presented to the Members in the House -- a take-it-or-leave-it issue. This document should not be that way. It is absolutely too critically important. I, therefore, Mr. President and Members of the Senate, would ask -- would ask with all the commitment that I have to the continuing effort to revive the School Aid Formula in Illinois, that this amendment be allowed to go on to House Bill 602. Move the bill to 3rd Reading. I would ask that that bill remain on 3rd Reading, and give us an opportunity over the next months -- the next few months, through the Citizens -- the Citizens Assembly on School Problems, with our hearings, with the work that we can do with our educators in our own districts, to work toward a resolution of this very serious and critical problem facing Illinois. I ask for bipartisan support of this effort. I will pledge to you my continued commitment to make this happen, and I, therefore, Mr. President, would move for the adoption of Amendment No. 1 to House Bill 602.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Any discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Let me -- a question of the sponsor or two.

PRESIDING OFFICER: (SENATOR D'ARCO)

He indicates he will yield.

SENATOR BERMAN:

So that we understand the request -- you are asking that -- this amendment be placed on House Bill 602 and that House Bill

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602, which is Senator Philip's, so I would ask for him to respond also, a commitment that that bill will not be moved until 1990 at the earliest. Is that -- is that a commitment?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President. Yes, Senator Berman, that would be our -- that would be our commitment.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Berman.

SENATOR BERMAN:

And do you speak for the principal sponsor, Senator Philip, also? Okay, he -- he indicated yes. All right. Let -- let me -- let me just share a couple of thoughts and to expand on Senator Maitland's comments. I have no problem with that request, and I -- want to indicate that much of that request was similar to what I had suggested to Senator Maitland earlier this morning, when the Citizens Council on School Problems met at 8:00 a.m. -- to -- start to talk about this proposal. There -- there are a lot of questions, and from my districts there's a lot of problems with the Maitland proposal, but I don't think that now is the time -- to -- answer them, or even to start to answer them. We have -- requested and the Citizens Council on School Problems has set a schedule of statewide hearings, beginning in September -- to get broad input into the question of formula reform. I would suggest -- that because of these problems, I think that the recognition should be given to Senator Maitland and others who have worked on this to at least have raised some questions. So speaking for myself, I would suggest that we have an oral roll call so that nobody is -- put into a position one way or the other. Allow it to be on 602. Let it sit there. And I, for one, intend to -- work to -- either find a better formula or substantially change

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this proposal, because great harm to my districts, and -- but I'm willing to talk, and I think that -- in light of the Kentucky case, we have to do some serious talking. This is not the solution I will endorse at any time, probably. But I think we will find something substantially better, so I have no problem with -- Senator Maitland's request.

PRESIDING OFFICER: (SENATOR D'ARCO)

Well, for an oral roll -- roll call, we sure have a lot of speakers. Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I, too, appreciate the sponsor's willingness to hold this bill until 1990, because I would also have to oppose this particular formula. It gives no property tax relief in my district and costs the schools in my area money. And they make out much worse under this formula than they would under the current formula, but -- I appreciate his willingness to hold this and to continue to work on the problem.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Demuzio.

SENATOR DEMUZIO:

Well, I know there's -- there's an awful lot of questions. We're going to adopt this by -- on oral roll call. I just wanted to point out that -- there is a number of problems. Senator Hawkinson, you get absolutely devastated by virtue of this. I notice that Senator Fawell - she gets -- thirty-one million dollars of tax relief and Senator Philip gets -- almost fifteen million dollars of tax relief and Senator Macdonald's twenty-five million and twenty million for Kustra and twenty million for Keats and it gets down to my little, old district and I get eighty thousand dollars. I want to thank you very much, John, for -- for -- for this great proposal, but if you could figure out how to do a -- do a little more for us, why, you know, I would think more

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-- I would have more favorable -- comment with respect to it. ...Senator Hawkinson, you're zero, so I can see you have zero tax relief. Senator Davidson, zero tax relief. Senator Severns, zero tax relief. So -- let's, yeah, let's -- let's talk about it and how about twenty thousand and two or something like that.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Collins.

SENATOR COLLINS:

Well, I -- I guess I have some concerns about...adopting this amendment -- on a oral roll call. Put it on the bill. If we going to hold the bill, why should we make this kind of a statement? Why shouldn't we just defeat the amendment or the sponsor take this amendment out of the record and -- and -- and hold the bill and have the hearings? Senator Demuzio, thank you, but we didn't get one dime in our district of tax relief. In addition to that, you've taken away thirty million dollars from the City of Chicago school district, and you're taking away Title I monies, also shifting it around. Now, I recognize in our objectives to adequately fund education at the State level and -- and more fairly distribute the weight, the financial responsibility of funding that education system, that it may necessitate some shifts in funding, and there is some justification for changes in the School Aid Formula. But this is crazy. I say we should -- should really have a roll call and defeat this amendment.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Netsch.

SENATOR NETSCH:

Thank you. Mr. President, if I might just bring out one point that I think is not really part of the formula itself, which most of the speakers are directing their attention to, but I think is just something that ought to be out on the record. Senator

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Maitland, two things. One, do you have a cost estimate for this amendment, which would be the bill, if it were to go into place as it is? Number one. And, secondly, do you have any revenue source in the amendment to House Bill 602 that would help to pay for that cost?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President and Members of the Senate. Senator Netsch, in answer to your first question, the cost of the formula itself is two hundred fifty million dollars in the first year. I indicated that in my opening remarks. Keep in mind that a formula -- a formula then beyond that -- you know, can have any amount of dollars in it that you want to put in it. In the printout that I placed upon your desk last evening, that has three hundred million dollars in it. I have for three years now, obviously to all of you, supported a -- a permanent tax increase to increase the funding of elementary and secondary education. So, yes, I plan to support -- one way or another, revenue to support whatever formula we have.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Netsch.

SENATOR NETSCH:

But, it's -- it's not in the amendment itself. I was just attempting to bring that out. So it does not commit itself to any particular tax increase proposal at any particular level. Is that correct?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Maitland.

SENATOR MAITLAND:

Senator, were this bill to pass and be -- and be signed, the cost of this document alone would be two hundred fifty million

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dollars.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator DeAngelis.

SENATOR DeANGELIS:

Yeah, thank you, Mr. President. I -- first of all, would like to commend Senator Maitland for the tremendous amount of work that he has done up to this point. And I have to tell you that he has done it in a most unselfish manner. What he has attempted to do with this amendment, is to put into a form what ought to be the public policy of this State. And, Senator Maitland, I have one disappointment - that you are, in fact, entrusting this document to the very ineffective people who brought us to this point. And I can -- already listening to the voices can prophesy that we are doing this -- doing this to ultimate damnation, and for that reason I am disappointed that we are not voting for it. It bothers me that we sit here and talk about, "Well, I can't really support this already, because there's no property tax relief." Well, let me point out to you, those of who have made that statement, the reason that there is no property tax relief is that you're not paying very much property tax at all. And, yes, this bill -- this bill is designed to deal with those districts whose property tax rates exceed three dollars and fifty cents. Now, I know that those very districts whose property tax rates exceed that are also opposed to this bill, because they would rather have the privilege of constantly badgering us about the low level of participation in terms of State Aid, while they take the property taxes - and that's an instrument they don't have to come down here and ask us for - and we also catch the heat on that one. But ultimately, I think we have to realize that the State of Illinois is on a dangerous course and perhaps it can't be stopped. And, in fact, making sure that much of our student population is going to go uneducated. How we can, in good conscience in this Body, stand

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here and allow the disparity of resources behind every student to exist, and then demand by mandate, and by the flimflam of reform, that we want the perfect product to come out of this educational factory. That inequity ought not to be tolerated. And let me just say this. Senator Maitland, I think what you have done will fail when it goes to the Citizens Committee. But there might be one ray of hope someplace else, because I think the courts in Illinois -- the courts are going to come down on Illinois. If they came down in Kentucky where the disparity is only two hundred percent, I can tell you, wait till you see what they do in Illinois where the disparity is five hundred percent. And, let me just tell my downstate brethren - because in the final analysis I guess we all vote what we think our district wants us to vote - you may very well benefit by the current formula, but I'm going to tell you you are not benefiting from the amount of money that's being put behind every student. You are not benefiting by the way your teachers are paid, compared to the way our teachers are paid. You are not benefiting from the types of programs you are being offered, and the programs my kids in my school are being offered. And, you ought not to tolerate that disparity. For political reasons, to be able to go back and tell your school, "Hey, I got you a little bit more money out of the School Aid Formula than somebody else got." Because in the final analysis, the proof of that formula ought to be whether it works or not. And there isn't a single Member of this Body who will say it works. And yet, we have one courageous person who's come forward. And I got to tell you, John Maitland's district was never a consideration in the work he did. The consideration was the kids of the State of Illinois. And I would hope that when the time comes that you enlarge this group that studies this formula so that there can be other people whose purposes go beyond just the educational perspective they bring to it. The common citizenry ought to be

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involved. The people who, in fact, know finance and...(inaudible)...cost. And, I guess right now we have to settle for what we have right here, but, Senator Maitland, I commend you and I would hope that if we do come back that -- that your program passes. God bless you.

PRESIDENT ROCK:

Further discussion? Senator Joyce.

SENATOR J. E. JOYCE:

Thank you, Mr. President and Members of the Senate. This is really not the appropriate time to get into a long discussion on this. So I will be very brief. I would like to also join in commending Senator Maitland for the work he's done on this. We've had conversations. I've also had conversations with Senator Philip on this. I was going to ask for a roll call, but we're going to proceed on this as -- in a cooperative spirit, so I will refrain from doing that, and we will do this with oral roll call. But the point that has been made with respect to individual districts as to why there is not sufficient relief in this document is, in fact, because there is not that great disparity between what we are paying and what the people in your districts are paying with respect to property taxes. I hope that this is a beginning. I'm not as confident about this as some others may be, but I will assure you that I will vote for this any time it's in front of us.

PRESIDENT ROCK:

Further discussion? Senator Schaffer.

SENATOR SCHAFFER:

I rise in support of Senator Maitland's motion. I think most of us, whether we want to -- accept it or not, probably understand that either by public pressure or court action, we are going to be forced to revisit the school formula and come up with another approach. And many of us feel that that action is long

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overdue. I think Senator Maitland's attempt, whether we individually look at our computer printouts - whether we comprehend those printouts or not is also another question - and try and find the bottom line, I think that's the wrong approach at this point. I think Senator Maitland is trying to get us started down the road, at long last, at a serious bipartisan approach to arrive at a consensus, not only within the Chambers of this hall and the one on the other side of the rotunda, but within the education community. And that can only happen when men and women of good faith sit down and -- and talk about what's ultimately good for the education community of the whole State. And that process cannot go forward without a catalyst. I think Senator Maitland's efforts have provided that catalyst. Frankly, most of us have been a little reluctant to -- to draw sword and attack this particular dragon. There's a large stack of busted armor at the foot of this particular dragon, and most of us that have been around here realize how difficult it is. So I, too, would like to commend the Senator for his approach, and I would also like to -- echo the sentiments of Senator Berman. Let's put this bill on -- on -- a voice vote, so nobody feels committed -- amendment on a voice vote, so that nobody feels committed one way or the other. Let's try and keep an open mind on the process, and let's try and work together to come up with something that's good for all parts of the State, and fair for all parts of the State.

PRESIDENT ROCK:

Further discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and Members of the Senate. A few years ago I remember reading a State Supreme Court decision. It was either from Texas or from California. It was one of those cases which overturned the funding formula of one of those states. Those two states, as some of you will know, were -- were key in

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revising the way they distribute money to their schools. In fact, those decisions led us in 1974 to revise our School Aid Formula - to make things fair. In one of those decisions, the Supreme Court Justice said that -- in that state, "The accident of birth determines the quality of a child's education in this State." That's a very -- that's strong language for a -- for a judge to say. The accident of birth determines the quality of public school education for a child. We did our thing in 1974, trying to shuffle money around to be fair to kids, but here it is in 1989 and I don't think it's unfair for us to say today, in Illinois, the quality of a child's education is determined by the accident of birth. What Senator Maitland offers us today is a -- a first step to do something about that. I hope, if nothing else, we can get this on 2nd Reading so we can begin the process of narrowing that disparity which has been mentioned by some of you on this Floor today. I urge an Aye vote.

PRESIDENT ROCK:

Further discussion? If not, Senator Maitland may close.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. I -- I appreciate the comments of support. I appreciate, also, the comments of criticism, and understand that criticism. Yes, I am -- I am deeply disappointed that I was not able to, with the help of all of you, to get this document in a shape and a condition that would -- would benefit us all, and by...benefiting all of us - I mean benefiting the boys and girls of this State. That simply could not and -- and did not happen. But I can assure I will -- will pledge my continued commitment to that effort. I would like to make simply one statement and, Senator Collins, I mean this also as -- as a -- as a statement of -- of -- of concern and support for your efforts in the City. I have stood by you and -- and Senator Jones, in particular, on assisting the Chicago

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School District for a number of years now. I have worked diligently with Senator Berman and Senator Kustra and others on that effort. I spent two years of my life on educational reform in Illinois, which benefits mostly the City of Chicago, and we all know that. We are concerned about that. Our attempt is not to take money away from the City of Chicago. And folks, whether you know it or not, the Chicago School District is not -- is not a poor school district. It simply is not. And they -- they do generate dollars. They -- they -- they have a tax rate of three dollars and fifty cents, have over fifty thousand dollars of assessed valuation behind each student. We have to work together, Senator Collins. My attempt is not to hurt you and -- and the students that you represent, and I would ask you and -- and others who share this concern, to join in the effort of -- of moving this -- this bill, and -- let's work together for a common goal. And I would once again, Mr. President, move for the adoption.

SENATOR ROCK:

All right. Senator Maitland's moved the adoption of Amendment No. 1 to House Bill 602. Further 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. All right. Ladies and Gentlemen before we move to the Order of House Bills 2nd Reading, I'd turn your attention to Page 21. We will do the House Bills on 2nd Reading, and then we will move immediately to House Bills 3rd Reading, where we left off with Senator Topinka's bill on 2183 on Page 14. First we have a special guest. The Chair will yield to Senator Topinka.

SENATOR TOPINKA:

Well, thank you, President Rock, Ladies and Gentlemen of the

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Senate. Today we are very honored to have someone who has come to us from far away, who has had quite a serious life in terms of the sufferings and problems that he has had to endure. He has been a frequent speaker on Voice of America, and is kind of representative of some of the problems that we who represent districts that have large numbers of people from Eastern Europe have faced, and I do thank Senator Joyce for allowing this resolution to be considered. If I may read this first, and then we'll do the introduction.

(Senator Topinka reads Senate Resolution 461)

DOBROSLAV PARAGA:

(Remarks by Dobroslav Paraga)

PRESIDENT ROCK:

All right. Ladies and Gentlemen, there will be another Recall List. We'll get to it later this afternoon. Secretary indicates that a number of other Members have made requests; we will get there. House Bills 2nd Reading on Page 21, Ladies and Gentlemen, we'll go to House Bills 2nd Reading. Tomorrow is the deadline for House Bills on 3rd Reading, so those who have House Bills on 2nd Reading I hope are aware of that. 187. Senator Geo-Karis. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 187.

(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. 304. Senator Topinka. 304. House Bills 2nd Reading. Read the bill, Madam Secretary.

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SECRETARY HAWKER:

House Bill 304.

(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. 513. Senator Marovitz. 1514. Senator Dunn.
1553. Senator Jones. 1567. Senator Macdonald. On the Order of
House Bills 2nd Reading, bottom of Page 21, is House Bill 1567.
Read the bill.

SECRETARY HAWKER:

House Bill 1567.

(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. Top of Page 22, 1667. Senator O'Daniel. 2030.
Senator Hall. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 2030.

(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 Hall, on Committee Amendment No. 1.

SENATOR HALL:

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Thank you, Mr. President and Members of the Senate. This is a technical amendment on House Bill 2030. I'd like to also reiterate that this bill is going to a conference committee, we're talking daily with all the parties involved, with the sponsor in the House, and also that I just wanted to move for the adoption of this amendment.

PRESIDENT ROCK:

Senator Hall has moved the adoption of Committee Amendment No. 1 to House Bill 2030. 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:

Any amendments from the Floor?

SECRETARY HAWKER:

Senator Etheredge offers Amendment No. 2.

PRESIDENT ROCK:

Senator Etheredge on Amendment No. 2.

SENATOR ETHEREDGE:

Thank you, Mr. President. I would ask that that amendment be withdrawn.

PRESIDENT ROCK:

The Gentleman asks leave to withdraw that amendment. Further amendments?

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Kustra.

PRESIDENT ROCK:

Senator Kustra, on Amendment No. 2.

SENATOR KUSTRA:

Thank you, Mr. President. I would ask that that amendment be withdrawn.

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PRESIDENT ROCK:

All right. The Gentleman asks leave to withdraw that amendment. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 2079. Senator Jones. On the Order of House Bills 2nd Reading is House Bill 2079. Read the bill.

SECRETARY HAWKER:

House Bill 2079.

(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. 2262. Senator Topinka. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

House Bill 2262.

(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. 2272. Senator O'Daniel. 2423. Senator Luft. 2517. Senator Carroll. And 2576. Senator Davidson. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

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House Bill 2576.

(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. Senator Jones, for what purpose do you arise?

SENATOR JONES:

Yeah. Thank you, Mr. President. As the sponsor of House Bill 1553, I move to have that bill recommitted back the Insurance Committee.

PRESIDENT ROCK:

All right. That motion is always in order. Senator Jones -- bottom of Page 21, has moved to recommit House Bill 1553 to the -- Committee on Insurance. Without objection, it's so ordered. All right. Ladies and Gentlemen, we're now back on the Order of 3rd Reading. It's Page 14. Where we left off yesterday was in the 2100 series. We will go right down the -- right down the line, and I would again caution the Members, tomorrow is the deadline. Those bills that were on the Recall, obviously, will not be called. 2183. Senator Topinka. 2191. Senator Jones. On the Order of House Bills 3rd Reading is House Bill 2191. Read the bill, please.

SECRETARY HAWKER:

House Bill 2191.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

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Yeah. Thank you, Mr. President, Members of the Senate. House Bill 2191, as amended -- as amended, authorizes captive Insurance companies to reinsure employees' liability, including worker's compensation. It exempts certain foreign and alien insurance from the rules pertaining to insurance companies. And it exempt domestic captives from the privilege tax if it employs an Illinois -- based firm. Also, included in there is a provision that will authorize for the -- for positions -- in Illinois authorize the issuance of a medically liability insurance that provides a group of aggregate limited policies. The policy must be issued to a group domiciled in Illinois, whose members are Illinois residents. I understand that -- I know, Senator Schuneman had raised questions as relate to the portion of the -- as the -- the captive insurance companies, but I want to insure him that the -- that issue has been resolved with -- with the Director of the Department of Insurance. I know we didn't hold hearings, but they have been working on this for quite some time. I understand that an agreement has been reached along those lines, and I ask for a favorable vote.

PRESIDENT ROCK:

Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Well, I did raise some issues when this amendment was attached, as far as the different threshold for licensure for captive companies as opposed other companies that do business in Illinois, and most of those concerns have been resolved now. I convened a meeting this morning in my office with the Director of Insurance and the various interested parties, and apparently the domestic insurance companies have now withdrawn their opposition, so I intend to support the bill.

PRESIDENT ROCK:

Further discussion? If not, the question is, shall House Bill

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2191 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? All voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Aye, 1 voting Nay, none voting Present, and House Bill 2191, having received the required constitutional majority, is declared passed. 2194. Senator Brookins. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 2194.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. House Bill 2194 will allow the Chicago Housing Authority to establish a police department within the Housing Authority - in CHA. The monies will be -- and these police will receive the same training that the City of Chicago Police force receive, and they will be -- powers will be on CHA property only, and I ask for a favorable vote.

PRESIDENT ROCK:

Discussion? Senator Dudycz.

SENATOR DUDYCZ:

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

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Dudycz.

SENATOR DUDYCZ:

Senator Brookins, who would have precedence -- who would have the ultimate authority in case there is a -- either a conflict or dispute on the CHA property when there is a Chicago police officer and this new police person there? Who would have the ultimate authority there?

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PRESIDENT ROCK:

Senator Brookins.

SENATOR BROOKINS:

The Chicago police. And this, by the way, has the approval of Superintendent Martin in the Chicago Police Department, the Secretary of State -- I mean the -- State's Attorneys and all parties involved.

PRESIDENT ROCK:

All right. Further discussion? Further discussion? If not, the question is, shall House Bill 2194 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. House Bill 2194, having received the required constitutional majority, is declared passed. On the Order of House Bills 3rd Reading is House Bill 2195. Read the bill, please.

SECRETARY HAWKER:

House Bill 2195.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 2195 would require that the RTA establish regulations requiring public bidding and authorizing the RTA to create exemptions for those requirements from various types of contracts and purchases. House Bill 2195 would allow the acquisition of rolling stock, locomotives and buses on a negotiated basis, under the following circumstances; one, that two-thirds of the directors vote to negotiate acquisition offers opportunities that all or a

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portion of the work will be performed within Illinois, or offers a favorable costs or financing terms; and two, that notice of intent to negotiate for such acquisitions be published; and three, that the final contract be approved by two-thirds vote of the directors. This is at the request of the RTA Board. I know of no opposition, ask for your favorable support.

PRESIDENT ROCK:

Discussion? Senator Fawell.

SENATOR FAWELL:

Will the sponsor yield for a question?

PRESIDENT ROCK:

Indicates he will yield, Senator Fawell.

SENATOR FAWELL:

Is the original bill still there, that says that all contracts must have Illinois labor?

PRESIDENT ROCK:

Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. Chairman. That's been amended, and what they're trying to do is to encourage that on a billion dollar contract on this type of equipment, that these firms have a location in Illinois. That's the purpose of the bill, as amended.

PRESIDENT ROCK:

Further discussion? Further discussion? If not, the question is, shall House Bill 2195 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. House Bill 2195, having received the required constitutional majority, is declared passed. Channel 20 has requested permission to shoot some videotape. Without objection, leave is granted. On the Order of House Bills, 2196. Senator Zito. 2201. Senator

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D'Arco, is on the Recall. 2205. Senator Marovitz. On the Order of House Bills 3rd Reading is House Bill 2205. Read the bill, please.

SECRETARY HAWKER:

House Bill 2205.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. This bill allows the -- domestic captive insurance company that is engaged -- one or more administrative or management service organizations, will be exempt from the privilege tax if the company and the organizations jointly meet the requirements for all domestic companies to be ruled exempt. Makes other technical changes. It was asked for by representatives of captive insurance companies. The Department of Insurance has no objection, and I know of no opponents to this legislation.

PRESIDENT ROCK:

Discussion? Any discussion? If not, the question is, shall House Bill 2205 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 56 voting Aye, no Nays, 1 voting Present. House Bill 2205, having received the required constitutional majority, is declared passed. 2217. Senator Philip. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 2217.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDENT ROCK:

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 2217, as amended, does two things. When you violate the Illinois Insurance Code, there is a fine of fifty thousand; this increases the fine to two hundred and fifty thousand. It also allows insurance companies and racetracks to make political donations.

PRESIDENT ROCK:

Discussion? Any discussion? If not, the question is, shall House Bill 2217 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, 1 Nay, none voting Present. House Bill 2217, having received the required constitutional majority, is declared passed. Senator D'Arco. 2255. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 2255.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator D'Arco.

SENATOR D'ARCO:

Thank you, Mr. President. House Bill 2255 changes to ten the age of minors who may be held in detention centers. The reason for this is the increased incidence of juvenile crimes committed by younger minors, and it also removes some obsolete language which was repeated under the Juvenile Court Act, and I would ask for a favorable vote.

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Discussion? Any discussion? If not, the question is, shall House Bill 2255 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. House Bill 2255, having received the required constitutional majority, is declared passed. 2266. Senator Marovitz. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 2266.

(Secretary reads title of the bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. This is the assault weapons bill, the semiautomatic assault weapons bill. And I would like to thank Lieutenant Governor Ryan and Governor Thompson for their support and assistance on this legislation, as well as the Mayor of the City of Chicago, the State's Attorney of DuPage County. There was a resolution passed by the National Conference of Mayors; the American Medical Association Wednesday passed a resolution in support of this legislation. The Catholic Conference of Illinois and six Archdioceses are in favor of this. The Illinois Chiefs of Police, the Illinois Sheriffs' Association. And I think all of us have experienced a tremendous onslaught of phone calls by the well-financed, well-oiled, National Rifle Association and their huge mailing list. They're organized. The little people out there who vote for us and put us in these seats every day are not nearly as well organized. But how many more people have to die in drive-by deaths? How many more kids have to die on playgrounds,

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from spray attacks from these type of weapons? It seems to me that we have come to a very reasonable bill that has been crafted, worked on, amended at the request of an awful lot of people. The bill would ban the semiautomatic assault weapon, when used in conjunction with a magazine of over ten rounds, and for pistols of over fifteen rounds. At the request of the Governor's Office, we put an exemption in for bona fide collectors. We named specific weapons in regards to manufacture, sale and import, but not possession -- but not possession, so that those people that own those weapons now, would not, I repeat would not, be felons for owning those weapons. But the continued manufacture, sale, or import of those weapons into Illinois would be banned. Many of you may have seen at the Police Academy, the demonstration that Lieutenant Governor Ryan put on -- I know I had never seen a semiautomatic assault weapon until that demonstration. I think we have some weapons here in the Chamber, brought to us by State Troopers. There are many who have approached me and said, "What do these weapons look like?"

PRESIDENT ROCK:

Senator Marovitz, Senator Marovitz, with leave of the Body, we'd ask the troopers to come forward with those, and I would just ask everyone to exercise some restraint. Yes, they are not loaded. All right, Senator Marovitz.

SENATOR MAROVITZ:

They are not loaded, so I just want people to be able to see what these weapons look like. They were fired on the firing range, both automatic, fully automatic and semiautomatic. They can be purchased in Illinois and very easily converted to fully automatic weapons by any individual. All you lose is the selector option, so that when you convert it and you pull the trigger, the entire magazine, no matter how many rounds it is, empties, and you can't even stop it. The question yesterday, there was a question

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yesterday about belts. The belts in the bill refer to the automatic feeding belts, not a belt that you and I wear around our waists, but the automatic feeding belts that hold the magazine cartridges that are automatically fed into these assault and deadly weapons. I've talked to my Police Chief, and he says that the police need to be -- need to be protected and can't possibly come up against these weapons and survive. How many more policemen need to die from having these weapons available? It's not fair to ask the police...

PRESIDENT ROCK:

All right Senator -- Senator Marovitz, there has been some objection expressed, everybody's had the opportunity to view this. Gentlemen, we thank you so much. If you'd please remove those from the Chamber during the debate.

SENATOR MAROVITZ:

I can't -- at least a half a dozen colleagues in this Chamber have come to me since the introduction of this legislation, and during the debate, and said, "You know, I like your idea. There's no place for these weapons as the Lieutenant Governor said. There's no place for these weapons. I like your idea, I'm totally supportive of you, but I'm afraid of the National Rifle Association. I'm afraid fo their large mailing list." Well, I would hope that we are all more afraid of the damage that these weapons do. We saw that damage at the firing range. These are not weapons that were even anticipated by the founders of our constitution. We're not banning anyone's right to own a weapon. There's nothing like that in the bill. Please, Ladies and Gentlemen, I know it's a serious issue, I know you've been lobbied very hard. I would hope that you'll do the right thing for the kids and for the people. There is no legitimate purpose of these weapons, other than to kill. I solicit your Aye vote.

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Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate. As much as I admire the sponsor of this bill, I cannot agree with his contentions. I recall Germany during Hitler, when he called in all the guns, and next thing you knew, you had the Holocaust. I recall incidents in North Africa, when all the guns were taken, and again you had people murdered. We talk about guns, we have good bills on the books. We should enforce them. I will not -- I absolutely will not support any bill that takes away from the law-abiding citizen the right to have his gun, whether it's target shoot or whatever it is. Chicago, which has a strictest gun control bill. What has it done? It has far more crime now than ever before the passage of that ordinance. I might tell you, the only way that we could have an effective gun control bill, would be a national gun control bill, not a State control bill. And therefore, I speak against this bill, because I think it's a travesty of justice when you don't enforce the laws we have on the books. In all due -- regard to some of the policemen who are here, I have a lot of policemen tell no not to support this bill. And when you talk about the NRA, let me tell you, I don't belong to the NRA, I don't even like guns. But I'll tell you right now, I will never deprive the law-abiding citizen from having protection in his home with a gun. And I speak against this bill.

PRESIDENT ROCK:

Further discussion? Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. Got a -- a couple of questions of the sponsor, please.

PRESIDENT ROCK:

Indicates he will yield, Senator Kelly.

SENATOR KELLY:

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Senator Marovitz, does this legislation take away guns from good law-abiding citizens who want to hunt, and when necessary, protect their family, their homes and their property?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

No, it does not.

PRESIDENT ROCK:

Senator Kelly.

SENATOR KELLY:

All right, Is your legislation intent -- and I will refer to the cartoon which you recently circulated, which depicts a gun-wielding, I guess you'd call a maniac, pointing a possibly hundred-shot assault weapon at a -- at a mole hole. Now my -- my question of legislative intent is, will this -- legitimate -- will the legitimate owner of these type of assault weapons be able to keep these firearms, if they remove these very large -- thank you -- if they remove these very large capacity clips, and insert a clip that has ten rounds or less into it? Can they keep these weapons? And I'd like your legislative intent.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Yes, they can keep these weapons.

PRESIDENT ROCK:

Senator Kelly.

SENATOR KELLY:

One final question. Does this bill concern the banning on the manufacture, not only of foreign weapons, but those that are domestically made in the United States?

PRESIDENT ROCK:

Senator Marovitz.

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SENATOR MAROVITZ:

Yes, it does, those weapons that are specifically named in the bill.

PRESIDENT ROCK:

Further discussion? Senator Davidson.

SENATOR DAVIDSON:

Question of the sponsor.

PRESIDENT ROCK:

Sponsor indicates he will yield. Senator Davidson.

SENATOR DAVIDSON:

I hadn't planned to ask this question, until your answer to Senator Kelly, but -- are you saying that anyone, any citizen in Illinois who owns a semiautomatic weapon, and doesn't -- and has a clip more than ten, that weapon can be confiscated?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

No.

PRESIDENT ROCK:

Senator Davidson.

SENATOR DAVIDSON:

If it has a clip of ten or less shots, then it's legal and the person can use it?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

Yes.

PRESIDENT ROCK:

Senator Davidson.

SENATOR DAVIDSON:

Then, speaking to the bill. With the sponsor's two answers, this bill is absolutely unnecessary. First off, I object

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strenuously to bringing the weapons on the floor. You had the opportunity yesterday to go out to the firing range and see these weapons fired. Unless I have a failing memory, at least three out of those four weapons that were carried on the floor, it's totally impossible for you and I, as civilian to buy. They're fully automatic, the UZI, and the one which they confiscated from some person committing a crime which didn't have a magazine, they can't fire it, which is a small version of the UZI, and the other one which is converted, I think it's an AK-15 or something like that, or AR-15. You can't buy them, as a civilian. You can buy them if you're in the military or you're part of a police force. I want to tell you, Ladies and Gentlemen, this is the wrong approach. I have -- I hope this bill goes down when it's on postponed consideration, and the sponsor can come and talk to me, 'cause I have an amendment that was offered to me this morning by a spokesman for gun owners in Illinois, that they're willing to support. And that's put the penalty on the person who commits the crime. And I'm sure -- in talking to a couple of former State's Attorneys, it may already be in the law. But this puts it out very plainly and it makes it broader. The weapon isn't the one which causes the crime, it's the person that causes the crime. And as I related back when we dealt on Senate Bill 1212, when I was in college in Chicago, when the lady who let our apartment was grabbed by three young hoodlums at the apartment door and was creaming for help, and that person who lived on the first floor, a man and wife and child, who had a shotgun 'cause he hunted, opened the window and fired up in the air and these kids took off. When the police arrived, they -- for an hour, they didn't give a damn about the lady who got injured, who was stabbed during (inaudible) attempt to rob her. They were busy after this poor guy who was trying to be a good citizen, for firing a shotgun in the air that scared these people off, and it may have been her death. I don't

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know. Chicago, which has one of the tougher gun control laws in the country, been there since I believe 1924, which now make it sixty-five years, since that's the year I was born. This is idiotic. This is totally uncalled for. Let's put something on the statute where the person who commits a crime is not going to be able to plea-bargain. Where they can get a mandatory sentence, and let's make the penalty effect where it should. Now there's thousands, thousands of people who own weapons -- billions, I should say. Not only this State, but throughout the nation. And do you know, in Switzerland every male eighteen and over, by federal law, must have a semiautomatic with the ability to convert to full automatic, in their house. And they have the lowest crime rate of any nation in the world. Israel has the same provision, based on Sweden -- I mean Switzerland's law. Now their crime rate is miniscule compared to ours. It's a little more than what's the Swiss is. It's not the people, it's to the gun owner, it's the person who is inclined to commit a crime. And Ladies and Gentlemen, if you want to do something about this problem, let's address it where we need it, and that's on the person who commits the crime. You talk about California, and that was a tragedy. But that guy should have never been out, and the lady who was mentally disturbed who did the effect in Winnetka, should have never been had, shouldn't have been out. Now let's get realistic about this, and quit playing to the press, and quit playing to the media, and let's address...

END OF TAPE

TAPE 3

SENATOR DAVIDSON:

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(Machine cut off) a serious problem, let's make that person who commits that crime pay a harsh penalty, and you will see it reduced.

PRESIDENT ROCK:

Ladies and Gentlemen, we have fourteen additional people who wish to speak, so I just ask, please to -- attempt to confine yourself to the issue at hand. Senator -- further discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. A question of the sponsor, if he will yield?

PRESIDENT ROCK:

Sponsor is not in a position to yield.

SENATOR SCHUNEMAN:

Oh well -- hopefully, he soon will be. Senator -- it just brought to my attention a concern about this bill, that I did not realize existed, frankly. But the bill apparently would outlaw the manufacture of a whole series of weapons, one of which, is the Springfield Armory BM-59 and SAR-48. ...Is it true that this bill would outlaw the manufacture of those weapons in Illinois?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

That is correct. That is the amendment that the -- that the Lieutenant Governor wanted to be put on there, that...that is on the bill. It does not outlaw the possession, but it does outlaw the manufacture of these specific weapons in Illinois.

PRESIDENT ROCK:

Senator Schuneman.

SENATOR SCHUNEMAN:

Are you aware that in my district -- there are about a hundred people employed, manufacturing weapons -- for the Springfield

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Armory, and that these are two of the weapons that are manufactured there? The Springfield Armory -- sells weapons to the United States Government. They sell weapons to target shooters. The United States Government, in turn, then sometimes sells those weapons to foreign nations. We have a concern about that Senator, and -- and I understand why you're wanting to limit weapons, but it seems to me that it ought to be directed at the possession and use, rather than manufacture. And I was curious to know if you -- if you realize that this might have an effect on the jobs of about a hundred people in northwestern Illinois.

PRESIDENT ROCK:

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. I have in my hand, a thank you note that I...

PRESIDENT ROCK:

I'm sorry, Senator Fawell, excuse me. Senator Schuneman.

SENATOR SCHUNEMAN:

I was trying to get a response from the sponsor.

PRESIDENT ROCK:

I didn't realize that was a question. I thought that was a statement.

SENATOR MAROVITZ:

The answer is yes.

PRESIDENT ROCK:

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, I simply want to bring to the attention of the Body then, that -- this bill probably needs some work, before we pass it out of here. I don't think most of you folks who want to limit the use and possession of automatic weapons are really out to eliminate manufacturing jobs in Illinois. And probably what we

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ought to do is hold this matter until we get some of these problems resolved.

PRESIDENT ROCK:

Senator Fawell.

SENATOR FAWELL:

Thank you very much. I have a thank you note that I brought down to show some of you, and I wasn't planning on making it public, but I'd like to read a little bit of it. Dear Senator Beverly Fawell: A little over a year ago, my husband died, as a result of a shooting in his Lombard DCFS Office. Thank you for the special concern that you have shown my sons and me at that time. Because of your bill, which all of you voted for, that included the DCFS workers in a life insurance policy, already available to some other State workers. I have recently received the insurance money, and I am grateful for that money. Thank you. Thank you. Thank you for helping my sons and me in such a big way. I appreciate it very much. And it's signed by Brenda Rowell. This is probably one of the main reasons I am going to vote for this amendment. This is a young man about thirty-five years old, who went to a DCFS office. Lived in Wheaton, went to Lombard. Had two young sons. Was talking on the phone. Somebody came in with a gun, a co-worker, and shot him -- in cold blood. There was another worker, who lived in Lombard, my district. Came in to see what was going on -- saw the body of his supervisor -- turned and ran, and she shot him -- in the back. That young man, thirty-two years old, is lying in Marianjoy at this moment, paralyzed for the rest of his life, with no family. This doesn't do much for those children, or that young that's man still alive. But at least, perhaps if we pass a law that may prevent other people from doing similar things, we can help in that small way. We've already got enough laws on the books. Certainly this woman, who shot these two, has been convicted, will go to prison, but

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will not bring that young father back, will not allow that other young man to live a normal life. My DuPage Police Chiefs have called and asked me to vote for this. I was at a meeting last Saturday, when a Wheaton citizen stood up and said to a gentlemen who was talking about this bill, and was against it, that he felt that the average person in my district wanted something done. This may not be the perfect bill. But if we pass it, we certainly know it could -- certainly could -- it's going to Conference Committee. We can work out details, if that's necessary. But to sit back and do nothing, is almost a crime in itself. And I think we should all certainly vote yes, for a start.

PRESIDENT ROCK:

Further discussion? Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. Just a simple comment -- may put this debate into perspective. When the founding fathers gave us the right to bear arms, I have a feeling they were talking about one musket per person.

PRESIDENT ROCK:

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Approximately one and a half hours ago, I received a telephone call from the Superintendent of the Chicago Police Department. And what Superintendent Leroy Martin told me, made my shutter. Those of you who know Superintendent Martin are very well aware that he is very unique in his position, because, unlike most of his predecessors, he has been a street cop for over thirty years. And Superintendent Martin brought a very unique perspective to this debate. He told me policeman-to-policeman, point blank, that if this bill does not pass, it is just a matter of time before one of these weapons is used against police officers in our State,

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with absolutely devastating effects. Superintendent Martin told me that this year alone, the Chicago Police Department has confiscated literally hundreds of assault weapons, as described in House Bill 2266, including UZIs with silencers and automatic 12 gauge shotguns. And Superintendent Martin further told me that the bulletproof vests currently in use by the Chicago Police Officers on the street -- these bulletproof vests will be penetrated by bullets discharged by most of these assault weapons, with also very devastating effects. And Mr. President, Superintendent Martin also told me that police officers, prison officials, the military, as well as bona fide collectors of antique, or surplus weapons, are absolutely exempt. And for these reasons, I have no choice in my vote. And Mr. President, because of these reasons, I am compelled to vote yes.

PRESIDENT ROCK:

Further discussion? Senator Rea.

SENATOR REA:

Thank you, Mr. President, and Members of the Senate. Without repeating some of the things that some of the other opponents have stressed, I -- and in all respect for the sponsor of the bill. And when he speaks of it being a reasonable bill, I do not feel that it really is, because this doesn't really get to the real problem. When we start looking at the violations, a very high percentage of firearm murders are drug-related, and instead of getting into a discussion on what is a good gun and what is a bad gun, I think we should be dealing with what the real problem is. That we should be dealing instead, by -- instead of making concurrent possession of a magazine and a semiautomatic a felony, we should be making concurrent possession of any firearm and drugs, a five-year mandatory. I believe that the people -- I know the people in the central part of this State, and the Southern part, in particular, that they're not really asking for this

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legislation and probably your constituents are like my constituents, they are asking rather that we concentrate on punishing the criminals that commit these crimes. So I think that this is an area that we should be dealing with to really get to the real problem, rather than to be talking about what is a good gun and a bad -- and what is a bad gun. But instead, let's punish those who do commit the crime.

PRESIDENT ROCK:

Further discussion? Senator Jones.

SENATOR JONES:

Thank you, Mr. President, members of the Senate. When this issue was before us, in the past, I didn't debate the issue, I just supported the legislation. But when we adjourned last week, I had an appointment in my district, with a letter from a civic organization and its president, admonishing me for voting for Senate Bill 1102, 1105 and 1212. And said he was shocked that I supported the bill, because it did not reflect the views of my constituents. So I felt compelled to go to the meeting. And I went to the meeting, and I took with me the bills. And when I made him read the bills, and also read this letter that he sent on that organization's stationery. And when he read the bill, every member in that organization said, "You had no right to impose your personal views on this civic organization." They said I was right in supporting those bills, because two million of our young male and female in our communities, I know are lying in the hospitals paralyzed from the waist down, just like the youngster with the Great America -- last week, he's paralyzed, being shot. Young black males never reaching their maturity, because they are intimidated by gangs with these type guns. I want my sons to grow up to be grown men. I don't want them running through the community fearful of being shot with some youngster who, 'cause they got access to a gun that they either stole during a burglary,

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or got from their parents. We are adults. And we should be responsible for our children. It's not a question, is it the right to bear arms. Included in their letter was a memo talking about what Fredrick Douglas had to say. But Fredrick Douglas didn't foresee the type of guns that I saw when I went out to that firing range. He didn't foresee young men being intimidated to join gangs and they got these UZIs and all types of automatic weapons, killing people. Senator Brookins just passed a bill dealing with CHA security. And I talked to the person prior to that, concerning what happens in CHA. Do you realize that millions of residents sleep in bathtubs there, because of all the shooting that takes place? It goes on and on and on, and we sit here talking about our rights. But we got rights to this young man here. You got rights to my sons, standing right here. It's my responsibility. We shouldn't argue about who should bear arms and who should not bear arms, because when that constitution was written, they didn't know anything about these type guns. No black person of any responsibility can sit here on this Floor, and the House Floor, and talk about the right of legitimate people to bear arms. Sure they got that right, but there is a responsibility also with that right. So with this letter that I received from this civic organization, I received many calls as a result of that meeting. That person will no longer be president. And that same person happened to be a high school principal, and I told him, "You ought to be ashamed of yourself. You ought to be ashamed of yourself, 'cause when they walk into your classroom, and when they intimidate those youngsters out there, how can you, as a responsible leader, protect those children?" This bill should receive an affirmative vote from every member in this General Assembly, if you are concerned about this young man. You're concerned about that young man. And forget about all this right stuff, but our rights and responsibilities are to these

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youngsters. And I ask for a favorable vote.

PRESIDENT ROCK:

Further discussion? Senator Watson.

SENATOR WATSON:

Well, thank you, Mr. President. From what I understand, Mr. President, the previous speaker, much of what he said is already in violation of Chicago City Ordinance. I think that may be an indication of how effective gun control laws have been in this State. Look at Washington D.C., our United States Capital. One of the toughest gun control laws in the country. It's also the murder capital of the country. Tough gun control laws don't solve the problems that Senator Jones is talking about. This type of legislation's going to make felons out of thousands of people in my district. And these types of clips that Senator Marovitz is trying to ban and are literally available and accessible to many of the people that live in my area. Good people. Sportsman. Hunters. They're not doing what Senator Jones just referred to. These are law-abiding citizens who have a weapon that it's their constitutional right to have. And I don't know that that constitutional right meant one musket or not. I don't necessarily believe that's the case. I think Senator Marovitz is trying to find some gray area here. He's trying to find some gray area in an issue in which it's black and white. There's no gray area in the area of gun control. You're either for it or you're against it. And banning possession, sale, manufacture, whatever it might be, of these types of weapons is not going to solve the problem. The criminal is still going to have access, and still have this weapon, and the honest abiding -- law-abiding citizens of this State are the ones who are going to be punished. And I think a No vote is very appropriate on this legislation, and I'd certainly appreciate it.

PRESIDENT ROCK:

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Further discussion? Senator Raica.

SENATOR RAICA:

Thank you, Mr. President, and Ladies and Gentlemen of the Senate. If I may, Mr. President, I'd just like to make a couple of comments first of all, and if Senator Marovitz, the sponsor of this bill, can just give me a motion, whether I'm correct or incorrect on a few of the comments I'm going to make. First of all, I know, first of all the bill that we tried to pass out of here previously, when it related to handguns, if I was talking about a nine millimeter to a forty-five -- forty-five. First of all, the clip has been increased, I guess from a ten to a fifteen-round clip now, which was a concern of a lot of the NRA member within my district. ...Correct, Senator...

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

That is correct.

PRESIDENT ROCK:

Senator Raica.

SENATOR RAICA:

Thank you, Mr. President. Secondly, -- as far as owning or in possession of the other weapons that we spoke of today, if the clip is separated from the weapon, no one is in violation, or no one is a felon. Am I correct, there also?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

That is correct, there is no crime.

PRESIDENT ROCK:

Senator Raica.

SENATOR RAICA:

Thank you, Mr President. To the bill, if you'd just bear with

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me. I guess I really have to echo the sentiments of Senator Jones. I guess that doesn't mean I've been here a long time, but I just -- I have to agree with him. I have heard a lot of concerns from NRA members, within my district. Concerns of what type of legislation are we attempting to pass on them. I too, along with Senator Jones and a few others or many others here, voted along with Senator Marovitz on almost the same type of -- of bill that we're doing today, although this is amended. What had happened is, they say -- they stated I voted against -- or I voted for Senate Bill 1212. Did it not state the fact when Senator Marovitz attempted to pass the other pieces of legislation regarding gun control, I opposed them. But I had strong feeling about this particular piece of legislation. The views of one member of the NRA were poorly handled, as far as I am concerned. The people who I have not heard from, are the people who have concerns over this Body attempting to pass through this type of legislation. We heard comments within the last half hour regarding stricter penalties for those who are caught using this type of weapon or committing a crime. What no one mentioned is that this Body's responsible for making those type of decisions as far as what kind of penalties we're going to impose. But it's not this Body, it's the judges that are the person that the criminal is the one who goes before. We have no control over that. We have control over this bill. You know before I came here, I was a paramedic, for fifteen years. On Twenty-sixth Street in the Lawndale community, a good friend of mine, a police officer, John Wasco, was shot five times, in crossfire. His partner, Stragallo, was killed. When we picked them up, I and the other members of the -- the crew were lucky enough to save John. Had this been an automatic weapon, John probably wouldn't be here today either. A lot of people say that the Governor got to me, the Lieutenant Governor got to me. That's not true. I was with

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Bill the last time this bill came up. This bill protects a lot of the people that have guns now. Doesn't take anything away. The Governor didn't get to me. The Lieutenant Governor didn't get to me. It was the blood of those kids and the innocent people that got shot that got to me. And I'm a man of my word. I was with Bill before, and I'm with him again.

PRESIDENT ROCK:

Further discussion? Senator Vadalabene.

SENATOR VADALABENE:

Yes. Thank you, Mr. President and members of the Senate. I want to come with a different approach in regard to this legislation. First of all, I would like to ask Senator Marovitz a question.

PRESIDENT ROCK:

He indicates he will yield, Senator Vadalabene.

SENATOR VADALABENE:

Senator Marovitz, have you at any time considered the manufacturing of ammunition by any of the plants in regards to this bill? Not the guns, but the ammunition plants.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

I haven't, but I'd certainly be willing to do that. I think it's certainly something that we should look at -- I haven't.

PRESIDENT ROCK:

Senator Vadalabene.

SENATOR VADALABENE:

That's a serious omission, in my opinion. I think that Senators Schuneman discussed -- or -- or said about guns being manufactured in his district. I happen to have the largest ammunition plant, Owen Industries, in my district. They are the complete supplier of all Winchester products in the world, besides

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other ammunitions. They are also employers of over four thousand people in my district. I really feel that when you're talking about guns, you should also consider the people who furnish the ammunition for useful purposes, for sportsmen and so forth. So that when you cut out their guns, you cut out the production of the ammunition manufacturers in my district, and I have to oppose your legislation.

PRESIDENT ROCK:

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. It has been said this afternoon that this bill is going to cost us some jobs. That it is idiotic. That it is unreasonable. That it is unnecessary. But I think that what is idiotic, unreasonable, and unnecessary is the Floor debate that has taken place here today. This bill should have been on the Agreed Bill List. I live on a day-to-day basis with the kind of fear that strikes at the heart of many, many individuals in the City of Chicago, and in other cities across Illinois. I live in fear that my eighteen-year-old, after dark, if he is sitting on the front steps of where I live, that there will be a car that will drive by and that someone with a ski mask on will pull out an UZI and spray my stair steps. As was done not that long ago, just before Superintendent Leroy Martin came to testify before the Judiciary and talked about the murder of a sixteen-year-old girl that was standing on the corner three blocks from where I live, where the corner was sprayed with an UZI. And four young people fell to the ground, and one sixteen-year-old girl died. I live with the fear that I will receive a phone call, another phone call by grieving parents, asking me to attend a funeral. A funeral of a young person. In many instances, an innocent person, because as you know, most of these shootings are related to gang activity and to drug activity. But when you're

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talking about automatic weapons, those that get it usually are innocent individuals, and I agree with you, Senator Dudycz, that it is just matter of time before we will have police officers killed by automatic weapons. Are we going to wait till our police officers die in the line of duty before we come and we put a bill like this on the Agreed Bill List? I say, let's not wait. Let's move on this today. I urge an Aye vote.

PRESIDENT ROCK:

Further discussion? Senator Brookins.

SENATOR BROOKINS:

Thank you, Mr. President. The sponsor of this bill said that the little people in the communities have no lobbyist and no sportsmen, and I disagree with him. They have the greatest lobbyist of any people there are, and that is you and me, Senator Marovitz. I received many, many calls from people both pro and...and con this legislation. And I received many letters for the vote that I taken concerning this legislation, this same bill. And I know, as a police officer for fourteen years in the City of Chicago in the roughest district ever devised in the City of Chicago, which was 48th and Wabash, there is no district nowhere in the country is any rougher than that district at that time that I worked the squad cars in that district. And I have been in projects as -- police officer, public housing, CHA. So I understand what we're talking about. And I understand the workings of these guns that was displayed here on the Floor. But I, too, receive calls. And I received a call from a fellow police officer that I served with during that time. He is now Superintendent Martin. And he pointed out to me, as he did to Dudycz, and we went through it and we discussed it over and over again. And I told him and gave him the argument, and he countered every argument. I also received a phone call from now State's Attorney Cecil Partee, who told me how he had organized across

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the state of Chicago his fellow state's attorneys, and I argued the points with him and against him. And I said in my office, and I prayed, 'cause in everything that I do I know that there is a God. And there is a God here, too. And I rised above my own hurt and disappointment in a Senator that took to the airways and did things that I think that he should not have did, but I prayed on that. And therefore, for that I must and will change my position, though I know that there's other positions and other reasons, so therefore, I will support this legislation this time.

PRESIDENT ROCK:

Further discussion? Further discussion? Senator Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. President. I rise in support of this bill. Some of the arguments that the opponents make, the NRA types, the foot-in-the-door thing, I've had that. Well, I think we put a foot in the door when we put plugs and shotguns several years ago to keep our water fowlers from killing every bird on every lake and river, so, and that didn't hurt anybody, that we could only have three shots in a shot gun when we go hunting, for whatever. Sportsman, they say -- you know that -- I guess -- I guess maybe I'll read the -- an ad that was on the radio in my district, twenty times a day, over the weekend. Says, twice last month, Senator Jerome Joyce tried to close the door -- the door slammed shut on Illinois' sportsmen. He voted to make felons of law-abiding citizens who simply own an semiautomatic firearm and a magazine. Now this bill is back for a vote within a few days. Let him know you don't want him to do it again. Call Jerome Joyce, on Tuesday, phone numbers, before he turns his back on sportsmen. Doors slammed shut again. Again, paid for by the Illinois members of the National Rifle Association. Now I might point out that they didn't say that the clips had to be over ten rounds. They didn't say that those twenty-two rifles were exempt,

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and that's about what I got the calls about. All seventeen phone calls -- seven of them were in favor of the bill. So, you know, the NRA and their commercial, I guess, they figure if you're a member of the NRA you don't have to tell the truth. But, it's -- it's a little discouraging, and I see that one of the members sitting over there in the corner, and I think it's appropriate that he's hiding way over in the corner -- they had so much effect in my district, I'll tell you folks, that -- George Ryan came out, he happens to live in Kankakee where the radio ads are running, and supported this legislation, and, I thank George for doing that. I think he did a great service to the people of the State of Illinois. Another thing that -- we get the impression that these sportsmen, you know, we -- we -- we see the Elmer Fudd type, got on his little jacket and his shotgun, well that isn't what we're talking about, folks. We're talking about clips, right here. Sixty bullets in this baby. And that shoots a NATO round. That's not meant for killing a -- rabbits or -- anything, that's meant for killing people. Now if you want to do target shooting, or any other kind of shooting, here's the round, here's the magazine that comes with the gun when you buy it. It holds four. Now I used to raise a lot of sheep, and I had a lot -- a use for a weapon, had a lot of dogs that would kill those sheep, and I killed a lot of dogs. Tell you what, I never killed one on the eleventh shot. I never killed one on the third shot. Hardly ever killed one on the second shot. I think is was Barry Goldwater said, "If you can't kill 'em on the first one, you better quit." So, you know, that -- this is what we're talking about. This is for a -- you know -- a rifle, an assault weapon. Here's one for a pistol. This holds thirty rounds. Now every sportsman needs one of these. And every target shooter needs one of these. I mean -- you know -- if you know anything about that, and I've done a little of both, I've shot trap and done target shooting. This

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would put your gun so out of balance you couldn't hit anything with it anyway. So, you know -- this -- it's all a bunch of baloney here, folks. And we say well, you know, the policemen, they don't need this. Okay. Anybody can get one of these weapons. So the drug enforcement people go in, and when the guys flush down the drugs down the toilet, there's nothing they can get him with, but if he's got one of these, they can get him with that. That makes pretty good sense in my book. So, I think that all the intimidation that the NRA has tried to do, I think they've lost creditability. I think that it's just something that a few fanatics at the top of the organization, not the rank and file members, but at the top, are doing that, and fellows, try not to misquote me on that one. But I'm going to read you a letter that was sent to the editors of a bunch of newspapers. Says, "I am dismayed by recent statements made by the National Rifle Association and other opponents of gun control who have criticized select Illinois Lawmakers for their votes in favor of legislation which seeks to ban assault weapons and semiautomatic weapons capable of firing more than ten rounds. During twenty-six years as a Conservation Officer, I've never encountered a hunter who has used this type of weapon lawmakers are seeking to ban under Senate Bill 1212. Most sportsmen do not hunt with this type of weapon described in the bill, and discussion with sportsmen about such weapons I've never -- I've been told time and time again that sportsmen would not need a weapon with a magazine capable of firing more than ten rounds. Moreover, the twenty-two caliber rifles like those of many hunters are specifically exempt in the provisions of the bill. Opponents of this measure are clearly misinformed about its provisions, and I fear they are blindly attempting to defeat this bill simply because it -- it proposes to outlaw select firearms. If they would take a closer look at the measure, they would see that it poses no threat to any legitimate

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sportsmen, and seeks only to eliminate certain weapons whose only purpose is to maim and kill another human being." Roger Frazier, President, Conservation Police Officers in the State of Illinois. So, folks we don't need this kind of stuff. And you can keep those other rifles. Just get one with less than ten clips. And your pistols are alright now with fifteen rounds. It's only reasonable that we pass this bill. Thank you.

PRESIDENT ROCK:

Further discussion? Senator Keats.

SENATOR KEATS:

Senator Joyce just stole several of my best lines. Every year I have to qualify on these, 'cause I'm a officer in the Army Reserves. And so, I'm not going to reiterate how these weapons are used, 'cause a couple of people know it. But anyone whose every dealt with a -- semiautomatic weapon or an automatic weapon knows these are not particularly effective hunting devices. As Jerry just said, they don't hold still very well when you're shooting an automatic. And if you're shooting at a deer and you're spraying all over, you're more apt to hit your friend doing it anyway. These are not hunting weapons. These are not sportsmen's weapons. When you carry magazines like that, you are not looking for a deer. There is no excuse for this sort of stuff, and I just -- with that, since Jerry stole the best of my lines, I'll leave it at that. These are not sporting weapons. And anyone who has worked with them closely, dealt with them, fired them regularly, knows that.

PRESIDENT ROCK:

Further discussion? Senator Lechowicz.

SENATOR LECHOWICZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I'll be very brief. I believe this matter has been debated and discussed to quite an extent. I think there's a change in the

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mood...mood of the country. And it's also reflected in the change in the mood of the General Assembly on this issue. What we're talking about is banning the possession of assault -- assault weapons. President Bush realized the importance, and reflected the change in the nation when he as a hunter, he as the President, has established and recommended national guidelines to eliminate and prevent, hopefully, the further slaughter of innocent human beings in this country, no matter what state that they're in. We had some tragic situations happen in Illinois. In suburbia, in an area where supposedly things like this never happen. We -- we weren't talking about a situation that happened in a drug-infested neighborhood, crime-infested neighborhood. We're talking about a situation where a person lost her balance, proceeded to go to a school, killed children, maimed people, and yes, people have survived. The people that survive or go through anything like this, they form a very strong commitment. A commitment, hopefully, to prevent anything like this happening to anyone else. It was pointed out as far as the children in the neighborhoods, that's what we're talking about survival here. There are many children in Chicago that are exposed to this type of life on -- a day-in-day-out basis. What we're trying to do is give them a little better chance. A little better chance. We're trying to give the policemen, especially in the City of Chicago, a little better chance of survival. When Superintendent Martin came out so strongly in behalf of banning of the assault weapons, he had not only -- use of his history and his experience, but actual street details about the availability and number of weapons on the streets in Chicago. This bill will not eliminate that problem. This bill will eliminate the problem as far as having these type of weapons legal. Legal. There's no reason why these weapons should be legal. Hunters never use them, or if you're a hunter, you really wouldn't use an assault weapon. Target people don't

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use them. Who uses them? Why do we need them? I think President Bush was correct. We should be correct and vote Aye. And as far as the -- Senator Schuneman, I share your concerns. This provision could be amended in the House stating that the manufacture of these weapons for legal purposes would be for the military, and the amendment could be adopted. But I think this bill should pass. It's long overdue. Thank you, Mr. President.

PRESIDENT ROCK:

Further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

It's all been said, Mr. President. Let's vote. I vote Aye on this bill.

PRESIDENT ROCK:

Senator Marovitz, do you wish to close?

SENATOR MAROVITZ:

I do wish to -- answer a few things, Mr. President, that were brought up briefly. Okay. This doesn't take away the rights of law-abiding citizens. We still allow people to protect themselves and own weapons. In answering Senator Schuneman and his question about the jobs in his district, this still allows that particular plant to remain in business, to manufacture those weapons, sell those weapons to the military, to law enforcement officials, and to prison personnel. This would hopefully prevent the kind of spray killing where people who are -- may not be even intended to be the initial shot, are killed as a result of the spray. Assault weapons only purpose is to kill large numbers quickly and efficiently. The automatic UZI fires thirty rounds in two seconds. That's the automatic. The semiautomatic UZI fires thirty rounds in five seconds. Ladies and Gentlemen, I think an Aye vote for this bill makes a statement for the Illinois Senate and to the people of the State of Illinois. I solicit your Aye vote.

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PRESIDENT ROCK:

Question is, shall House Bill 2266 pass. Those in favor will vote Aye. Opposed will vote Nay, and the voting is open. Have all voted who wish? Take the record. On that question, there are 32 Ayes, 25 Nays, one voting Present. House Bill 2266, having received the required constitutional majority, is declared passed. 2274. Senator Holmberg. On the Order of House Bills 3rd Reading is House Bill 2274. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 2274.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. This bill is the result of a young elementary school girl who played for her team during the year, but was not allowed to compete in the competition at the end of the season, because she was participating on a boys' team. The bill now says that schools that do not maintain separate sports teams or interscholastic athletic programs in a particular sport for girls and for boys, must not exclude students from participation on existing teams on account of that student's sex. At the suggestion of the Illinois High School Association, this bill was amended to only apply to elementary schools, which was the case in question, and I would ask for its favorable passage.

PRESIDENT ROCK:

Any discussion? If not, the question is, shall House Bill 2274 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. All voted who wish? Have all voted who wish?

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All voted who wish? Take the record. On that question, there are 53 Ayes, 3 Nays, none voting Present. House Bill 2274, having received the required constitutional majority, is declared passed.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

On top of Page 15 appears House Bill 2275. Senator Watson. Senator Watson, you have got a bill-2275. Out of the record. 2280. Senator Welch. Read the bill, please.

SECRETARY HAWKER:

House Bill 2280.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from LaSalle, Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. What this bill does is relinquish the right of the State to reversion to thirty-five acres in the City of Streator. This property was given to the State by Commonwealth Edison over twenty years ago - in 1961, in fact. The State received it for a small fee; they didn't pay full value for it. The property was managed and continues to be managed by the City of Streator. Currently teenagers and others are using the property for parties and making it very difficult for the City to control. The City is hoping to take care of the property by having it totally in their possession for possible sale or other use. I would be glad to answer any questions.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall House Bill 2280 pass. All in favor, vote Aye. All opposed, vote Nay. The voting's open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 43 Ayes, 11 Nays, 2 recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 2286.

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Senator Topinka. Read the bill, please.

SECRETARY HAWKER:

House Bill 2286.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Lady from Cook, Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President, Ladies and Gentlemen of the Senate, as amended, I don't think this bill has a problem any longer. It would require home rule municipalities to submit plans and assurances in compliance with provisions of the Federal Fair Housing Amendments Act of 1988, for the adequate availability of sites for community residences. It is a study. It has been amended to the specifications of anyone whom I think had a -- trouble with it in its original form.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall House Bill 2286 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 58 Ayes, 0 Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 2304. Senator Fawell. 2308. Senator Severns. Senator Severns. Is she over there? Okay. 2304. Senator Fawell. And Penny, you're up next. Read the bill. 2304.

SECRETARY HAWKER:

House Bill 2304.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Lady from DuPage, Senator Fawell.

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SENATOR FAWELL:

Thank you very much. I'd like to tell my colleagues, first of all, that the analysis that they have is wrong. It -- the -- with -- with the amendment that I added, this is a tax increase with a frontdoor referendum. It allows townships to enter into contracts for -- for recycling and composing <sic> trash and refuge in the unincorporated area only. It is a Township Officials Association bill, and I would solicit your Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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

SENATOR GEO-KARIS:

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

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates she will.

SENATOR GEO-KARIS:

I want to make certain that the way you've amended your bill, that there is a frontdoor referendum on this bill, because it is a tax increase.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Fawell.

SENATOR FAWELL:

Yes, it is. If you will look at the next page, Senator Geo-Karis, you will see.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall 2304 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 50 Ayes, 8 Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 2308. Senator Severns. Read the bill.

SECRETARY HAWKER:

House Bill 2308.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Lady from Macon, Senator Severns.

SENATOR SEVERNS:

Thank you -- thank you, Mr. President, Members of the Senate. I'd like to have this bill recommitted to the Senate Committee on Energy and Environment.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Lady asks leave to have the bill recommitted to the appropriate committee. 2308. Hearing no objection, the bill is -- is recommitted. 2310. Senator Maitland. Recall. 2321 is a recall. 2328. Senator Berman. Out of the record. 2334. Senator Tom Dunn. Read the bill. Out of the record. 2351. Senator Tom Dunn. Read the bill, please.

SECRETARY HAWKER:

House Bill 2351.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Will, Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. The main amendment to this extended the window for accreditation from January 1st, 1980, through December 31st, 1983, to the new date of January 1st, 1980, through December 31st, 1989. The other aspect of the bill that was amended here on the Floor, was requested by the State Medical Society and it would expand the exemption to anyone doing diagnostic x-rays.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

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Thank you, Mr. President. Senator Dunn, I was just given a position paper by the Illinois Department of Nuclear Safety which indicates that they're apparently in opposition to this bill. Are -- were you aware of that?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Dunn.

SENATOR T. DUNN:

Yes.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Schuneman.

SENATOR SCHUNEMAN:

Then for the Members, Senate Amendment 1 would eliminate from State accreditation requirements anyone who administers radiation except for therapeutic purposes. Presently the Illinois Department of Nuclear Safety accredits eleven thousand radiologic technologists, and if the provision in Senate Bill No. -- Amendment 1 is enacted, over nine thousand of those technologists would be excluded from accreditation requirements. It's apparently on that basis that the Department stands in opposition to this bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Dunn, to close.

SENATOR T. DUNN:

Well, Senator Schuneman, just -- just to give you a brief answer. You know, I find it very odd that Mr. Lash and that Department are now so concerned about radiation, when they attempted to put in a low-level nuclear plant in Channahon, Illinois, which is in Senator Joyce's area and borders on mine, and they really tried to sneak it in under the wire, and they weren't too concerned about it then, and if it comes between a choice between credibility and judging whether or not there ought to be an exemption, I'm going to take the word of the Illinois

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State Medical Society, because I think they have a genuine interest, and I don't think that they would be willing to expose anybody to any kind of a radiation that would be unnecessary. So I urge an Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall House Bill 2351 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 40 Ayes, 16 Nays, 1 recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 2363. Senator Carroll. Read the bill, please.

SECRETARY HAWKER:

House Bill 2363.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Cook, Senator Carroll.

SENATOR CARROLL:

Why, thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill, as amended, basically says that a common law fiction is either an assumption or supposition of law that something is true when it is either or may be false. That's all the bill does. I would be willing to answer questions, and ask for a favorable roll call.

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:

Unfortunately, I don't have my analysis in my book. Could you

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tell me what your bill really does?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Carroll.

SENATOR CARROLL:

Sure. It defines a "common law fiction" as either an assumption of law or supposition of law that something is true when it either is or may be false. That's the whole thing, but let me explain what it really is -- which is, I think, what you're really asking, and that is, as you know, there have been some cases in the Appellate Court dealing with Section 2622 of the medical malpractice area of law. There may be a need for a vehicle to accommodate that issue because of an appellate court case, if they can reach accommodation on the issue of the affidavit that a doctor files if they are to be a witness. Med Society has been talking about potential language, and this -- was the reason we amended it. It was originally introduced for that purpose if agreements are reached. We've amended it to send it back to the House because of the recent case that came out on the 13th of June. If accommodations are reached, it'd be used for that purpose. Otherwise, I'm sure it would never get anywhere.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? The question is, shall House Bill 2363 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 53 Ayes, 2 Nays, 1 recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. House Bill 2365. Senator Topinka. Read the bill, please.

SECRETARY HAWKER:

House Bill 2365.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Lady from Cook, Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate, House Bill 2365 is -- is no small undertaking. It's a proposal by the Department of Public Health to bring Illinois in line with the Federal Asbestos Hazard Emergency Respond Act of 1986. That's the AHERA rule in -- in Washington. Basically, it brings us into line with the federal law. One key change is it removes the Department of Public Health from responsibility to inspect schools and issue corrective orders. It now leaves that up to the schools, as the federal law would have us do. It creates also an Illinois School Asbestos Abatement Fund, and provides that all fees and penalties collected by the Department would be deposited in this fund, subject to appropriation, and be used by the Department to administer this Act. I don't know of any opposition.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall House Bill 2365 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 58 Ayes, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. House Bill 2369. Senator Welch. Read the bill, please.

SECRETARY HAWKER:

House Bill 2369.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from LaSalle, Senator Welch.

SENATOR TOPINKA:

Thank you, Mr. President. What this bill does is allow

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retired employees of the public community colleges to be included in State health plan. This is the only group of retired employees of a State-funded pension system with no provision for health insurance, and what the bill would do would be to place those employees under the State health insurance plan. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The Gentleman from Whiteside, Senator Schuneman.

SENATOR SCHUNEMAN:

Question of the sponsor, if he'll yield.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he will.

SENATOR SCHUNEMAN:

Senator is there -- is this matter in the Governor's budget?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Welch.

SENATOR WELCH:

Not yet.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Schuneman.

SENATOR SCHUNEMAN:

Has there been an appropriation for this amount?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Welch.

SENATOR WELCH:

I understand the House put it in a appropriation bill, Senator Schuneman.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Schuneman.

SENATOR SCHUNEMAN:

Yes. Just for the edification of the Members, this is an

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issue which has been kicking around here for a long time, and I understand the retired university -- or community college employees do not have a health insurance plan. There may be some justification for bringing them into the State plan. I think what remains undecided is who's going to pay for it, and apparently the community colleges don't want to pay for it, and everybody's looking to the State, so as I understand it, this simply enables that to happen if -- if there is an appropriation.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President and Members of the Senate. I rise in support of -- of this bill. The genesis of this actually started in 1987, when I was the chief sponsor of Senate Bill 145, which got over 40 votes here in the Senate, with quite a lot of opposition from the Second Floor. This group of retired community college teachers are the only group in the University Retirement System who cannot - and do not - have opted into State -- Statewide health insurance program, and I think it's time that we took care of them, and put them into that State health insurance plan, negotiated by Central Management Services. And I would certainly urge your support on this bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Welch, to close.

SENATOR WELCH:

Thank you. I would only add that the amendment to the bill allows for deductions for parking for employees at the University of Illinois. I would move for passage of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall House Bill 2369 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Denny. Have all voted who wish? Have all voted who wish? Please take the

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record. On this question, there are 59 Ayes, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. House Bill 2372. Senator Demuzio. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

House Bill 2372.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 2372 builds upon legislation that we passed two years ago that required owners or operators and/or operators to register underground storage tanks and to pay a hundred-dollar fee. The purpose of that fee was to provide for an off -- on- and off-site pollution insurance fund to provide insurance in the amounts of a hundred thousand dollars to a million dollars. It was hoped that the insurance companies would write the pollution policies on the first one hundred thousand. Unfortunately, that has not happened, and therefore, a number of filling stations across the State of Illinois have had to go out of business. The purpose of this bill is to one, eliminate the hundred-dollar fee per tank; to reduce the deductibility on insurance coverage from one hundred thousand to ten thousand; to provide insurance coverage for on-site and off-site pollution, along with third party liability of up to a million dollars; and it would levy a three-tenths per gallon storage fee on petroleum products including gasoline, gasohol, diesel fuel, kerosene and aviation fuel. Federal law has required the owners and operators with underground storage tanks to carry the one hundred -- I'm sorry -- the one-million-dollar financial responsibility insurance by either October 26th of this year or

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April 1st of 1990, dependent upon the number of tanks that they had to operate the facility. Without this bill, most owner-operators, including nearly one thousand service stations across the State, will not be able to obtain the required coverage, and therefore, would be forced out of business. I would ask for your favorable support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall House Bill 2372 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 57 Ayes, 1 Nay, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. Top of Page 16 appears House Bill 2373. Senator Welch. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

House Bill 2373.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. This bill is now basically an amendment I put on the bill yesterday or the day before. What it does is create a one-cent waste oil cleanup fee, to be used to clean up oil on land or water, and grant small oil generators a credit on their liability for a waste oil response action. This is in response to the Lenz Oil Case that we've talked a lot about. In addition, the bill would also provide for the cleanup of spills on water in response to the Exxon-Valdez spill in Alaska. We found that we really didn't have a State program to take care of oil spills on water. I'd be glad to answer any questions.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The Lady from Cook, Senator Macdonald.

SENATOR MACDONALD:

Yes. Senator Welch, I just had one question. In the amendment yesterday, the one-cent per quart was put on wholesale. Now can you explain, you know, there is middlemen in wholesale and so forth, which wholesale -- explain the wholesale aspect of it. Who gets taxed?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Welch.

SENATOR WELCH:

Well, as I understand it, before the oil gets to the outlet, such as a K Mart or a Jiffy Lube or something of that nature, the prior wholesaler - the person who sells the oil - would then be the one to pay the tax, based on the number of quarts of oil.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Macdonald. Senator Welch, to close.

SENATOR WELCH:

I would just ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall House Bill 2373 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 57 Ayes, 1 Nay, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 2374 is on Recall. House Bill 2379. Senator Daley. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

House Bill 2379.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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The Gentleman from Cook, Senator Daley.

SENATOR DALEY:

Thank you, Mr. President and Members of the Senate. House Bill 2379 is an election bill containing several agreed provisions. It requires -- and they are requiring nominating petitions to be the -- original copies. It makes duplicate or photocopies subject to an electoral board challenge. It eliminates ballot rotation for Statewide offices as well as Chicago aldermanic offices. It establishes a candidate's credential for poll watching, redefines a write-in candidate -- when a write-in candidate is nominated or elected, prohibits a defeated primary candidate from running in a general election in any case. It expands provisions for reassignment of precinct voters in certain elections, establishes procedures for notifying voters of polling place changes, defines a straight ticket vote, permits -- permits a challenged person to vote by signing an affidavit or either producing two forms of ID containing a current address, or by producing a witness. And it requires dismissal of election judges who, twice during their term fail to open a polling place on time due to their own neglect. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The Gentleman from McHenry, Senator Schaffer.

SENATOR SCHAFFER:

I just wanted to comment for this side of the aisle, that if Senator Dudycz were on this side of the aisle sitting in his desk as our spokesman, he would say this bill is okay. But he's not, so I'm doing it.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Lady from Cook, Senator Netsch.

SENATOR NETSCH:

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

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he'll yield.

SENATOR NETSCH:

That's a long check list. I think that one of things that I heard you say was that we are eliminating the rotation of candidates what -- both in the general and in the primary for all Statewide offices. And why? Why are we doing that?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Daley.

SENATOR DALEY:

Number one, the election boards who came down and testified said it is a tremendous cost for them when they do their computer setting for -- to rotate, as you know, they rotate - State offices rotate - by legislative districts. So all the -- clerks who came down said it would be much easier for them and electionwide in -- for a less of an error if the rotation was eliminated.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Netsch. Senator Netsch?

SENATOR NETSCH:

Yeah, thank you. Does that mean then -- or no, let me ask in the form of a question. How then will it be determined whose name comes first on the ballot in both the primary, and it not quite so critical in the general, obviously.

SENATOR DALEY:

As you know -- as you know, right now you rotate only in the primary. And that would be done by Lottery. Your -- your number would be given you -- to you in the primary by Lottery, and then that would be your number throughout the State. And then in general -- in the general election, that's -- you do not rotate.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman from Cook, Senator Brookins.

SENATOR BROOKINS:

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

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he will.

SENATOR DALEY:

Senator Daley, you said that if the polling place opened late, that those -- the judge would be dismissed. How do we know which judge is responsible for opening a polling place?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Daley.

SENATOR DALEY:

This will be up to the board. I'm sorry, the Chicago Board. They have the sole responsibility for that - to making sure that if there's one judge who constantly opens -- constantly has the binder -- has the binder for -- for that precinct, and is constantly late to elections, and through her neglect, does not open the polling place on time, then she should be removed.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Brookins.

SENATOR BROOKINS:

Am I correct that all the judges -- all five of the judges are of equal weight? And therefore, do you fire all five of them, or do you fire which one?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The one that receives the binder. Senator Daley.

SENATOR DALEY:

Believe only one judge is responsible for picking up that binder.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Right. Senator Brookins.

SENATOR BROOKINS:

Who determines which judge picks up the binder?

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Daley.

SENATOR DALEY:

The board -- the board advises that individual that he or she is responsible to pick up the binder at such-and-such location. So they have been informed by the Board of Elections.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

They drop the binders off at the house. Senator Brookins.

SENATOR BROOKINS:

Which judge is responsible for opening the -- polling place?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Daley.

SENATOR DALEY:

It -- well, to open the polling place would be -- as I said -- whatever judge -- it depends where it is. If it's at a school -- at gym, it would have to be with the Park District. But this is -- that they cannot proceed without a binder, and you cannot have people vote if there's no binder book.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Alexander.

SENATOR ALEXANDER:

Thank you, Mr. President. I rise -- I standing support of this piece of legislation. And in response to Senator Brookins, the person who receives the -- binder is really the key person in any election. If that binder is not present, nobody can vote. And it seems to me the intent of this legislation would be, that the person who receives the binder would make arrangements with whoever the proprietor, or the place, or location of the polling places, to see that that place is open on time or the captain, or judge be standing outside that door, and if the proprietor's not there, then of course, the judge would not be held responsible for that if they could not locate the owner. But I think this is a

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good piece of legislation.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. After long and tedious discussions on both sides of the aisle between Senator Daley, Senator Alexander and myself, this compromise has been worked out. It's an acceptable bill, and we urge -- unanimous support.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Senator Daley, do you wish to close?

SENATOR DALEY:

A favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall House Bill 2379 pass. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, -- Mr. Secretary. On that question, the Ayes are 57, Nays are 1, none voting Present. House Bill 2379, having received the constitutional majority, is declared passed. On the Order of 3rd Reading is House Bill 2383. Senator Jacobs. Out of the record. On the Order of 3rd Reading is House Bill 2405. Senator Jones. Read the bill, please, Madam Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2405.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones.

SENATOR JONES:

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Yeah. Thank you, Mr. President and Members of the Senate. House Bill 2405, as amended, rewrites the Land Sales Act which expires at the end of this year, and it establishes the powers and duties of the Department of Professional Regulations. It establishes ground for which land sales persons can be disciplined, and establish new procedures and make other minor changes, and I know of no opposition. Ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR LUFT)

He indicates he'll yield.

SENATOR HAWKINSON:

Senator, our analysis indicates that a Class 4 felony is created which prohibits distributing material which falsely represents the condition of the land. What kind of land are we talking about, and what kind of false statements are we talking about?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones.

SENATOR HAWKINSON:

...Class 4 felony.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones. Sorry, Senator.

SENATOR JONES:

Specifically we are talking about land to be subdivided -- subdivisions. Subdivisions.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Hawkinson.

SENATOR HAWKINSON:

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What kinds of misrepresentations are we trying to get at here?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones.

SENATOR JONES:

Well, there is nothing specific in there, but perhaps if you mislead or misrepresent something, they could fine up to two thousand dollars.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Hawkinson.

SENATOR HAWKINSON:

This -- does this apply to residences that, you know, a buyer makes some puffing statements about what a nice house he has, and they turn out not to be true. Is that -- have any application to the sale of residences?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones.

SENATOR JONES:

No. We are just talking -- Realtors are not -- you're talking about Realtors' aspect. This is on the land sales -- just land, not the home, et cetera.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Hawkinson.

SENATOR HAWKINSON:

So it's only undeveloped land that we're talking about?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Jones.

SENATOR JONES:

That's correct.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Senator Jones, to close.

SENATOR JONES:

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Favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall House Bill 2405 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, please, Mr. Secretary. On that question, the Ayes are 59, the Nays are none, none voting Present. House Bill 2405, having received the constitutional majority, is declared passed. On the Order of 3rd Reading is House Bill 2409. Senator Marovitz. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2409.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. House Bill 2409 embodies Senate Bill 878, which passed out of here without any opposition at all, but didn't get called on the House Floor. It establishes procedures for a court to order a person to have a child as beneficiary of a health insurance plan available through his employment. It prohibits the exclusion of a child from an insurance policy that covers the insured's immediate family, solely because the child does not reside with the insured, and it makes sure that if there's a court order for the noncustodial parent to insure a child, and that individual doesn't -- doesn't comply, that that noncustodial parent will be liable for the medical expenses incurred in -- in the interim, and I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

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Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. This is the issue that we talked about before on this bill -- was before the Senate, and finally passed out of here, but a question of Senator Marovitz. Do you know whether or not the -- the Chamber of Commerce opposition to this issue centers on the same one that I raised when this bill was before the Senate?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

SENATOR MAROVITZ:

I think their concern has to do with administration. That's what I am told.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Schuneman.

SENATOR SCHUNEMAN:

Well, I recall that I raised the question, since we are going to put the requirement on employers, to deduct premiums and apparently not put any requirement on labor unions, that -- that seemed to me at that time to be a double standard. But we -- we had a dialogue about that, and frankly, I don't remember exactly what all of it was. But, I understand the Chamber is opposed to this bill. And I don't quite understand why.

END OF TAPE

TAPE 4

PRESIDING OFFICER: (SENATOR LUFT)

Is that a question? Further discussion? Further discussion? Senator Marovitz, you wish to close?

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SENATOR MAROVITZ:

This is just a bill to -- really to protect kids, and make sure that they get their -- their child support. That's what the bill is all about - to protect the kids, make sure they get child support, and make sure they get health coverage that is ordered by the courts. That's what the bill is about, and I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall House Bill 2409 pass. Those in favor will signify by voting 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, please, Mr. Secretary. On that question, the Ayes are 59, the Nays are none, none voting Present. House Bill 2409, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading is House Bill 2428. Senator Welch. Read the bill please, -- Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2428.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Welch.

SENATOR WELCH:

Thank you. This is the Revisory Act. I would move for passage of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall House Bill 2428 pass. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record please, Mr. Secretary. On that question, the Ayes are 59, the

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Nays are none, none voting Present. House Bill 2428, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading is House Bill 2431. Senator Zito. Out of the Record. On the Order of House Bills 3rd Reading is House Bill 2437. Senator Marovitz. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2437.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. House Bill 2437 is necessary as a means of controlling theft of energy from utility companies and their honest customers. It'll provide an added deterrent for utilities to use to show those customers that are tempted to steal, that it's very risky to attempt to divert, and expensive when they're caught and convicted. While energy diversion occurs with all types of utility customers, only these large users who steal significant amounts of energy will be prosecuted by utilities, because of the time and effort involved in preparing one of these cases. Not little kids who happen to come across and do something in a playful manner. Under normal circumstances, there'd be no reason for a utility to present a case in court to collect treble damages, which this bill requires, from a residential customer or any other customer suspected of stealing only small amounts of energy. Energy diversion which results from accidental damage to a meter is not considered in the same way as blatant alterations to a meter for the obvious purpose of theft. Clearly, it's the best interest of all customers for utilities to actively pursue

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these large customers who divert significant amounts of energy, and by providing treble damages, a strong message will be delivered to those who are convicted of diversion. We already provide treble damages in Cable TV companies. I solicit your Aye vote. Many other states have this legislation.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator J. J. Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. President. I arise in opposition of this bill. I -- I don't know what in the world we need this for. Triple damages, how many other -- I'm not an attorney certainly, but how many other cases do we have triple damages or something as -- as miniscule as this. If the utility company puts this meter in someplace where it is a nuisance, or where kids can get to it, or somebody can back into it, you know, that just -- this just seems a little ridiculous. Right now, they have laws and -- and, you know, the tools we've given to them, and they haven't proven to me or to anyone else that I know of, how many cases that they've had with this. It just seems to me this is a little excessive, and I'd certainly urge a No vote.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Senator Marovitz, to close.

SENATOR MAROVITZ:

Thank you very much, Mr. President. I would just urge a favorable vote. Northern Illinois Gas has offered this bill. It does go after large people who steal and want to divert. And I would solicit your Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall House Bill 2437 pass. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who

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wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 55, the Nays are 11, 1 voting Present. House Bill 2437, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading is House Bill 2439. Senator Smith. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2439.

(Secretary reads the title)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. Chairman and Ladies and Gentlemen of the Senate. House Bill 2439 does just what the Calendar states. And upon approval of the frontdoor referendum, counties may be able to tax not to exceed .004 percent of the equalized or assessed property value, to establish and maintain a Children's Advocacy Advisory Board, responsible for investigating, prosecuting and treating children, child abuse. The purpose of House Bill 2439 is to provide coordination for the handling of child sexual abuse cases among various agencies. DCFS is neutral with this bill. And I ask for your favorable...

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall House Bill 2439 pass. Those in favor will signify by voting 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, please, Mr. Secretary. On that question, the Ayes are 55, the Nays are none, none voting Present. House Bill 2439, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading is House Bill 2440. Senator Thomas

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Dunn. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2440.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. This bill provides for a credit to liquor licensees to be applied against their fees for the following year when the Dram Shop Fund contains over five million dollars, and it will be prorated. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, Senator Dunn -- I'm sorry. If not, the question is, shall House Bill 2440 pass. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 57, Nays are 1, none voting Present. House Bill 2440, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading is House Bill 2-4-4-7. Senator Kustra. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2447.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and Members of the Senate. This bill is part of the Governor's Drug-Free Illinois Program. It requires

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school boards to prohibit the use of tobacco on school property. There was an amendment added to deal with the faculty lounge, basketball games and football games. And I would urge its favorable approval.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall House Bill 2447 pass. Those in favor will signify by voting Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 57, the Nays, 1, none voting Present. House Bill 2447, having received the required constitutional majority, is declared passed. At the bottom of Page 16, on the Order of House Bills 3rd Reading is House Bill 2448. Senator Kustra. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2448.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and Members of the Senate. This bill too, is part of the Governor's Drug-Free Illinois Program. It establishes an annual Governor's Recognition Program for schools, communities and businesses which are drug-free. It also establishes a Grant Program for school districts to develop drug-free community planning and implementation strategies. We did amend this bill to include the Governor's Scientific Literacy Program that provides for three grants, all of which are designed to improve students' ability to handle math and science literacy. I would ask for its adoption.

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PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall House Bill 2448 pass. Those in favor will signify by voting 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, please, Mr. Secretary. On that question, the Ayes are 59, the Nays are none, none voting Present. House Bill 2448, having received the required constitutional majority, is declared passed. At the top of Page 17, on the Order of House Bills 3rd Reading is House Bill 2449. Senator Smith. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2449.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. Chairman, Ladies and Gentlemen of the Senate. House Bill 2449, with this amendment, does exactly what the Calendar says. And I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Watson.

SENATOR WATSON:

Well, thank you. I -- I read my Calendar, and I guess that's the reason I -- I rise to speak. It says here it requires retail liquors licensees to display signs warning pregnant women that drinking alcoholic liquor during pregnancy may cause birth defects. We're requiring restaurants, bars, taverns whatever it might be, to put a sign up to tell these people -- this, I guess, is a question of the sponsor, and I hope she'll yield.

PRESIDING OFFICER: (SENATOR LUFT)

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She will yield. Senator Smith. I'm sorry, were you finished, Senator Watson? Senator Smith.

SENATOR SMITH:

This -- this is the bill that I have had for four years. It's now a part of the Governor's package. And this was adopted by the House and -- and it's over here in the Senate and I have it, and I want to pass the bill. That's what it says. It's requesting that the -- post the warning signs and penalties for violation of the Act. And this amendment is a recommendation of the Illinois Retail Merchants Association with this amendment. And the IRMA removes their opposition to this bill. And this is what it says. And there was an amendment put on it, we discussed last week. That's what they say. In order to try to save one life. If they can save one life. This is what they're concerned about.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Watson.

SENATOR WATSON:

Well, what kind of penalties are we imposing upon these people that don't have the sign up?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Smith.

SENATOR SMITH:

What you are imposing upon them, it says the Illinois -- the retailer is given thirty days after receipt of the warning sign to display it on licensed premises. A retailer receives a written warning for the first violation of the Act. The retailer pays a fine at least twenty dollars but no more than one hundred dollars for a second or subsequent violation. In the case of the third and subsequent violation, each day the activity continues shall constitute a separate violation. That's it.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Senator Smith, you

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wish to close?

SENATOR SMITH:

I merely ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall House Bill 2449 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, please, Mr. Secretary. On that question, the Ayes are 37, the Nays are 18, 1 voting Present. House Bill 2449, having received the required constitutional majority, is declared passed. At the top of Page 17 is House Bill 2450, on the Order of 3rd Reading. Senator Barkhausen. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2450.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Thank you, Mr. President and Members. House Bill 2450 deals in combination with empowering school boards and school officials to request the assistance of law enforcement officials to investigate the possible presence of drugs on school property. It also provides additional provisions which were amended by Senator Berman, relating to the custody of students' lockers and the like. And thirdly, it deals, again, with the subject of the use of pagers and beepers on campus. I don't think there's any objection to the bill at this point. And I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall House Bill 2450 pass. Those in favor will vote Aye. Those opposed,

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vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 57, the Nays are none, none voting Present. House Bill 2450, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading is House Bill 2491. Senator Brookins. Read the bill please, Mr. Secretary. I'm sorry. That's on Recall. House Bill 2510, on the Order of 3rd Reading. Senator Kustra. Well, that was on Recall, but it was never called on Recall, so it could be called. Read the bill, please, Mr. Secretary. I'm sorry. Senator Kustra.

SENATOR KUSTRA:

Mr. President, if you're talking about 2510, I move to Table it.

PRESIDING OFFICER: (SENATOR LUFT)

Okay. Senator Kustra asks leave to Table House Bill 2510. All those in favor, signify by saying Aye. Opposed, Nay. The bill is Tabled. House Bill 2513 was on Recall. House Bill 2514 was on Recall. On the Order of 3rd Reading, in the middle of Page 17, is House Bill 2515. Senator D'Arco. Senator D'Arco. On the Order of House Bills 3rd Reading is House Bill 2516. Senator D'Arco. On the Order of House Bills 3rd Reading is Senate -- House Bill 2548. Senator Collins. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2548.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Collins.

SENATOR COLLINS:

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

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Bill 2548 is the creation of the new Homeless Prevention Act. And I'm sure that many of you know what's in this bill. But the purpose of this bill is to try to prevent people in this State from becoming homeless. That's the primary objective. The second objective is -- is to minimize the fiscal response -- I mean strain, on the State's budget to provide for these people, once they become evicted. And specifically those persons with minor children, and the elderly, disabled people. The bill sets forth some specific criteria, as it relates to eligibility to prioritize the need, based on some very serious, temporary problems experienced by the families beyond their control, which could cause them to become homeless. It provides for a grant to be given directly to the cases of the landlord - not to the person - up to at least two months rents for security deposits or payment on apartment that one already is living in. But due to some very serious financial difficulty, the person may be evicted if they are not able to come up to pay their rent. I would be happy to answer any questions. If not, I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Topinka.

SENATOR TOPINKA:

Well, I have some questions of the sponsor, if I may.

PRESIDING OFFICER: (SENATOR LUFT)

The sponsor indicates she'll yield.

SENATOR TOPINKA:

First of all, how is this different from what we voted out of here yesterday on the homeless? That's one. The other question I have is, our analysis says that this would be limited to certain areas of the State. And I'd like to know what areas that those would be, 'cause I want to know if my district can participate. And furthermore, what's the cost of this program?

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PRESIDING OFFICER: (SENATOR LUFT)

Senator Collins.

SENATOR COLLINS:

The bill specifically says, the amount, the total amount to be expended under this bill is three million dollars. And it is to be appropriated by the General Assembly in a separate appropriation. And I understand it's already in the budget.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Topinka.

SENATOR TOPINKA:

Then how is this being limited to what areas of the State?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Collins.

SENATOR COLLINS:

I -- I don't know where your staff analysis get that from, but this is the Statewide Homeless Prevention Act.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Topinka.

SENATOR TOPINKA:

Saying there are no limitations? For instance, it says here that -- it says this new language allows this new program to be limited to certain areas of the State. You're saying that is not true? This is open to the entire State of Illinois?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Collins.

SENATOR COLLINS:

Let me look. Unless this is -- they changed it a mild program, but I didn't think so. The -- the Karpziel amendment tried to do that the other day. But that amendment failed. The -- that was the Karpziel amendment. It did not go on this bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Topinka.

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SENATOR TOPINKA:

The question then, I'm -- this is limited to some areas of the State or it's statewide? Could you be very specific?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Collins.

SENATOR COLLINS:

The bill has no limitation. This is a Statewide Act.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. I am totally, really confused about this legislation and how it would -- how it would operate, Senator. First of all, you're going to be using - according to our analysis - you're going to be using either federal funds or State funds or any source, it says. I take it from other parts of the bill that what you're really going to be doing is using GRF Funds. And our analysis says that the fiscal impact would be between ten and fourteen million a year. Is that correct?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Collins.

SENATOR COLLINS:

The bill specifically states that the amount of money will be spent, allocated by the General Assembly, which is three million dollars. It may -- it may cost more, but you can only - like the Energy Assistance Fund, when the money run out, the money has run out. If we don't appropriate more than three million or two million or if we appropriate ten million, that's how much money will be in -- be for this particular program.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Karpziel.

SENATOR KARPIEL:

Well. Thank you, Mr. President. Instead of going on with

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questions - because I really think there is too many that I would want to address - let me just say I stand in opposition to this bill. I did vote to help get it out of committee, because I know it is an important bill for -- for Senator Collins. And I can understand that. But I truly feel that there's a lot of loose ends in this bill. First of all, under this legislation, the State can contract with a private group to operate -- to operate the bill. I don't know if we're going to be paying them extra money to operate this Program for us or whatever. Then there's talk about how you can only get one grant during a twelve-month period. Would seem to me that if you're -- if you are so bad off that you have no assets, you have no means to pay your rent, and you're ready to be thrown out, that one month's rent very probably would not help the situation, because anyplace else you'd go you'd have to have a security deposit plus one month's rent. I just don't know how someone that is in such dire straits could possible get themselves -- on their feet in one month. But then there's another provision in the bill which talks about after six months of helping out somebody on this program, the Department or someone has to go in and -- and look out and see how these people are doing and see if they need anything else. I just think the whole thing is very vague, very loose. And frankly, we have enough trouble in this State, funding the services and programs that we truly need, without putting in a new program for someone who might be in need. I urge a No vote.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator D'Arco.

SENATOR D'ARCO:

Thank you. Mr. President, Senator Karpziel said she was a bit confused on the bill. The bill is very straightforward. The bill lists a number of conditions that have to be met before a person can qualify for homelessness aid. And those conditions require

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that the person has already exhausted all other governmental assistance programs that that person is eligible for. Now that's in the bill. And the bill provides that DPA will cooperate with other governmental agencies in providing this assistance to people who are threatened with homelessness. This isn't a boondoogle. This isn't a give-away program. This is to assist families to stay together, because they are threatened with being torn apart by not being able to live in a home. I don't think that is too out of line to require from this General Assembly. There's nothing sinister about this bill. This bill provides for an appropriation, if such appropriation is appropriated to the Department. We're not asking for a specific amount of money here. We're trying to put on the books, the legal requirement that the Department help people who are in need because of a homeless situation. That's not asking too much. This is a good bill, and we should vote favorably on it.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Savickas.

SENATOR SAVICKAS:

Well, I guess I have a question now. The statement was made that after all public agencies have been exhausted all support from that. Does this mean after you've been denied public aid and now you are short on rent? Have you applied for public aid? How -- how does this affect with your direct public aid application.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Collins.

SENATOR COLLINS:

Well, in one case, under this bill, you -- let's say, for example, that you have lost your job, and you did not have unemployment compensation coming in. That you have applied for aid. Let's say you're a family with dependent children, and you are legitimately qualifying for aid, but it takes time in order

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for that application to be processed. So -- but your landlord may say unless you have the rent or he has a thirty-day court order, to say you are going to be evicted if you do not pay your rent by June 30th. Then, this -- this is where this program would kick in. That the Department of Public Aid, through - that have contracted, if you look at the bill at the bottom, it contracts with local community service agencies who already are in the business in providing this service. And so you could go to that agency and hopefully get some money to pay that landlord, so that you won't be evicted before your check comes.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Savickas.

SENATOR SAVICKAS:

Well, it's my understanding that they have emergency assistance in public aid. That, in fact, you can get cash or a check immediately when you're in those types of situations. How -- how does this change, then?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Collins.

SENATOR COLLINS:

To my knowledge, there is no cash in the budget to help a person for -- for -- for place to stay prior to them becoming homeless. See, that's what's so crazy about the existing program. And that's what makes this program different and better, because it keeps people from becoming homeless. Public Aid can help you without this, today, if you become homeless. And they will pay far more after you become homeless up to six-weeks to put you in a hotel, you and your family - than if they would give you three hundred or four hundred dollars to pay your rent with for that month.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Savickas.

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SENATOR SAVICKAS:

And what happens after that three months? Now, do they go back on public aid and get that bigger stipend, or be put up in a hotel or...

PRESIDING OFFICER: (SENATOR LUFT)

Senator Collins.

SENATOR COLLINS:

If the person had applied for -- AFDC, by that time, two months, they should be receiving their check. So they would be able to continue paying their own rent out of the monies that they would be receiving from Public Aid.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. It's very shocking when we come in to here. Just imagine any of you who wouldn't have a home to go to. Have you ever thought that -- what could happen to you? We find everything -- look at what happened when these whales were trapped under the ice and everything. What would happen if disaster struck tonight and destroyed your home? This whole thing could be wasted away. You know, we waste millions and billions of dollars on some -- and when it comes to giving a person a home, the big problem that we have in this country today. That's why we have all the problems in the schools, and why we have all these drugs is because there isn't homes. What in the world are you thinking about? I'm telling you, I'm just shocked. I'm flabbergasted. It's a shocking thing to think in this country today, because you say people need homes. And we stand here and argue about a person who is homeless. This is just unbelievable. I move for an Aye vote for this bill.

PRESIDING OFFICER: (SENATOR LUFT)

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Further discussion? If not, Senator Collins, to close.

SENATOR COLLINS:

Yes. Thank you, Mr. President. To answer some -- try to answer again Senator Karpziel's concern. The bill states, if you look at the bill, Senator Karpziel, and look at lines 28 through 29, your question would be answered. This is a Statewide program, but because of the limitations of money, the bill specifically say, that the Department may decide - may decide - to determine whether or not they want to designate this money to areas of priority of need. But it did not say that this is limited to any given area. But they have to establish some rules by which to do that. The other part of the administrative part of this bill, if it is confusing, the Department of Public Aid contracts this service out to community organizations who are already out there. There's a network of people already out there to do this kind of service, who gets private funds, who gets federal funds and other funds, to do this kind of service. So this would just network into those existing service. I think this -- this bill makes sense, because it most certainly will prevent people from coming --becoming homeless. And it would save the State of Illinois money. I would just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall House Bill 2548 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, please, Madam Secretary. On the question, the Ayes are 26, the Nays are 30, 2 voting Present. And Senator Collins wished to seek on House Bill 2548, Consideration Postponed. On the Order of 3rd Reading is House Bill 26 -- I'm sorry. On the Order of House Bills 3rd Reading is House Bill 2568. Senator Netsch. Read the bill, please, Madam Secretary.

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SECRETARY HAWKER:

House Bill 2568.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. House Bill 2568 is based on legislation which creates the -- created, some time ago, the National Science Foundation. And its primary purpose, really, is to encourage economic development through technological innovation, and very heavily, through the sharing and mutual access to and dissemination of information and developments in the scientific community. The bill is similar - not identical, but very similar - to Senate Bill 1455, which I sponsored in the Senate, and which passed here earlier in the Session 56 to 2. It creates a twenty-four-member Illinois Science Board with an executive director and a deputy director. And also an Information Council and an Information Service. All of these really are ways of institutionalizing something which I think has become extremely important and is now recognized as very important, and indeed, was very much a part of the Governor's Message to us earlier in the Session, in which he created a Math, Science and Technology Initiative. This, in a sense, would -- would put a -- a foundation literally under that kind of initiative and that kind of development. Again, its purpose really, is to make sure that we know what we are doing in the State of Illinois in the area of science, mathematics, technological innovation, and that that kind of information is shared both in the private and public sector, and very heavily in the research community. I would be happy to answer any questions. Again, it's very similar to the bill we've already passed.

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PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Ralph Dunn.

SENATOR R. DUNN:

Thank you, Mr. President. I wonder if the sponsor'll yield?

PRESIDING OFFICER: (SENATOR LUFT)

She indicates she will yield.

SENATOR R. DUNN:

Senator Netsch, our analysis says that this is pretty expensive expenditure. There's no appropriation for it. Is there now?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Netsch.

SENATOR NETSCH:

Let me answer on two grounds. One is that we do have a fiscal note that was placed on the bill in the House, which is six hundred and thirty-three thousand dollars. I think probably, what you may have had, was an earlier -- a fiscal note on the bill that we actually passed some time ago, which pointed out all of the money that could be spent on the -- the grants and other forms of support for the scientific and technological community, which are contemplated by the bill, but which are not specifically authorized nor really intended to be. One of the provisions, both of this bill and of the one we passed, said that any agencies which receive this kind of money may, in fact -- or have this kind of money available for grants and other developments, may funnel it into the Science Foundation. And so they've attempted to identify some of the kinds of grants, much of which will be in or already is in the Governor's initiative. And that would in part be funnelled through here. But none of those costs are provided for, nor authorized, nor appropriated specifically.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Ralph Dunn.

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SENATOR R. DUNN:

Thank you. Thank you. Senator Netsch, I understand by our analysis, the six hundred thirty-three thousand would be for meetings and staff -- and staffing. It would not provide any money for anything other than attending meetings and having staff meetings and hiring the directors. That would be a six hundred and thirty-three thousand. The -- I think the appropriation, or the fiscal note, for your other earlier bill was two or three million dollars was it not? Or thirteen million?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Netsch.

SENATOR NETSCH:

I didn't -- I'm not sure I heard the latter part of your question. The larger figure, if I heard the question correctly, was assuming that the grants and other forms of support would be available that would ultimately be funnelled through the Science Foundation. That is the -- the large sums of money that might be made available for it. The -- the smaller sum, the six-hundred thousand, is all of the operational costs of the -- the interchange, the Science Foundation, the board, the Information Council and so forth - everything that would pull all of this together in one place in State Government.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Dunn.

SENATOR R. DUNN:

Thank you, and thank you for your response. I think it's probably a worthwhile project and a worthwhile program, and certainly we had it in Higher Ed earlier in the year. But from the funding standpoint, and from the necessity of doing it this year, why, I just don't really think it's necessary, and I'm going to vote No.

PRESIDING OFFICER: (SENATOR LUFT)

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Further discussion? Further discussion? If not, Senator Netsch, you may close.

SENATOR NETSCH:

Well, I think it simply is a way of recognizing a -- an initiative that the Governor has recognized as extremely important, and that I think all of us believe, also, is very important, and that is to bring the support of science and technology together so that everyone - private, public, research and government itself - can benefit from it. I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall House Bill 2568 pass. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On the question, the Ayes are 39, the Nays 18, 1 voting Present. House Bill 2568, having received the required constitutional majority, is -- is declared passed. On the Order of 3rd Reading is House Bill 2570. Senator Zito. Senator Zito. Out of the record. At the bottom of Page 17 is House Bill 2571, on the Order of 3rd Reading. Senator Maitland. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2571.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. House Bill 2571 establishes a Student Volunteer Corps Program at colleges and universities, to be administered by the Board of

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Higher Education. The BHE and ISSC are -- are authorized to develop student work-study programs to reduce reliance on student loans, enhance partnerships between the private and public sectors. The privates are also offered the opportunity to become involved, but they're not mandated to become involved. I know of no opposition. I seek your support.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall House Bill 2571 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, please, Mr. Secretary. On the question, the Ayes are 57, Nays are none, none voting Present. House Bill 2571, having received the required constitutional majority, is declared passed. We'll now move to Page 18. Top of the Page. 2574 was on Recall. We'll move to the next House Bill, Order of 3rd Reading. House Bill 2589. Senator DeAngelis. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2589.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. House Bill 2589, unamended, was some cleanup in the Abused and Neglected Child Reporting Act, requested by DCFS. I'll go over part of it. One is to allow that the guardianship, administrator or his designee shall be deemed the minor's legally authorized representative for the purposes of consenting to an AIDS test. JCAR thought that that wasn't very clear. It does some cleanup on how long records should be kept. Creates another protection against the retribution for filing a

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child abuse or neglect claim. The two amendments that were on here -- one was requested by Public Health - I mean DCFS - and that's to allow a prospective adoptive parent to request a HIV test. And the other amendment is basically the same immunity given to hospital -- administrators as some other groups in terms of administering the HIV test. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? If not, the question is, shall House Bill 2589 pass. All those in favor, 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, there are 56 Ayes, no Nays, none voting Present, and House Bill 2589, having received the constitutional majority, is hereby declared passed. 2590. Senator Fawell. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2590.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Fawell.

SENATOR FAWELL:

Thank You. This is also a DCFS administration bill. It does a number of things. It deletes the requirement to send copies of certain reports to the Central Register. It amends the collection agreements and the percentage of the contingency fee that is needed. It amends the Juvenile Act to delete authorization of the Probation Department to investigate complaints indicating child abuse and neglect. There are a couple of amendments on it. One is identical to House Bill 304. It includes the definition of a neglected child as a newborn infant whose blood or urine contains a controlled substance. And No. 2 is basically technical. And

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Amendment 3 was identical to House Bill 2262. It amends the Juvenile Court Act to include the definition of a neglected minor, any newborn infant whose blood or urine contains a controlled substance.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? If not, the question is, shall House Bill 2590 pass. All those in favor, 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, there are 57 Ayes, no Nays, none voting Present. And House Bill 2590, having received the required constitutional majority, is hereby declared passed. 2592. Senator Kelly. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2592.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Kelly.

SENATOR KELLY:

Thank you very much, Mr. President. This bill requires commercial vehicles of a second division to display their company name on the side of the vehicle. It requires the letters to be at least two inches tall and a half-inch wide. That's what the bill does, and I'd appreciate your support.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? If not -- Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. In Committee, there was some concern, Senator Kelly, about how this might impact delivery trucks for pizza, drug stores, automobiles. I understand this is only for trucks. Could you go into this a little bit further, and

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exactly what is your intent here, and who is it going to have an impact on?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Kelly.

SENATOR KELLY:

Well, this is Representative Giglio's bill. And he wants to see in the House -- wants to see companies place their name on the side of vehicles if they're going to go into -- there was some controversy over the issue of certain areas that they didn't want to place names onto when they went into certain areas throughout the State. And the impact of this legislation would require that those vehicles be marked. It does not apply, as you pointed out, to -- to cars or automobiles. Only to trucks, second division trucks.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Alexander.

SENATOR ALEXANDER:

Thank you, Mr. President. I'm not familiar with second division trucks. Could you tell me, Senator Kelly, would this apply to church vans? Are they in second class or what not?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Kelly.

SENATOR KELLY:

We'll check on that in just a moment here.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Kelly.

SENATOR KELLY:

I don't know. Can we get this out of the record and come back to it in a few minutes?

PRESIDING OFFICER: (SENATOR D'ARCO)

Take it out of the record. 2594. Senator J. J. Joyce. Read the bill, Mr. Secretary.

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ACTING SECRETARY: (MR. HARRY)

House Bill 2594.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. President. This encourages methods of production of agriculture with long-term protection to the environment in mind. And it also has the -- amends the Fence Act. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. That was a quick explanation, Senator Joyce. This bill does two things. As he said, it deals with sustainable agriculture research. And earlier this month, we passed legislation out, Senate Bill 63, that also deals with research and agriculture, and one that had a great deal of support throughout the ag community, and one I think the Senate supported. I don't have the roll call, but - 57. This bill deals with sustainable agricultural only. And I think that's a concern we have in the research area. It sends a dual message and one that I'm not sure we're interested in. Secondly, the Fence Act we've debated a number of different times on this Floor, and I do recognize Senator O'Daniel's concern for his constituent down in his district. But it does change a very longstanding law in Illinois, and I would stand in opposition to this legislation.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Any further discussion? If not, Senator Joyce, to close.

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SENATOR J.J. JOYCE:

Thank you, Mr. President. I think that this bill, dealing with sustainable agriculture, is one that is broader than the other one. The other one, I think, deals generally with the U of I and the end results of those products. And as far as the Fence Act is concerned, I can see this costing farmers all kinds of money. Maybe for eighty rods of fence, we're talking twenty-five hundred dollars. That's a quarter of a mile for you non-farmers.

To deal with the hobby farmer, who - someone decides to get three or four old cows or, you know, couple of horses, and he's going to force his neighbor to put in, you know, half of mile of fence. It's going to cost him five thousand dollars. So, you know, I think it's only fair. Agriculture's changed in the last several years, and -- and this is one way that it's changed in the Fence Act, and I think the other way it's changed -- that we have to find out what's happening with intensive use of chemicals and -- and that sort of thing. So I think these are imminently reasonable bills. We've passed the appropriation for them, and I'd ask your support.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. The question is, shall House Bill 2594 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 36 Ayes, 21 Nays, none voting Present. And House Bill 2594, having received the required constitutional majority, is hereby declared passed. 2606. Senator Woodyard -- DeAngelis. I'm sorry. Senator DeAngelis. 2606.

ACTING SECRETARY: (MR. HARRY)

House Bill 2606.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR D'ARCO)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. This bill is identical to a bill that went out of here, Senate Bill 1349, by a 58 to nothing vote. It actually authorizes the Illinois State Scholarship Commission to be able to authorize student loans pursuant to federal law. The -- the bonds are tax exempt, which then allows them to put bonds out at a lower rate, so that they can then lend out the money at a lower rate. And they have to be in accordance with the guidelines set up by the State Board of Higher -- the Illinois Board of Higher Education.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. The question is, shall House Bill 2606 pass. Those in favor, 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, there are 57 Ayes, no Nays, none voting Present. And House Bill 2606, having received the required constitutional majority, is hereby declared passed. 2613. Senator Davidson. 2615. Senator Smith. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2615.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Smith. 2615.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 2615 merely grants permissive authority to -- to the Department of Corrections to provide family responsibility -- services in adult correctional facilities. It further requires

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all parole officers to be trained to respond to the special needs of female parolees and their children. And as a result of the amendment that we put on the bill, it addresses all the concerns that was concerned by the Department of Corrections. And its language was agreed upon, and all interested parties are satisfied. And I know of no other disagreement -- opposition with the bill. I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? If not, the question is, shall House Bill 2615 pass. Those in favor, 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, there are 55 Ayes, 1 Nay, none voting Present. And House Bill 2615, having received the required constitutional majority, is hereby declared passed. Senator Davidson has returned. Do we have leave of the Body to return to 2613? Hearing no objection, leave is granted. House Bill 2613. Senator Davidson.

ACTING SECRETARY: (MR. HARRY)

House Bill 2613.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Davidson.

SENATOR DAVIDSON:

Mr. President and Members of the Senate, this is an administration bill from the Historic Preservation Act that has to deal with technical words that they had to have. We amended it also on the Floor to correct a misspelled word. And I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? The question is, shall House Bill 2613 pass. Those in favor, vote Aye. Opposed, Nay. The voting is open.

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Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. And House Bill 2613, having received the required constitutional majority, is hereby declared passed. 2624. Senator Carroll. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2624.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 2624 is an amendment to the School Code to allow and provide for the school districts to give instructions in the abuse and dangers and prevention of the use of steroids. This would be taught in grades 7 through 12. I don't think I have to repeat to the Members of this Chamber the problems that steroids have caused to all kinds of people involved in athletics, many of whom had, unfortunately, got them from their coaches from time to time, including the great Ben Johnson, as his recent testimony indicated. I don't know how many of you had occasion to see, even in the last week, some very prominent young athletes who have permanent and severe heart damage because of having taking these -- anabological steroids. And I think it is time that we educate the children of Illinois as to the dangers of their use, and hopefully the prevention in the future. I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Any discussion? If not, the question is, shall House Bill 2624 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all

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voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, 2 Nays, 1 voting Present. And House Bill 2624, having received the required constitutional majority, is hereby declared passed. 2626. Senator Carroll. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2626.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Carroll

SENATOR CARROLL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This would make the distribution in Illinois a crime, a Class IV felony offense. I would be willing to answer questions, and ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? If not, the question is, shall House Bill 2626 pass. Those in favor, 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, there are 57 Ayes, 1 Nay, none voting Present. And House Bill 2626, having received the required constitutional majority, is hereby declared passed. 2634. Senator Kustra. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2634.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and Members of the Senate. 2634

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requires all sex education courses in elementary and secondary education to emphasize sexual abstinence as the expected norm. It requires the State Superintendent to set goals to reduce sexual activity, sexually transmitted diseases and premarital pregnancy. There was an amendment to this bill which allows parents to remove their children from any objectionable family life instruction which is included in health education classes. I would move for its adoption.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR D'ARCO)

He indicates he will yield.

SENATOR HAWKINSON:

Senator, wasn't there a second amendment to this bill?

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Kustra.

SENATOR KUSTRA:

There was an amendment added in committee, which then was deleted on the Floor. And that was an amendment -- excuse me -- in committee there was an attempt to delete the family life mandate, and what we've done is reinstate that. So the family life mandate which has always been in the law, stays in the law in this bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any further discussion? If not, the question is, shall House Bill 2634 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, no Nays, none voting Present, and House Bill 2634, having received the required constitutional

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majority, is hereby declared passed. 2639. Senator Collins.
Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2639.

(Secretary reads title of bill.)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Collins.

SENATOR COLLINS:

Yes. Thank you. House Bill 2639 is a very simple bill. What it does, it attempts to respond to some of the problems of -- of the Human Rights Department in -- I mean State Department's inability to meet the affirmative action goals. And it simply says that those agencies which -- which do not meet their affirmative action goals, would establish training programs so that they can promote minorities. That's all the bill does.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? If not, the question is, shall House Bill 2639 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 48 Ayes, 4 Nays, none voting Present. And House Bill 2639, having received the required constitutional majority, is hereby declared passed. House Bill 2651. Senator Topinka. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2651.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Topinka.

SENATOR TOPINKA:

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Yes. Mr. President and Ladies and Gentlemen of the Senate. This is -- pretty much of the annual Illinois State Police proposal amending the Illinois Vehicle Code. It has taken all the little shaggy doggy things we have around here and combined them into one comprehensive bill that covers a number of initiatives, including the prohibition of throwing litter on the highways. It references the Litter Control Act. It prohibits vehicles from driving on the shoulder of a highway. It prohibits the unauthorized use of flashing lights, and so on. To my knowledge there is no one in opposition.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Alexander.

SENATOR ALEXANDER:

Mr. President, I did not vote on that last vote. I had pressed my bottom. It didn't show. I didn't want to argue ... (inaudible) ... until she had finished, though. Please register me as Yes on that last vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

The record will so indicate. Any discussion? If not, the question is, shall 2651 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, no Nays, none voting Present, and House Bill 2651, having received the required constitutional majority, is hereby declared passed. 2655. Senator Kustra. 2655. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2655.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Kustra.

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SENATOR KUSTRA:

Thank you, Mr. President and Members of the Senate. This bill amends the Small Business Development Act to permit DCCA to assist small businesses in applying for federal Phase I Small Business Innovation Research grants. And I know of no opposition to the bill, and I ask for your approval.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? Senator -- Senator Severns.

SENATOR SEVERNS:

Thank you. Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR D'ARCO)

He indicates he will yield.

SENATOR SEVERNS:

It -- it's my -- I think providing assistance to our small businesses for these grants is absolutely needed. But it is my understanding that we provided for the Phase I. Does this bill say anything about Phase II? Because that really is where the problem has been in Illinois. And we passed out a bill overwhelmingly in the Senate to the House, addressing Phase II.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Kustra.

SENATOR KUSTRA:

As I understand it Senator, there is another bill. House Bill 2656, which addresses the Phase II grants.

PRESIDING OFFICER: (SENATOR D'ARCO)

All right. The question is, shall House Bill 2655 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, no Nays, none voting Present. And House Bill 2655, having received the required constitutional majority, is hereby declared passed. 2657. Senator Welch. Read the bill, Mr. Secretary.

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ACTING SECRETARY: (MR. HARRY)

House Bill 2657.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. What this bill will do is provide that upon the death of an insured who has an accident or a health insurance policy, the premium shall be refunded pro rata to the month of death. The amendment that we added requires the estate of the individual who died to make application. I know of no opposition to this bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? If not, the question is, shall House Bill 2657 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, no Nays, none voting Present, and House Bill 2657, having received the required constitutional majority, is hereby declared passed. 2664. Senator Philip. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2664.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 2664, as amended, does two things. It allows CMS to sell surplus property to school districts. Amendment No.

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2, which is Senator Demuzio's, directs the Department of CMS to convey by quitclaim deed to the Prairieland Museum Institute, a hundred and thirty acres, two parcels of land, for, I believe, one dollar. Happy to answer any question, and ask for a favorable vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? If not, the question is, shall House Bill 2664 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 58 Ayes, no Nays, none voting Present, and House Bill 2664, having received the required constitutional majority, is hereby declared passed. 2665. Senator Schaffer. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2665.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and Members of the Senate, this bill would add the Rockford Office Building and Maine Township High, which are now State-owned, obviously, as property that the Central Management Service Department may rent out. In addition, it creates a facility -- well, it doesn't create -- it expands a facility management revolving fund with a ceiling of a hundred and twenty-five million dollars, and gives the Department the authority to, in effect, rent State buildings that we are now leasing to agencies, to provide a financial stream for a program to buy those buildings, rather than lease them. This particular process would be subject to the appropriation process in the

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annual review of the Illinois General Assembly, and reflects some of the attempts made by Senator Netsch and others to tighten up this process and to bring it under the purview of the Legislature. I'm unaware of any opposition with that compromise, and would request a favorable roll call.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? If not, the question is, shall House Bill 2665 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, no Nays, 1 voting Present. And House Bill 2665, having received the required constitutional majority, is hereby declared passed. 2678. Senator Jones. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2678.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR D'ARCO)

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President and Members of the Senate. House Bill 2678 rewrites the Professional Engineering Act which -- which expires the end of this year. It creates the State Board of Registration for Professional Engineers and -- previously known as the Examining Committee. Expands the power of the board and makes other changes. It's been worked out between the profession and the Department of Professional Regulation. I know of no opposition. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR D'ARCO)

Any discussion? If not, the question is, shall 2678 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open.

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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. And House Bill 2678, having received the required constitutional majority, is hereby declared passed. 2680. Senator Demuzio. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2680.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you very much. The -- House Bill 2680 simply puts into the School Code the existing language under the current law, the tax for tort immunity. It doesn't change anything at all. It's just moving that Section also into that Section with respect to the School Code. Amendment No. 1 authorizes by a frontdoor referendum, a tax to levy for pay, to pay for health and insurance premiums of school employees. It is a frontdoor referendum. I know of no opposition.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? Any discussion? If not, the question is, shall House Bill 2680 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, Mr. Secretary. On that question, there are 58 Ayes, no Nays, none voting Present. Having received the constitutional majority, House Bill 2680 is declared passed. House Bill 2687. Senator del Valle.

ACTING SECRETARY: (MR. HARRY)

House Bill 2687.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator del Valle.

SENATOR dEL VALLE:

Thank you, Madam President. House Bill 2687 requires the Board of Higher Education to direct and monitor a program to improve race and ethnic relations at public universities and colleges. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? Senator Ralph Dunn.

SENATOR R. DUNN:

Thank you, Madam President. Would the sponsor yield for a question or two?

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR R. DUNN:

Senator del Valle, what is the cost of this? And what of the Board of Higher Education? I don't think they've signed off on it, and it's an awful expensive program as I recall.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator del Valle.

SENATOR dEL VALLE:

No. I think you were looking at the original bill, which called for a new course to be established. This bill was amended to say that it should be done through an existing course.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Dunn.

SENATOR R. DUNN:

And that was a thirteen million dollar or so cost -- price tag, as I see in our analysis. Has that been changed, you think? I don't think it has.

PRESIDING OFFICER: (SENATOR COLLINS)

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Senator del Valle.

SENATOR DEL VALLE:

The original figure of thirteen million was for a course. This bill, as amended, does not require a course. It asks for the material to be included in an existing course, and BHE has not come up - IBHE has not come up with a figure on that cost.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Dunn.

SENATOR R. DUNN:

As I understand, it'd be about 3.2 million, maybe, for instruction and stuff like that. It still is an expensive and it's a worthwhile project, probably. But I'm not sure that we can afford it, and I certainly hope that we will not pass it at this time, and wait till we get some more hearings on it - maybe hold some more hearings throughout the State, Senator del Valle.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator del Valle, to close.

SENATOR DEL VALLE:

Well, this is extremely important. There have been reported incidents of racial discrimination and harassment on a number of our campuses. We have an opportunity here, at very little cost, and I question the -- even the three-million dollar figure, to ensure that all our students attending our universities are sensitized and are adequately prepared to go out and deal with the world economy and to deal with a very culturally diverse society. And so this is really in the best interest of all the students, but it also is a main recommendation of the Joint Committee on Minority Access to Higher Education, which found that, while access is -- is still an important goal for educators and minorities alike, retention on these universities is becoming increasingly important, and more and more experts are determining that the college campus environment is a critical factor in

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ensuring retention and completion, and so I think this is a major step forward. Many, many states in the country are looking at this problem and taking concrete steps. We want Illinois to be up front with -- with those other states. I ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall House Bill 2687 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, Mr. Secretary. On that question, there are 33 Ayes, 20 Nays, 2 voting Present. Having received the constitutional majority, House Bill 2687 is declared passed. House Bill 2693. Senator Watson. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 2693.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Watson.

SENATOR WATSON:

Thank you, Madam President. House Bill 2693 prohibits the use of an aborted fetus from being used for research, experimentation, transplantation, and includes the fetal organs and tissues. Current law deals with the fetus, which is still in the womb, and this would expand that, and deals with the aborted fetus, and its organs and tissues. The legislation carries with it a Class 4 felony, and we amended the legislation in committee to...or on the Floor, to address the concerns that were brought forth in the committee, and it simply stated that nothing in this subsection is intended to prohibit the performance of a legal abortion as authorized under the Abortion Law of 1975. So we cleared up those concerns that were brought us in committee. I'd be glad to answer

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any questions.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Kelly.

SENATOR KELLY:

Thank you, Madam President. I just rise to support this bill. It's supported by the various Right to Life organizations throughout the State of Illinois, and I solicit your support.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Severns.

SENATOR SEVERNS:

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

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR SEVERNS:

Not to the specifics of this bill, but specifically, is this bill intended as a vehicle in the event that the Supreme Court makes their decision in Roe v. Wade in the next few days?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Watson.

SENATOR WATSON:

Well, I wouldn't say that this is the intent, necessarily, but surely if there is a decision made by the Supreme Court and this legislation is available for a possible vehicle to address those concerns that we may have here in the State of Illinois, then this is, I would say, available for that. But that's not the intent. The intent is to do as I explained in my initial remarks.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Severns.

SENATOR SEVERNS:

Then you would not rule out the possibility of using this as a vehicle?

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PRESIDING OFFICER: (SENATOR COLLINS)

Senator Watson.

SENATOR WATSON:

No. Not at all.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Severns.

SENATOR SEVERNS:

Ladies and Gentlemen of the Senate, this is an issue where all of us must agree to disagree. But I believe it is an issue, given the fact that the United State Supreme Court is deliberating for a course of over six months something that is more important than to be decided in an eleventh-hour conference committee report. This issue deserves more debate. It deserves more input from our citizens throughout the State of Illinois. It deserves better than the attention it is given by a handful of individuals during the eleventh hour. I don't know what the outcome of this bill will be today, but this bill, like Senator Kelly's bill only a day or two ago, I believe, is intended fully to be used as a vehicle in the event that the United States Supreme Court makes their decision before we adjourn. Regardless of whether we agree or disagree with the content of this bill, I hope that none of us permit this bill, or Senator Kelly's bill, to be used as a vehicle.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Zito.

SENATOR ZITO:

Thank you, Madam President and Members. Will the sponsor yield for several questions, please?

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR ZITO:

Senator Watson, my concerns are quite different from Senator

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Severns. If, in fact, this bill is to be used for a vehicle on the pro-life issue, I will be standing with you, Senator Kelly, and Senator Hudson, and others in support of that. I'd like to discuss the merits of this legislation, since that's what's before us, and its on 3rd reading. Why...why do we want to do this? Why do we want to do this? I don't understand the rationale.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Watson.

SENATOR WATSON:

We're just...we're going to prohibit experimentation on aborted fetuses. Why do we want to do it? That's exactly why we want to do it. I don't see that the question is relevant, really.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Zito.

SENATOR ZITO:

Well, I...I think it makes a great deal of...has a great deal of relativity. If, in fact, and it's been explained to me, that, if, in fact, some of these experiments...some of these experiments on aborted fetuses would, in fact, save the life or the longevity of living fetuses, then we are being contradictory with House Bill 2693. We're attempting what we...we would be attempting to do, and I understand the thrust of this legislation is to stop unwarranted testing of aborted fetuses. But if, in fact, through experimentation of those aborted fetuses, we would be, in fact, saving and continuing life of living fetuses, then I think this is self-destructive. As a pro-life candidate, I rise in strong opposition to House Bill 2693, because I think toward our eventual goal, it in itself is counterproductive.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

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

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the Senate. I, too, share Senator Severns' concerns, and I want to echo the comments made by...by Senator Zito, but I would like to ask the sponsor a question.

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR JACOBS:

Senator Watson, under this circumstances, let me build you a scenario, and you tell me where we're at. To save the life of a mother, a car wreck, whatever, an abortion is necessary in order to save the life of the mother. That fetus then, you are saying, is to just be destroyed and not used for anything, and therefore, that there is no...you know, in other words, can this then, at that particular time, be used for a...a experimental and/or in order to save lives if...if, in fact, this is proven that it can save lives?

END OF TAPE

TAPE 5

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Watson.

SENATOR WATSON:

Excuse me Senator, I thought that that issue was addressed and we're trying to find it.

PRESIDING OFFICER: (SENATOR COLLINS)

Would you like to take it out of the record?

SENATOR WATSON:

No.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Jacobs.

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SENATOR JACOBS:

I think the answer is, very simply, that it cannot be used. And I think, for that reason...and in echoing Senator Zito's comments, because what a waste that is. That's counterproductive, and for that reason, I'll be voting no.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Madam President. I rise in support of this bill. I think it's just a little bit unfair, going to one of my colleagues that spoke before, to prejudge a piece of legislation and ask for its defeat - a piece of legislation which has, within itself, considerable merit - but ask for its defeat on the presumption and on the assumption, that in this case it's going to be used for something else, some other purpose in the future. None of us know what the Supreme Court is going to do, Representative Severns, we don't know when they're going to act, or what they're going to say, or whether this particular piece of legislation would be applicable or germane to that situation whatsoever. That's an assumption on your part, and a presumption, and I think it's a little bit unfair to ask for the defeat of this measure on that basis. Now, going to Senator Jacobs' point, there's nothing in this bill as I understand it, that prevents fetuses, miscarried fetuses, or stillborn babies from being used. Correct me if I'm wrong on this, Senator Kelly. They are still, I think, available for purposes of this kind - medical purposes - and it argues to me sensibly, that throughout the length and breadth of this country, there are plenty of infants stillborn, infants miscarried, to supply the medical needs and supply those needs that may be there for scientific research and study on those fetuses. I don't think we have to place ourselves in a position of perhaps urging abortion or

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stimulating abortion, or making it profitable for the abortionist, to encourage women to abort by telling them that if they do, if they do, there may be some monetary award there. And there is a monetary aspect to this thing. And I think that's part of what makes this bill a good bill; it would tend to discourage profit, profiteering from abortion. I think it's something we ought to think about. I would urge an Aye vote on this bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mrs...Madam President and Ladies and Gentlemen of the Senate. Again, we're spinning our wheels about the abortion question when the Supreme Court has not made a decision. We have more important business of the taxpayers here to do, and yet what are we doing, wasting more time on this. I echo the sentiments of Senator Jacobs and I echo the sentiments of Senator Zito and Senator Severns. I think we're going too far afield, and if the decision of the Supreme Court is against abortions, then I'm going to initiate a resolution for a statewide referendum. I'm sick and tired of going into the subject time and again when the court hasn't decided yet. And I speak against this bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. I think I'm probably the only speaker on the Floor that's had a miscarriage. Senator Hudson, having gone through a miscarriage, I will tell you, you're not going to take any fetus from a miscarriage and...and use it for any experimentation. It's...it's impossible. And if you want me to go into the reasons why, I shall, off the Floor. It doesn't happen. It doesn't happen. Senator Watson, I think I know what you're driving at, and I agree with you in part. I have read

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articles where certain diseases in other countries have been claimed to be cured through the tissue of a fetus. And...and I think that's terrible. I don't think anybody on the Floor certainly wants to see that kind of process used in the United States. It's almost barbaric. So I have mixed feelings about this. I've talked to a doctor in...at the University of Chicago, who have used the fetus of animals and has written most of the textbooks as far as eye diseases are concerned, and he claims that there is absolutely no way that he could have done that unless he had that material available. I think we all are going to have to look very carefully at this bill. Some of the arguments, unfortunately, are not valid. If you're going to vote for this bill, don't vote for it with the idea that aborted fetuses through a miscarriage can be used. Ain't possible, boys.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. I'm not going to get into an argument with Senator Fawell about her latter point, but, I think it should be made clear that in some very substantial respects, the content of the bill is not being accurately represented. The bill in its basic prohibition, does not even deal with aborted fetuses. It says, "No persons shall use in animal or human research or for animal or human transplantation, a fetus produced by the fertilization of a human ovum by human sperm or any tissue or organ of such a fetus." It does not have to be a quote "aborted fetus." It could be a miscarried one. It could be one under the circumstances that Senator Jacobs described. It doesn't say anything about it being prohibited only on an aborted fetus. This goes much farther than is being represented, and I think it should be recognized for that. I object to the contents of the bill, quite apart from the question of whether it's going to be

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used as a vehicle.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Luft.

SENATOR LUFT:

Question of the sponsor, please, Madam Secretary.

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR LUFT:

Senator Watson, is Senator Netsch correct when this prohibits anything ...experimentation on animals also?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Watson.

SENATOR WATSON:

No. It's human ovum and human sperm. Has nothing to do with animals.

PRESIDING OFFICER: (SENATOR COLLINS)

For the second time, Senator Zito. Senator Kelly.

SENATOR KELLY:

Thank you, Madam Chairman. This is the first time I've requested an opportunity to address the issue for the second time. I might add that an aborted...what we're talking about is an aborted baby...and I'm talking about a possibility, and in many cases, of a live baby, not a dead baby, who's having their...parts of their body torn apart in an abortion procedure, and using them for experimental purposes immediately, right after that abortion. I think we should elevate the respect we have for human life, and certainly we have to look at the Supreme Court. It's not what I go along with, but it's what the law of the land is up until now. I want to say one thing. We did have this legislation similar in the House a couple of years ago, and we had Dr. Diamond down here, and discussing the subject in great detail, in an impassioned speech. And it was exactly on this

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particular issue. And I don't think you should be using an aborted, just like it says in here, in conjunction with animal experimentations. I think it's disgusting to even think about that being done with...with a baby, and I therefore am proud to support this proposal.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Zito.

SENATOR ZITO:

Thank you, Madam President. I have never risen in seven years for a second time on an issue, but this is, I think, serious enough to talk to a second time. And my comments, I guess, are directed to those of us who have been pro-life votes on pro-life issues. We are being counterproductive. I'm not a person of the medical profession, but could you imagine the amount of cadavers that have been experimented upon to save human life? The pro-life movement is all about saving human life. If we can't let our medical technology examine, test and research fetuses, if we can't let them look at a miscarriage, if we can't let them look at aborted fetuses, to experiment on those in the hopes of saving additional lives, additional fetuses, this is counterproductive. This makes no sense. In promoting life, this is saying, we're going to shut off experimentation in the hopes of saving another life. I speak to the pro-life votes here. This is the wrong approach. House Bill 2693 does not attempt to save lives.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Watson, to close.

SENATOR WATSON:

Well thank you, Madam President. Obviously, this is a difficult issue, and it's...I'll be quite honest with you, it's a difficult issue to talk about. It's a difficult issue to present. But I want to talk to Senator Jacobs, and I unfortunately didn't have an opportunity to respond to his concerns. On page five,

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lines thirty-four, begin "Nothing in this subsection (7) is intended to prohibit research or experimentation on any tissue or organ or the transplantation of organs from a fetus obtained by means other than through the performance of an abortion (such as miscarriage or stillbirth)." I think, Senator Jacobs, that this addresses your concern. And, Senator Zito, I've...you know, I'm not...I'm pro-life and I'm proud of it. It's an emotional issue with each and every one of us on how we feel about this, and it's a matter of when do you think life begins. When does life begin? Some of you think it begins at birth, others of us think it begins at conception. So it is something we're talking about...about saving lives, and we're talking about profitability. We're talking about profitability here and encouragement that the individual woman might have in going to a clinic who's struggling with making the decision about having an abortion. And in this clinic, this physician, this counselor says, "We could use the aborted fetus for experimentation, and therefore some good will come from your decision to have that abortion." It gives her some feeling of, I guess, that something will good, and can good, come from the decision that she's about to make. Maybe not knowing what this may do to her future in having children, but I've...I've struggled with this issue, as I know a lot of you do, and this is another one of those situations in which there's really no true gray area. And we're just...we're trying to address a situation in which an individual could actually profit from having an abortion, by using that aborted fetus for experimentation. I...I have a tough time dealing with that, and I think most of you would, too. I think the proper vote is Yes. And I ask for that.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall House Bill 2693 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

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the record, Madam Secretary. On that question, there are 37 Ayes, 17 Nays, 2 voting Present. Having received the constitutional majority, House Bill 2693 is declared passed. House Bill 2702. Senator Demuzio. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 2702.

(Secretary reads title of the bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Demuzio.

SENATOR DEMUZIO:

Thank you. Members of the Senate, it is -- House Bill 2702 is one of the two election bills, this one and the next one, that, it's my understanding, have been agreed to by both sides of the aisle. The -- 2702, it was Amendment No. 1 that was adopted that would have deleted all of the mandatory deputy registrars at the Public Aid offices and the driver's license stations. We adopted Amendment No. 2, which delayed the effective date of certain provisions until July the 1st of -- of '90. It encouraged the State Board of Elections to consider criteria of current law in determining polling place locations, and by virtue of Amendment No. 3, we reinstated ten Senate election bills which passed the Senate with either unanimous or near-unanimous support and went to the House, where they currently repose in some manner. I know of no opposition -- and I would ask for your support.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? If not, the question is, shall House Bill 2702 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, Madam Secretary. On that question, there are 58 Ayes, no Nays, none voting Present. Having received the constitutional majority, House Bill 2702 is declared

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passed. House Bill 2705. Senator Demuzio. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 2705.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Demuzio.

SENATOR DEMUZIO:

2705, Madam President, is also a -- agreed-to bill. I am -- it's my understanding we adopted Amendment No. 1, that permitted the State Central Committees to adopt rules governing certain party activities. Made other technical changes that were requested by the State Board of Elections. Amendment No. 2 permitted corporate presidents, I assume CEOs and designated employees to become deputy registrars upon written election authority. I know of no opposition, and would ask for your support.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? Discussion? If not, the question is, shall House Bills 2705 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, Madam Secretary. On that question, there are 59 Ayes, no Nays, none voting Present. Having received the constitutional majority, House Bill 2705 is declared passed. House Bill 2712. Senator Donahue. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 2712.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

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Senator Donahue.

SENATOR DONAHUE:

Thank you, Madam President, and Ladies and Gentlemen of the Senate. House Bill 2712 imposes -- or allows the EPA to impose a fee on tests -- laboratory tests for water -- community water supplies. With all the problems that are happening -- demands by the federal government and the State government, we're not being able to meet the needs of the local communities, so this imposes a fee to hopefully be able to do that. When the bill was first introduced, there was some concern from the Home Builders Association and, I think, justifiably so. They would have an increased cost and they really weren't going to get any more service for this increased cost. So the amendment addresses their concern which the Department of EPA will have a statutory deadline of forty-five days for processing water main extension permits, and they are going to meet later on and hopefully get down to a thirty-day period. I think this is a good piece of legislation, and I would hope for its support.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR COLLINS)

She indicates she will yield.

SENATOR HAWKINSON:

Senator, who is this fee imposed on?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Donahue.

SENATOR DONAHUE:

I think it's on the -- the individual that's requesting the fee. Some of the local communities will pay the fee for the

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processing of the water permit, or the builder that it is -- oh, yes. It's on new construction of new fees. Right, absolutely.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? If not, the question is, shall House Bills 2712 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, Madam Secretary. On that question, there are 59 Ayes, no Nays, none voting Present. Having received the constitutional majority, House Bill 2712 is declared passed. House Bill 2713. Senator Karpziel. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 2713.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Madam President. House Bill 2713, as amended, is -- it's a, first of all, it's an administration bill initiated by the EPA, and among its provisions are, it updates certain references to federal statutes -- administered by the Illinois EPA under the State Environmental Protection Act. It provides procedures for obtaining -- obtaining release of funds to undertake cleanup projects that are -- that are nonfederal sites. It provides a statutory procedure for the agency to accept oversight payments, when requested to perform oversight activities by an owner or operator undertaking a voluntary cleanup action. It gives them a permitting procedure for disposal of coal combustion waste, and a system is created for the agency to review permit applications for bulk pesticide storage facilities filed with the Department of Agriculture.

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PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? If not, the question is, shall House Bill 2713 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, Madam Secretary. On that question, there are 59 Ayes, no Nays, none voting Present. Having received the constitutional majority, House Bill 2713 is declared passed. House Bill 2718. Senator Karpziel. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 2718.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Madam President. House Bill 2718 is also an administration bill. And it is an Act to revise the law in relation to official bonds and the civil administration code; are amended to authorize CMS to establish a program of self-insurance for fidelity and surety bonds required of State officers and employees. And it also allows the Director of CMS to approve the appointment of a person from the next lower-ranking group when the highest-ranking group contains less than three eligible candidates. As amended, it also allows a chaplain employed by the State of Illinois to retain, in retirement, the twenty percent tax exemption for housing that he has when employed by the State.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? If not, the question is, shall House Bill 2718 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 58 Ayes,

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no Nays, none voting Present. Having received the constitutional majority, House Bill 2718 is declared passed. House Bill 2729. Senator Berman. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 2729.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Berman.

SENATOR BERMAN:

Thank you, Madam President. House Bill 2729 provides, for clinical psychologists, the rights provided to other medical professions regarding physician's liens to secure the right of payment of their bills in the event of accident cases. I would be glad to respond to any questions, and solicit your Aye vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? If not, the question is, shall House Bill 2729 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, Madam Secretary. On that question, there are 57 Ayes, no Nays, none voting Present. Having received the constitutional majority, House Bill 2729 is declared passed. House Bills 2737, 2739, 2726 <sic> (2756) and 2757 are on the Recall List. So we'll move to House Bill 2758. Senator Keats. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 2758.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Keats.

SENATOR KEATS:

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...thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 2758 has two parts. I'll briefly explain the first part cause it's something we've all forgotten, because it has been the lesser known. The first part is the Commission on Economy and Productivity in State Government, and it's created to review the operations and administrations of state agencies under the Executive Branch, and the Judicial Branch. Passed the House on a vote of 116 to nothing. It's equivalent to a mini-Grace Commission for the State of Illinois. That's the first part. That's the controversial part. The noncontroversial part deals with a minor change in the Judicial Election System in Cook County, for which I would appreciate your affirmative roll call. This bill has been rather thoroughly debated the last two days. While I'm more than happy to answer questions, I think we've all heard enough that we don't need to me...need me to make quite that long a statement on it. I would appreciate your affirmative roll call. It received 37 votes yesterday.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Brookins.

SENATOR BROOKINS:

Thank you, Madam President. I rise in support of this bill. It has become a good bill, and I think as...sponsor said, the controversial parts have been ironed out.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Berman.

SENATOR BERMAN:

I just...I just don't want everybody to...to believe that the opening comments of the sponsor that it's...that this is a merely bill. I...I just want to give a one-liner again that many of the Senators who voted for this yesterday come from districts who will be drastically affected in a negative way if this bill becomes law, because what you are, in fact, doing is trading a job for the

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best interests of your constituents. And I think that it's a very sad day when the judiciary gets down to that. I urge a No vote.

PRESIDING OFFICER: (PRESIDING COLLINS)

Further discussion? If not, the question is, shall...House Bill 2758 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all vote who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 37 Ayes, 22 Nays, none voting Present. Having received the constitutional majority, House Bill 2758 is declared passed. House Bill 2772. Senator Schuneman. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 2772.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Madam President. Before I proceed with the bill, I want to compliment you on the way you are conducting yourself in the Chair, I think you do a good job.

PRESIDING OFFICER: (SENATOR COLLINS)

Why, thank you.

SENATOR SCHUNEMAN:

I -- I think this bill will pass anyway, regardless of what I would have said, but I do -- I do think you do a good job there.

PRESIDING OFFICER: (SENATOR COLLINS)

I'll cut off the negative votes.

SENATOR SCHUNEMAN:

This -- this bill is requested by the Comprehensive Health Insurance Board, and basically what it does is allow our employees to participate in the State Retirement Plan, the State Health

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Insurance Plan, and it also includes the indemnification language that we've passed out of here several times on a variety of bills, and I would urge approval of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? Discussion? If not, the question is, shall House Bill 2772 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 59 Ayes, no Nays, none voting Present. Having received the constitutional majority, House Bill 2772 is declared passed. House Bill 2776. Senator Rock. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 2776.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 2776 makes -- makes two minor changes in our district office allowance availability. It says we can -- currently we are able to reimburse for in-district travel. This will afford us the opportunity to reimburse for out-of-district travel, so that those who have to travel, for instance, to the State of Illinois Center for committee hearings and so forth, can be properly reimbursed. And secondly, at the request really of the Comptroller's Office, we are now specifically authorizing utilization of district office allowance for congratulatory notes and letters. A couple of Members had submitted vouchers which I then turned over to the Comptroller, and the Comptroller kicked them back, saying that that wasn't authorized. So we are now authorizing it, and I would urge an Aye vote.

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PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? If not, the question is, shall House Bill 2776 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, Madam Secretary. On that question, there are 47 Ayes, 10 Nays, 2 voting Present. Having received the constitutional majority, House Bill 2776 is declared passed. House Bill 2779. Senator Geo-Karis. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 2779.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Madam President, Ladies and Gentlemen of the Senate, House Bill 2779 makes changes in the Radiation Registration and Licensing, increases various fees suggested by the Department of Public Health and Nuclear Safety, and I urge a favorable consideration.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? If not, the question is, shall House Bill 2779 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 59 Ayes, no Nays, none voting Present. Having received the constitutional majority, House Bill 2779 is declared passed. House Bill 2790. Senator Schaffer. Read the bill, Madam Secretary. 2780. I'm sorry. I apologize. Read the bill, Madam Secretary.

SECRETARY HAWKER:

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House Bill 2780.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Schaffer.

SENATOR SCHAFFER:

Mr. President and Members of the Senate, this Act creates the Inter-agency Wetland Policy Act of 1989. It's an attempt by the Department of Conservation, in cooperation with the, principally, the Department of Transportation to minimize the continuing loss of wetlands in the State, as it affects State projects. And it would create an inter-agency committee to draw up specific plans, and require that those larger projects - and I'll define larger as those over ten thousand - that there be some replacement of any wetlands that are destroyed in the process of, for instance, building a State highway. The first amendment that was put on the bill at the committee was aimed at addressing the major concerns that had surfaced while the bill was moving through the process. And it specifically would require that the wetland replacement be quote "as close as possible" to the wetland area impacted. It wouldn't necessarily have to be, you know, immediately alongside of it, if that wasn't practical. And require and encourages on-site wetland compensation. Obviously, if you're going to replace a wetland for a highway project in Grundy County, putting it in Pope County doesn't do a whole lot of good. There are a couple of amendments on the bill. In addition to that, one is the one that I put on, which is basically a trailer amendment for Senate Bill 2020. And one that Senator Rea put on at the request of the Coal Industry to require -- encourage wetland creation in general.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Rea.

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SENATOR REA:

Thank you, Madam President. A question for the sponsor.

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR REA:

Section 1-3 of this bill states -- applies to the State and State-funded construction, State-supported land management, State and State-supported technical assistance programs, and other State activities. My question is, particularly, with reference to the phrase "other State activities." Is this new Act intended to extend to and cover private activity which is regulated by the State through a permitting or licensing system?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Schaffer.

SENATOR SCHAFFER:

No.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Rea.

SENATOR REA:

Then the phrase "other State activities," if it applies to State participation and otherwise private activities at all, does not include State permitting or oversight of private activity pursuant to a State regulatory program, or in other words, State regulation and oversight of private activities are not other State activities within the meaning of this proposed new Act. Is that correct?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Schaffer.

SENATOR SCHAFFER:

That is absolutely right.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Donahue.

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SENATOR DONAHUE:

Thank you. A question of the sponsor.

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR DONAHUE:

Senator Schaffer, I was asked to check into one point that seems to be a hang-up. I totally support the wetlands concept and this -- approach, in a sense. But what happens if you need to replace in the replacement lands? How can you -- how will the Department implement those replacement and the acquiring of the lands for replacement?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Schaffer.

SENATOR SCHAFFER:

I am told by the Department in the vast majority of the cases, the overwhelming majority of the cases, they feel they'll be able to just buy or acquire in the process of construction, sometimes there's land traded, land in the area for that purpose. Senator Donahue, I believe you are specifically referring to the Farm Bureau's concern about the Department, principally, Department of Transportation's ability to condemn land and their concern that, as part of a requirement of this Act, they might use their condemnation powers to acquire farmland. Frankly, that's a concern that I also have. I talked to the departments. They tell me that that is not an option they would like to exercise, and would look for any other alternative they can come up with, because, obviously, there -- we also have laws on the books about diminishing farmland, which is also more or less a protected species, if you will, of land in this State. The suggestion had been made that we specifically eliminate IDOT's ability to use the power to condemn in this area. And while I might be comfortable with that, it causes our friends in IDOT to twitch, since that

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whole concept is something that, in general, bothers them. I think, in this case, I am prepared to trust IDOT until I see an abuse. And if I see an abuse, I would be the first to join with you to rein them in, bearing in mind that most of the time we're talking about relatively small projects and highway construction, where you take two or three acres here or there. And I don't think there are large implications, but I understand the Farm Bureau's concern, and my only comment to that would be that if, in fact, we see an abuse, I think we ought to come back and get them. If we don't, I don't think we ought to fix a problem that hasn't surfaced, yet.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Donahue.

SENATOR DONAHUE:

Just one more quick question. Do you think that there is any way once this goes back to the House, since it is amended, that there might be a way that we can address that concern? And -- 'cause I -- I know they support what we're trying to do here. I don't think they have any problem. They're just concerned about the quick-take power.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Schaffer.

SENATOR SCHAFFER:

Well, frankly, if it's up to me, I -- at this stage of the game, I don't like conference committees. But, if you're suggesting to me is there a chance the bill will end up in a conference committee, I suspect there's that chance. But I'm not -- if it's up to me, it won't. But it could happen.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

...sponsor yield for one question?

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PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR GEO-KARIS:

I understand -- I'm with you on the bill, but I just wanted to know, what statute is it amending to be added to? Can you tell me?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Schaffer.

SENATOR GEO-KARIS:

I just want to know, Senator Schaffer, what statute is it amending it in order to be added to it? I -- I don't have a copy of the bill. What does it say on the bill?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Schaffer.

SENATOR SCHAFFER:

It's a new Act. It doesn't amend the forest preserve district, if that's what you mean.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Geo-Karis. Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. I think my district is probably the one that may have generated this idea of IDOT getting in the wetlands business. They have done this with the tollway. We have found land where we have literally transplanted some wetlands that contained a lot of endangered species of plants and some animals, literally, by picking up the wetland, putting it in a truck, and moving it to land that, frankly, was not of use to anyone, by the time the tollway and 53 and Butterfield and Roosevelt Road all got through. I think this is an excellent concept. They have found that it works. It is a way of protecting our heritage for generations to come. And I would solicit an Aye vote for it.

PRESIDING OFFICER: (SENATOR COLLINS)

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Further discussion? Senator Schaffer to close.

SENATOR SCHAFFER:

Thank you. Senator Fawell, I thought the only endangered species in DuPage County were the property taxpayers. I didn't realize you had any others. I believe the bill is a major step forward. I would, again, remind the Members that it affects State projects only. There's no impact on private enterprise and private development. Although perhaps there's some way I would think of at some point. But I think the State of Illinois should set a good example when it comes to preserving wetlands, and I believe this bill's a reasonable proposal to do that.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall Senate Bill -- House Bill 2780 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, Madam Secretary. On that question, there are 49 Ayes, 9 Nays, none voting Present. Having received the constitutional majority, House Bill 2780 is declared passed. At the top of the Page 21, House Bill -- House -- Senator Brookins, for what purpose do you arise?

SENATOR BROOKINS:

Thank you. Having voted on the prevailing side on House Bill 2758, I make a motion that we reconsider the vote by which it was taken.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator -- Senator Brookins moved to reconsider the vote by which House Bill 2758 passed. Senator Keats moved to have that motion lie on the Table. Those in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it, and the motion prevails. Now, at the top of the Page 21, House Bill 2784. Senator Woodyard. Read the bill, Madam Secretary.

SECRETARY HAWKER:

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House Bill 2784.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Madam President and Members of the Senate. This is the annual income tax cleanup bill for Department of Revenue, and the major portion of the bill is primarily a -- a list of six or seven technical cleanup points. I'd be glad to go through those if you want to. Two amendments were added to the bill. One that incorporates the provisions of Senate Bill 1127, which was the checkoff bill to fund various programs and it also contains an agreed amendment between the supervisors of assessments and county clerks, and I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? Senator Marovitz. Senator Netsch. Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President. On House Bill 2758, my button was incorrectly pushed Aye. I would have voted No. My position previously has clearly been against that bill, and I would like the record to reflect my opposition -- strong opposition to House Bill 2758.

PRESIDING OFFICER: (SENATOR COLLINS)

The record will show your request. Senator -- Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. With respect to House Bill 2784, which is actually the bill that we're dealing with right at the moment, instead of 2758 or whatever it was, I would simply like to confirm Senator Woodyard's representations, and despite the fact that this sounds like a dramatic bill dealing with income tax,

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most of it is pretty technical stuff. There are a few things that might actually be of interest to some of you - for example, the threshold on the filing of corporate income tax estimated payments is increased from two hundred and fifty to four hundred million dollars, and there's a provision which exempts farmers from estimated tax payment requirements. So they're actually -- although it is not nonsubstantive, but the substantive changes are essentially technical cleanup and perfectly acceptable ones. I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Any further discussion? If not, the question is, shall House Bill 2784 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 56 Ayes, no Nays, 1 voting Present. Having received the constitutional majority, House Bill 2784 is declared passed. House Bill 2786. House Bill 2790 is on the Recall List. So the next bill is House Bill 2803. Senator Kelly. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill...

PRESIDING OFFICER: (SENATOR COLLINS)

House Bill -- I have House Bill 2786 on Recall List, and House Bill 2790 on recall. Senator -- Senator Weaver. Weaver.

SENATOR WEAVER:

House Bill 2786 was not amended, Madam President. I'd like to act on at this time.

PRESIDING OFFICER: (SENATOR COLLINS)

Okay. Well, House Bill -- House Bill 2786. Senator Weaver. Read the bill, Madam Secretary. 2786.

SECRETARY HAWKER:

House Bill 2786.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Weaver.

SENATOR WEAVER:

Thank you, Madam Chairman. House Bill 2786 increases both the cigarette tax and the liquor tax. The cigarette tax would increase by ten cents per pack, and the liquor tax rate would change based on - the beer would go from seven to twenty cents a gallon, and wine from twenty-three to sixty-one, and alcohol from two dollars to three dollars and twelve cents. This tax has not been raised in twenty years, and the rates of raise brings Illinois up to about the national average. If there are any questions, I'd be happy to answer them. I...

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in opposition to House Bill 2786, and I would particularly point out to those of us from the County of Cook, that this will have a devastating impact particularly, and I speak specifically about the proposed liquor tax increase. I don't think the cigarette tax increase is -- is anywhere near as out of line as is the liquor tax increase, but it will have a devastating impact on the retailers in Chicago and Cook County, and I would urge a No vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. -- Madam President. A couple of -- of just factual points, if I might. I think that yesterday, when the amendment was being put on, I wrote down that the estimated

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revenue take was from the cigarette tax, one hundred million, and from the liquor tax, sixty-nine and a half million. I would like to give an alternate estimate that comes from the Economic and Fiscal Commission, just so that it is a matter of record. Our best projections are that the liquor tax would indeed bring in about seventy million dollars. That one is about on target. Our estimate of the cigarette tax is eighty-nine million dollars, and then there would be four million dollars that would be sales tax revenue, because we apply our sales tax to a base that includes the cigarette tax. So that is not quite the same as your one hundred million dollars, for a total of about a hundred and fifty-nine to a hundred and sixty-three million -- a hundred and fifty-nine from this tax, plus four million in sales tax, about a hundred and sixty-three million dollars on an annualized basis. There would, of course, be a lag probably in the first year from reseeding, which is always true and is not always fully taken into account. I think it is reasonably accurate when -- when Senator Weaver says that the liquor taxes would put Illinois about in the middle. We have a chart, which I assume Senator Weaver may also have, that shows our immediate neighbors - Wisconsin, Indiana, Missouri, Iowa, et cetera - and we would be lower -- higher than Wisconsin on beer by one cent, but lower than all of our other surrounding states. The same as Missouri, and, you know, we could go through all that. So it's probably accurate to say that it -- it puts us pretty much in the middle. We would not be terribly out of line with our immediately neighboring states. On cigarettes we would, in fact, be -- still be, even with the ten-cent increase, we would be the same as -- same as Wisconsin, and higher than Michigan, Missouri, Kentucky, lower than Iowa, and lower than Indiana, so that, you know, you have to look at those things in perspective. Can I make one other comment, Senator Weaver, on the -- the fiscal implication? There's no question

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that the Governor built into his budgetary request about a hundred and eighty million dollars from his requested cigarette tax. I've said before that the revenue estimates, even from the Bureau of the Budget, over a two-year period - '89 and '90 - are about two hundred and fifty million above the estimates at the time that the cigarette tax was originally requested. I think we can, without any problem, meet the Governor's budget levels without any increase in cigarette or liquor. The difficulty is that we are beginning to add on some amounts that go above the Governor's budget, which it is not unusual for us to do. Some of the appropriations are being held pretty well, but for example, we added fifty million dollars for the hospitals. I think that was Senator Rock's amendment the other day. And there are some other things that are imminent or pending. My guess is that we would not be able to accommodate all of that with -- with the other increases that we have made, and adjustments, without some additional revenue from whatever source. And all of this, incidentally, is totally without any funding for education. I'm putting that issue totally aside, because it is a separate issue. My own judgment is that we need something close to this. I still think ten cents may be too high, but I do think we need some increase in liquor and cigarettes, and I'm going to vote Yes.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Madam President, Ladies and Gentlemen of the Senate. The people in my district don't want to raise income tax, but they are willing to vote -- to have us vote for a raise in the luxury tax, and beer and liquor and cigarettes are luxury taxes. They don't affect the person's income to the extent where they can't support their mortgages, or what have you. I rise in support of this bill, and I think it's a good bill, and you figure out it's going

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to cost a penny a drink for the beer; I don't think that's too much to ask. And whether we're on border - and I'm on the border - Wisconsin's next door to me, still I think it's a step in the right direction, and we can raise more income by just hitting the luxury items, rather than hitting the necessity items, like your income.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I stand in opposition to this bill for a couple of reasons. Number one, we had an amendment that we were going to put on, and of course it's the sponsor's right to not allow us to put it on, but we felt it would have made more sense - especially in the case of the liquor - to -- to put the tax on to the manufacturer, rather on to the importing distributor. It's going to take a lot more book work, a lot more expense, and I don't think that's a wise decision, but to the issue itself, I -- I have always admired my colleagues across the aisle, because they have always attempted to -- to hit all issues head-on, and I think this is an issue to where you are really going through the back door, and I don't think you're being up-front. If you want to be up-front, I would prefer, in my estimation, a further increase in the income tax, and do away with these silly frivolous taxes.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Madam President. To the sponsor, I too, am in a border county - Winnebago, right next to Wisconsin and - I'm wondering what the comparison impact is, because I don't have a printout, between the two states, and also, if there are any local taxes that add to that and create any disparity, if you have that

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as a printout as well.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Weaver.

SENATOR WEAVER:

As regards the cigarette tax comparison, they would be the same - thirty cents. As far as liquor is concerned, Wisconsin would be about thirteen cents higher on alcohol, but lower on beer. It would be about fourteen cents lower on beer, about thirteen cents higher on alcohol.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Holmberg.

SENATOR HOLMBERG:

Do you have any local -- any county printouts with you there, any additional taxes within Winnebago County?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Weaver.

SENATOR WEAVER:

The only county I have any facts on -- or any tax on would be Cook County. There are some cities that have a sales tax on alcohol at various levels. Aurora is two percent; Carbondale, one percent; and Oak Park, three percent; Rosemont, one percent; Schaumburg, one percent. I think many of those are dedicated to the tourism or civic center programs - bond redemption programs.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Weaver, to close.

SENATOR WEAVER:

Well, thank you, Madam President. I would ask for a favorable roll call. We have the obligation to provide in the neighborhood of a hundred and seventy million dollars to meet the Governor's budget. This is one way to do it. We have reduced the cigarette tax by eight cents, and brought the liquor tax up enough to generate the basically a hundred and - sixty five to seventy

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million dollars. That tax has not been raised in twenty years, and I think it's one way of supplying the revenue needed to support needed programs that we've already built into our budget, and I would appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall House Bill 2786 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, Madam Secretary. On that question, there are 20 Ayes, 39 Nays, none voting Present. Having received -- having failed to receive the constitutional majority, House Bill 2786 is declared lost. House Bill 2790 was on recall today. House Bill 2803. Senator Kelly. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 2803.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Kelly.

SENATOR KELLY:

Thank you, Madam President, Members of the Senate. House Bill 2803 has two concepts. The first portion of the bill, which came from the House, allows low-income and moderate-income families to purchase college savings bonds on an installment basis. This passed by almost a unanimous vote from the House. The second part of the bill provides a one-year scholarship to a State university for any high school senior who has finished first in their graduating class. As I mentioned previously, this could cost from five to ten million dollars to implement. Money, which I feel is well spent, and will provide a significant return benefit to the State of Illinois. Not only would we be setting a State policy of awarding the best and the brightest graduates in our high schools,

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but we would also be elevating the quality of education in our State universities. This proposal met with opposition in the Senate Higher Education Committee when the point was made the students would also be eligible to receive merit scholarships. Well, Ladies and Gentlemen, I think a valedictorian in their class, who is the best in their senior class, deserves twelve hundred dollars for one year - I repeat - for one year only. If you want Illinois to be a leader in education, economic development and educational excellence, then let's get with it, and I hope you make me proud by joining me in supporting this bill as amended.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Ralph Dunn.

SENATOR R. DUNN:

Thank you, Madam President. I wonder if the sponsor would yield to a couple questions?

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR R. DUNN:

Thank you. Senator Kelly, tell us a little bit more about the trust authority going into the installment business and selling bonds. We talked about this in committee, I think, and thought it was a rather expensive way to -- of help low-income people do some financing, and would probably not amount to much. What -- how do you -- how do you account for that?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Kelly.

SENATOR KELLY:

Senator Dunn, that -- that portion which I -- I mentioned, it has been before a question of concern for some. It did pass from the House by a 114 to 1 vote, so many of the colleagues, even on your side of the aisle, did support that over there. I -- I don't

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know, I think that while we all know that this program is going to be more beneficial to the middle-income families, which was our original intent, there is no reason why we shouldn't leave out some people that are low-income families -- low-middle-income families as well. I saw some reports recently where - believe it or not - a thirty-five-thousand-dollar salary was considered a low-medium-income salary. So yeah, I think these people should have an opportunity to -- to participate. They won't be the majority, but they ought to have an opportunity.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Dunn.

SENATOR R. DUNN:

Thank you, -- thank you Mr. -- Madam President. Senator Kelly, I -- you know, I know it's a laudable thing to try to do, but I think the expense of operating it would be pretty expensive. This bill directs the Baccalaureate Trust Authority to initiate it. We had thought it'd be better if they had a study on it, if they'd instruct them or give them a resolution saying we'd urge you to look into it, report back to the General Assembly. For that reason, I think I'm going to oppose the bill. And I think Senator Maitland would like to address the merit scholarship.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. -- Madam President and Members of the Senate. Senator Kelly, I once again, as I did some weeks ago, want to question you on the -- on the -- the amendment you placed upon this bill, and I want to ask a direct question. Is it possible for an individual to get both a merit scholarship and your valedictorian scholarship?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Kelly.

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SENATOR KELLY:

The answer in which I had mentioned in my opening remarks is yes, and I think that for twelve hundred dollars for one year only, a valedictorian of their class ought to be able to get a twelve-hundred-dollar scholarship and a full scholarship, so you would be getting two grants at one time, and I think it's a very modest investment in the best and the brightest student in every high school in Illinois.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Maitland.

SENATOR MAITLAND:

Thank you, Madam Chairman. Senator, I'm -- I'm -- I'm glad that now that we have an understanding. In committee you denied that that was a possibility and -- and you now say that it is. I want the Body to understand what we're doing here. These scholarships are -- are for tuition and -- and fees. That's what this is all about. The merit scholarship is one that we all feel very strongly about. I've been involved with that legislation from the very beginning. Senator, I don't fault your scholarship for valedictorians, but there absolutely is no justification for providing what becomes here just a stipend. They already have the scholarship, under one condition or the other. Keep in mind that the way we fund the merit scholarship program in Illinois, when we fund it, is to bring it down toward the ninety-fifth percentile with the available appropriation. The further down we go, the more young men and women we're serving. To duplicate this effort is absolutely wrong, and you would then deny, Senator, a merit scholarship winner, perhaps down one more peg, by doing this, and I don't think that's what we want to do. I think we want to rethink this, and I'm sorry that you put this amendment on like this, but for that reason, I believe the Body ought -- ought to oppose the bill.

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PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Kelly, to close.

SENATOR KELLY:

Well, I would just ask your support. I -- this year I had -- personally had two first-place valedictorians come to me for a scholarship. They were not eligible for the ISSC scholarship, and they should have received it. And I would ask you to support this -- me on this bill.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall House Bill 2803 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, Madam Secretary. On that question, there are 28 Ayes, 27 Nays, none voting Present. Having failed to receive the constitutional majority -- Senator Kelly requests Postponed Consideration. House Bill 2805 was on the Recall List today, so House Bill 2806. Senator del Valle. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 2806.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator del Valle.

SENATOR DEL VALLE:

Thank you, Madam President. House Bill 2806 establishes maximum fees that may be charged for courses to prepare enrollees for issuance of permanent resident alien status by the U.S. Immigration and Naturalization Service. This is a recommendation of several immigration advocacy groups and the Speaker's Task Force on Immigration. These fees would be brought in line with what the State Board of Education now, through the IRCA program,

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is reimbursing agencies that are providing these services. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? Discussion? If not, the question is, shall House Bill 2806 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 59 Ayes, no Nays, none voting Present. Having received the constitutional majority, House Bill 2806 is declared passed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Okay. Let's start over. Turn onto Page 5. Page 5 is House Bills 3rd Reading. We'll start with House Bill 18. Marovitz. 34. Jones. 40. Netsch. Right on down the line. I'm sorry, Netsch, that was on the recall. House Bills 3rd Reading is House Bill 18. Senator Marovitz. Senator Marovitz. House Bill 34. Senator Jones. 40 was on the Recall List. 43 was on the Recall List. 40. Senator...

SECRETARY HAWKER:

34.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Well, we got everybody's attention now. All right. It's my understanding that House Bill 40 -- that Senator Netsch on the Recall, she moved to Table an amendment, and apparently, under our rules, we are afforded the opportunity to do that, when so -- House Bill 40, Madam Secretary, on the Order of 3rd Reading.

SECRETARY HAWKER:

House Bill 40.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

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SENATOR NETSCH:

Thank you, Mr. President. House Bill 40 may be, at long last, the sales tax reform cleanup bill that the Senate has been trying to pass for the last two years. With -- which always seems to get thwarted somehow by the House. Most of it is terribly technical - that is it is literally cleanup language that comes from the Department of Revenue. There are a couple of things -- just a couple of things that I want to call attention to. One is that the House has insisted, that in the case of the -- the photoprocessing people who do not separate out their labor costs, that the tax to be imposed be at the rate of ten percent of the full price -- the full retail price, rather than fifty percent. We in the Senate preferred the fifty percent. We would still prefer fifty percent but, Ladies and Gentlemen of the Senate, the Department of Revenue and the administration and everyone else agrees that it is not worth risking the loss of this bill once again. I think that that is really the -- oh, the other thing that I need to call attention to is the -- the treatment of the so -- called Continuing Appropriation Issue. Senator Rigney and I had agreed in our original Senate bill - Senate Bill 716 - that we would accept the compromise that was worked out last year or -- yes, late last year. That is all of the old money and home rule money will be subject to continuing appropriation. It is only the new money - that is the new use tax money and the photoprocessing money - that will be subject to annual appropriation. A reasonable compromise, and I think it is one we can all live with. It is extremely important that this bill get out of here and to the Governor, so that we can have these provisions in place.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator Netsch, our analysis, if it's correct, in outlining

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the proponents and opponents, indicates that the one representative of municipal interest that, according to this, is still opposed to this proposal, is the Northwest Municipal League. If that's so, is that because of the last provision that you explained regarding the compromise, if it is one, concerning the annual -- what is subject to annual as opposed to continuing appropriations?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

If the -- if the Northwest Municipal League, Senator Barkhausen, is still opposed, it would be for that reason. I would strongly suggest to Mr. Grams that he hold his opposition, because we want to make sure that we at least get the rest of that money subject to continuing appropriation, and when it becomes appropriate down the road - maybe a year or so - we may be able to apply the continuing appropriation to the other parts of it. But it is critical that the other parts be subject to continuing appropriation, and right now they are not.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall House Bill 40 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 53, the Nays are none, none voting Present. House Bill 40, having received the required constitutional majority, is declared passed. House Bill 43. Senator Topinka. I'm sorry, it was on the recall. 45. Senator Zito. On the Order of House Bills 3rd Reading is House Bill 45, Mr. Secretary -- Madam Secretary.

SECRETARY HAWKER:

House Bill 45.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and Members. House Bill 45 was an attempt for suburban agencies on aging to be a little more involved in the process, with the State Department of Aging, in local decision - making. We took this bill -- this bill was on the Agreed Bill List and we brought it back for an amendment that the Department felt more comfortable with. Senator Davidson offered that. I know of no opposition, and would ask for its approval.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 45 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 45, having the received the required constitutional majority, is declared passed. House Bills 3rd Reading is House Bill 55, Madam Secretary. Read the bill, please.

SECRETARY HAWKER:

House Bill 55.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and Members. Under current law, a township may issue bonds for the purpose of purchasing or erecting and equipping community buildings. This township community

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building board of managers, under this law, may receive a salary not to exceed twenty-five dollars per day or five hundred dollars per year, as determined by the township board of trustees. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 55 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 53, the Nays are 2, none voting Present. House Bill 55, having received the required constitutional majority, is declared passed. House Bills 3rd Reading is House Bill 56, Madam Secretary. Read the bill, please.

SECRETARY HAWKER:

House Bill 56.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. This particular bill was on the Agreed Bill List, basically requiring a municipality or county to notify the president of the school board that a subdivision plat has been submitted for approval. I brought it back from that list to add an amendment which exempts Chicago from having to obtain written approval from the Department of Transportation for any new subdivision plat with respect to roadway access to a State highway. The Department of Transportation had no objection to that provision, and I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

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Sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

According to the -- our analysis, it says that -- that the amendment -- this -- the amendment you have in the bill includes a provision which validates any such plat which failed to be approved by IDOT between January 1, 1988, and the effective date of this Act. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Holmberg.

SENATOR HOLMBERG:

Yes. This is true. It was requested by Chicago, but this evidently has happened to several other communities from without the State -- within the State, and the Department of Transportation feels that this is proper to do.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall House Bill 56 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 56, having received the required constitutional majority, is declared passed. 72. Senator Marovitz. 83. Senator Collins. On the Order of House Bills 3rd Reading is House Bill 83, Madam Secretary.

SECRETARY HAWKER:

House Bill 83.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

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SENATOR COLLINS:

Yes. Thank you, Mr. President, Members of the Senate. House Bill 83 attempts to add to the Illinois Domestic Product Procurement Act, some regulations for the use of United States commodities and manufactured goods. Currently, the Act requires that every contract entered into by the State of Illinois, unit of local government or schools or districts, for construction, improvement, maintenance or repair of public works contain a provision that steel products be used in the performance of that contract. So what we're doing in this bill is adding commodities and manufactured goods. I will be happy to answer any questions, if not, I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Hudson.

END OF TAPE

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SENATOR HUDSON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. A question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Hudson.

SENATOR HUDSON:

Senator Collins, my understanding of this bill is that it would require -- when the State of Illinois begins to lease, purchase, buy, whatever, it would have a requirement in there that any company they did this from would have to, in turn, be able to prove that they satisfied a domestic content requirement which would be fifty, sixty, seventy percent content goods -- content of

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their product made in the United States or in Canada. Is that close to accurate?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Yes. That is accurate -- with the exception of when that cost exceeds ten percent over cost than what they can buy from a foreign market.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hudson.

SENATOR HUDSON:

In other words, the cost -- you could have a cost, then, overrun up to ten percent. Is that right?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hudson.

SENATOR HUDSON:

To -- to the question, Mr. President. This is a -- a bill with some far -reaching implications. Whereas, upon the surface it sounds good, but it has a real fiscal impact on business in the State of Illinois. The other day, you may recall, some of us suggested to make this a little sweeter, we put an amendment on it that would show some deference to Illinois business. Now that amendment was voted down on the basis that it would cost too much. It was too costly. Well, if that is true, the same thing can be said of this whole bill. It simply is too costly to business. To set up a complicated system of investigating and finding out the exact content of goods manufactured by companies with whom the State of Illinois intends to buy products would, in itself, be

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tremendously costly. Furthermore, it could be counterproductive, in that we might find ourselves, and I know Caterpillar and perhaps Deere both are worried about the fact that we might find ourselves in the position not being able to buy from Caterpillar or John Deere on this very basis. Caterpillar, for example, does some of its manufacturing in foreign countries. Now under the provisions of this bill, if those manufactured products contained some foreign component parts, exceeding the percentage we're talking about here, we could not -- the State of Illinois -- couldn't even purchase from our own companies -- couldn't purchase from Caterpillar, and in some cases, couldn't purchase from John Deere. And I suggest to you that this really defeats itself, and we could find -- we could find some of our workers perhaps losing jobs because of our own -- the -- the provisions in this very measure that we seem to feel perhaps has some merit. And lastly, I might suggest to you that there are negative messages here. Do we really want to get into a trade war or suggest to other -- other countries that we're going to boycott on this basis or the other basis when it comes to purchase, and if we're going to purchase products economically here in Illinois and purchase from companies that we -- that are our own companies, we may find ourselves not able to do it, or if we do, we have to pay more money - up to ten percent more - to satisfy these requirements. All in all, Ladies and Gentlemen, I do feel that this is a disastrous bill or could have disastrous effects upon our -- our -- our economy and business here in the State of Illinois, and would urge you - whether you come from the union quarter or anything - to vote No on this measure. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

It's quite all right, Senator Hudson. I thought for a moment we were having a filibuster. I'm sorry. Is there further discussion? Senator Collins may close. I beg your pardon.

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Senator DeAngelis.

SENATOR DeANGELIS:

Yes. A question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator DeAngelis.

SENATOR DeANGELIS:

What state of the union is Canada?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Would you like for us to make it the fifty-first or the fifty-second? It's our biggest trading partner. We could make them one of the states.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

You're correct, Senator Collins. In fact, right now I think Canada is in, I know, the top five of exporters of steel into this country. They are quickly approaching the top three, and if this bill goes through, they will be number one. I guess domestic content is not domestic -- is domestic content if its Canada. But it's not domestic. Why not include Mexico? They need the help more than Canada does.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator -- is that a question, Senator DeAngelis?

SENATOR DeANGELIS:

Yes. I...

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Collins.

SENATOR COLLINS:

This -- this bill, Senator DeAngelis, does not deal with steel product -- what we are doing with this bill. This is amendment --

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the Steel Products Act is in place already, and this just adds to that Act dealing with the commodities and manufacturers goods. It is not steel products that we're dealing with here today.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator DeAngelis.

SENATOR DeANGELIS:

I know that, Senator Collins, but many of those products contain steel in them, and there -- and that's what my point is. They're already flooding us with steel coming in -- now they're going to flood us with more steel and the products that are already manufactured there that come in as finished goods.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Collins.

SENATOR COLLINS:

Well, the Steel Workers Union support this bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator -- further discussion? Senator Collins may close.

SENATOR COLLINS:

Yes. Thank you, Mr. President. First of all, this is a five -- year experimental program. This is a bill designed to increase employment opportunities and to make jobs more available in the State of Illinois, so that we can put some people back to work and keep some people working. I think it makes good sense. It's good government. The -- all of the labor unions and people who works for these companies support this bill, and I would just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 83 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 25, none voting Present. House Bill 83, having received

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

SENATOR HUDSON:

Verification of the roll on this one, Mr....

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Hudson has requested a verification of those who voted in the affirmative. All Members will be in their seats. The Secretary will call the names of the Members who voted in the affirmative.

SECRETARY HAWKER:

The following Members voted in the affirmative: Alexander, Berman, Brookins, Carroll, Collins, Daley, D'Arco, Davidson, del Valle, Demuzio, Thomas Dunn, Hall, Holmberg, Jacobs, Jones, J.E. Joyce, J.J. Joyce, Kelly, Lechowicz, Luft, Marovitz, Netsch, Newhouse, O'Daniel, Rea, Savickas, Severns, Smith, Vadalabene, Welch, Zito and Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hudson, do you question the presence of any Member who voted in the affirmative?

SENATOR HUDSON:

Senator Savickas.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Savickas is back on the Republican side at the door. Welcome back.

SENATOR HUDSON:

Senator Marovitz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz on the Floor? Senator Marovitz is over near the light. On the verified roll call, there are 32 Ayes, 25 Nays, none voting Present. House Bill 83, having received the required constitutional majority, is declared passed. 88. Senator Zito. On the Order of House Bills 3rd Reading is House Bill 88, Madam

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Secretary.

SECRETARY HAWKER:

House Bill 88.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and Members. House Bill 88 was originally on the Agreed Bill List. It came out of the House 115 to nothing. What it will do is require the State Board of Education and Department of Public Health to make grants to soundproof schools, hospitals and residential dwellings affected by noise pollution from O'Hare Airport. I don't know of any organized opposition, and would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? The question is, shall House Bill 88 pass. Those in favor will vote Aye. The 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 2, none voting Present. House Bill 88, having received the required constitutional majority, is declared passed. Turn the page. Page 6. Top of Page 6 is House Bill 89. Senator Zito. House Bills 3rd Reading, House Bill 89, Madam Secretary.

SECRETARY HAWKER:

House Bill 89.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito.

SENATOR ZITO:

, Thank you, Mr. President and Members. House Bill 89 changes

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basically one word from "may" to "shall" for the reimbursement of local governments that have furnished emergency disaster services directly related to or required by the emergency disaster for the entire expense eligible under the public assistance program. This only would take effect if the Governor, in fact, declares a disaster by proclamation. I don't know of any opposition, and would move for its adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? The question is, shall House Bill 89 pass. Those in favor will vote Aye. The opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. House Bill 89, having received the required constitutional majority, is declared passed. 90 is on the Recall List for tomorrow. 98. Senator Karpziel. On the Order of House Bills 3rd Reading is House Bill 98, Madam Secretary.

SECRETARY HAWKER:

House Bill 98.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. Excuse me. House Bill 98 provides that the plaintiff in a review proceeding of a landfill siting decision of the county board or municipality must pay for preparing and certifying the record. We did put on an amendment which exempts citizens groups from -- that have participated in the siting proceeding and is located -- to be affected by the proposed facility, they're exempted from this Act. And if you will bear with me, I have told the Pollution Control Board that I

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would read into the record the meaning of "citizens groups." It means a group of individual citizens that have joined together to participate in a regional pollution control facility siting hearing. This group may be a voluntary association that is formed on an ad hoc basis that may or may not have a name or bylaws. It also can be a group that has incorporated. It cannot be a husband and wife or a family. It does not include the -- local Chamber of Commerce, labor organizations, or township board of trustees. It also does not include persons owning or operating a nearby competing landfill facility, or units of local governments acting alone. It has to be a true citizens group, such as the Citizens Against the Bartlett Bale Fill in my district.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

I have no conflict on the bill. But I would mention kiddingly, all the -- the second amendment means now is just the taxpayers will pay for it. So instead of the group involved -- they won't pay for it -- now you'll pay for it. Whatever's fair.

PRESIDENT ROCK:

Further discussion? Is there any further discussion? If not, the question is, shall House Bill 98 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 55 Ayes, no Nays, 1 voting Present. House Bill 98, having received the required constitutional majority, is declared passed. 113. Is that going to be on the -- on the Recall List, I'm told. It is? 158. Senator O'Daniel. 166. Senator Holmberg. On the Order of House Bills 3rd Reading is House Bill 166. Read the bill, please.

SECRETARY HAWKER:

House Bill 166.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Holmberg.

SENATOR HOLMBERG:

Thank you, Mr. President. House Bill 166 is supported by the Illinois Association of Fire Protection Districts. It basically establishes a fee charged for services rendered to those outside the fire protection district of seventy-five dollars per hour per vehicle, and twenty dollars per hour per firefighter. And I'd ask for its favorable passage.

PRESIDENT ROCK:

Discussion? Any discussion? If not, the question is, shall House Bill 166 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 59 Ayes, no Nays, none voting Present. House Bill 166, having received the required constitutional majority, is declared passed. 168. On the Order of House Bills 3rd Reading is House Bill 168. Read the bill, please.

SECRETARY HAWKER:

House Bill 168.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

Thank you, Mr. President. Senate -- or House Bill 168 does a number of things. One, it includes a nursing education pilot program created by Senate Bill 1307 as the program to be funded by this Act. We passed this by -- once before in this -- this Chamber. It was further amended to establish a division of

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primary health care within the Department of Public Health which would provide technical assistance loans, grants and other related services. This package went to the -- to the House earlier in this -- in this Session. It currently has the provisions of this bill reposing on the Calendar, and that provision is the one that would redirect the two-percent tax on health insurance policies sold by out-of-state insurance companies into the Medically Underserved Counties Fund, and then we amended it further to direct that the tax on the State health insurance companies to areas to be underserved by medical care. In the original provision was a Farm Bureau Provision that came over from the House unchallenged. So I would move for its approval.

PRESIDENT ROCK:

Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

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

PRESIDENT ROCK:

Sponsor indicates he will yield. Senator Schuneman.

SENATOR SCHUNEMAN:

Senator, does this raise the tax on insurance companies?

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

No, it does not. Currently there is a two-percent tax that is a privilege tax on insurance companies that do business in Illinois that are not based in this State, and they deposit these monies into the Medically Underserved Counties Fund. So all we are doing is diverting those funds from that specific purpose into this new program area.

PRESIDENT ROCK:

Senator Schuneman.

SENATOR SCHUNEMAN:

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Well, thank you. That -- that's correct, there is no additional general revenue generated. Basically what this bill does is take this amount of money out of the General Revenue Fund and dedicate it to this specific purpose. Now it's a little unusual what we're doing here. Generally we're not -- we're not reaching into the General Revenue Fund and taking funds out and dedicating them for some specific purpose, and I think the -- the administration is -- is somewhat concerned about that aspect, because usually what happens around here if -- if we want to fund some new program, we introduce an appropriation bill, and do it in that way. This seems to be a different method, and this bill narrowly passed the Senate before on a vote of 31 to 25, and apparently was killed in the House, so now we're -- we're seeing it again, so I want to call the Members' attention to that.

PRESIDENT ROCK:

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

SENATOR DEMUZIO:

Yes. Senator Schuneman, I just want to thank you on the way in which you conduct yourself with respect to this debate. This bill has been here, obviously, before. We are sending it back to the House to say that the entire package of health care for the innercity and for downstate is on the Governor's Desk. The funding mechanism reposes in this bill along with the Farm Bureau proposal that was originally -- came over from the House, also reposes in this bill, and I would ask for your favorable support.

PRESIDENT ROCK:

Question is, shall House Bill 168 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. Have all voted who wish? All voted who wish? Have all voted who wish? All voted who wish? Take the record. On that question, there are 31 Ayes, 24 Nays, none voting Present. House Bill 168, having received the

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required constitutional majority, is declared passed. 211. Senator Newhouse. On the Order of House Bills 3rd Reading, Madam Secretary, middle of Page 6 is House Bill 211. Read the bill, please.

SECRETARY HAWKER:

House Bill 211.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President, Senators. This bill creates a Local Government Financial Planning and Supervision Act, and provides that if any unit of local government experiences a fiscal emergency, and if the unit so requests, a financial planning and supervision commission shall be created to oversee certain fiscal matters relating to the unit. This responds to a fiscal emergency in the Village of Robbins. It came out of the House on a vote of 98-13-07. I would ask a favorable roll call.

PRESIDENT ROCK:

Discussion? Any discussion? If not, the question is, shall House Bill 211 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 46 Ayes, 9 Nays, none voting Present. House Bill 211, having received the required constitutional majority, is declared passed. 225. Senator O'Daniel. On the Order of House Bills 3rd Reading is House Bill 225. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

House Bill 225.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President, Members of the Senate. House Bill 225 is an administration bill worked out with the Department of Conservation and Transportation to make changes in the ATV Act we passed that year, to make it a little bit more workable. The first amendment is the result of -- of discussions with the American Motorcycle Association and Department of Conservation and Transportation. And the second amendment relates to automobile parts and recyclers and repairers and rebuilders, and also contains provisions in two of Senator Watson's bills - Senate Bill 808 and 809. Any questions, I'll attempt to answer them. If not, I'd appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? The question is, shall House Bill 225 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 59, the Nays are none, none voting Present. House Bill 225, having received the required constitutional majority, is declared passed. 227 was on the Recall. 250. Senator Newhouse. House Bills 3rd Reading is House Bill 2-5-0, Madam Secretary.

SECRETARY HAWKER:

House Bill 250.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Newhouse.

SENATOR NEWHOUSE:

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Thank you, Mr. President and Senators. House Bill 250 is a significant career choice instruction bill. It highlights as a priority the effective school-to-work transition, requires that elementary schools assure that students receive instruction designed to assist in making appropriate career choices. It requires that secondary schools make available curriculum that addresses work opportunities. It requires school districts to review their priorities to focus more attention on career choice instruction and employment preparation. If this bill should meet with favor, then the business and educational communities will collaborate most closely in this effort. I commend this bill to you. It came out of the House on a roll call of 104 to 10 and 2. I would ask a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and Members of the Senate. Question of the sponsor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Kustra.

SENATOR KUSTRA:

Senator Newhouse, as I remember, this bill came out of the Education Committee in the wee hours of our meeting, and there was a tremendous rush to get out of the committee, and I suppose that accounts for all of those Yes votes on our side, at least. There's two sentences in the bill that I'm reading that -- that raised some concerns, and I wonder if -- if you could comment on them, because I think we may have acted too hastily in committee, and I'm not so sure you intended such broad language. As I read the way this bill impacts high schools across the State of Illinois - it says, "Secondary schools shall make available a comprehensive series of courses." You -- you said -- you said, "curriculum."

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This says, "a comprehensive series of courses designed to prepare students for world of work opportunity upon graduation." I -- I just ask you, whether you or the House sponsor - whoever - really wants to mandate a series of courses on -- on this subject. I mean, isn't that -- why can't a local school board do that without our intervention here in Springfield?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Newhouse.

SENATOR NEWHOUSE:

I think, Senator, you're interpreting that language very narrowly. It was not intended that way. If -- if -- if it's your view that this will -- will -- is so restrictive that it makes it difficult for those boards, I've no objection to speaking with the sponsor and pulling it back or whatever you can recommend. But my interpretation, of course, is quite different from yours.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra.

SENATOR KUSTRA:

Well, Senator, it's -- it's really not even only that provision. As this bill applies to elementary schools, it talks about significant instruction, and nowhere is significant defined either. But as far as comprehensive series of courses, I don't know how that could be subject to interpretation. A course is a course is a course. It's not a curriculum, it's a course. And you're forcing that upon high schools and I don't know why we want to do that. I -- I suggest we vote Aye on the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator -- Senator Newhouse, do you wish to close? Senator Newhouse.

SENATOR NEWHOUSE:

If I heard the speaker correctly, in his -- in his rebuttal, I -- I'm with him. Let's go and vote it out.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 250 pass. Those in favor, vote Aye. Those opposed, Nay. The voting's open. Have all voted who wish? Take the record. On that question, the Ayes are 30, the Nays are 28, none voting Present. House Bill 2-5-0, having received the required constitutional majority, is declared passed. Senator Kustra, for what purpose do you arise?

SENATOR KUSTRA:

Verification of the Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra has requested a verification of those Members who voted in the Affirmative. The Secretary will read the names of those Members who voted in the Affirmative. Madam Secretary.

SECRETARY HAWKER:

The following Members voted in the Affirmative: Alexander, Berman, Brookins, Carroll, Collins, Daley, D'Arco, del Valle, Demuzio, Thomas Dunn, Hall, Holmberg, Jacobs, Jones, J.E. Joyce, J.J. Joyce, Kelly, Lechowicz, Luft, Marovitz, Netsch, Newhouse, O'Daniel, Rea, Severns, Smith, Vadalabene, Welch, Zito and Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Kustra, you question the presence of any Member?

SENATOR KUSTRA:

Senator Welch.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch is on the Floor.

SENATOR KUSTRA:

Senator Luft.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft is on the Floor.

SENATOR KUSTRA:

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Senator Marovitz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz is -- Senator Marovitz is at the back of the Chamber.

SENATOR KUSTRA:

And Senator Zito.

PRESIDING OFFICER: (SENATOR DEMUZIO)

And Senator Zito is right here by -- off to my left.

SENATOR KUSTRA:

Senator Alexander.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Alexander is in the back by Senator Savickas.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question -- On a verified roll, the Nays are, I'm sorry, the Ayes are 30, the Nays are 28, none voting Present. House Bill 250, having received the required constitutional majority, is declared passed. 261. Senator Weaver. On the Order of House Bills 3rd Reading is House Bill 2-6-1, Madam Secretary.

SECRETARY HAWKER:

House Bill 261.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. House Bill 260 <sic> allows annexation of property that is served by any sewer connected -- sewer system connected to the -- or served by the sanitary district. It defines what is meant to be served by the sanitary district, and if there is a sewers available to a piece of property, and the property is contiguous to the district, it is deemed to be served, even there isn't an actual physical

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connection. I know of no objection. I'd move for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 261 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 54, the Nays are none, none voting Present. House Bill 261, having received the required constitutional majority, is declared passed. House Bill -- 3rd Reading is House Bill 263, Madam Secretary.

SECRETARY HAWKER:

House Bill 263.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. House Bill 263 would allow sanitary districts to fund improvements by means of creating a special service area within the district. The district would be able to issue bonds for these purposes, and the bonds are secured by the full faith and credit of the special service area. I put an amendment on the other day that allows ten percent of the voters to petition the district which would require this bonding -- this bond to be approved by referendum. I know of no objection. Appreciate a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 263 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Pardon?

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Have all -- well we. Take the record. On that question, the Ayes are 35, the Nays are 17, none voting Present. House Bill 263, having received the required constitutional majority, is declared passed. Senator Watson, for what purpose do you arise? Senator -- Senator Watson.

SENATOR WATSON:

Well, we all know what happened there, and that's happened quite often, and maybe we ought to have the Secretary to slow it down a little bit. Give us -- everybody an opportunity to -- to finally respond to your final roll call, and that's -- okay?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Take that under advisement, and it's well - taken when we will -- we will -- we will. ...(machine cutoff)... Page 7. Page 7. House Bill 283, Madam Secretary. House Bills 3rd Readings. Read the bill.

SECRETARY HAWKER:

House Bill 283.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. House Bill 283 originally started out as an agreement with the Illinois Health Care Association from the Governor's amendatory veto last year on their accreditation of Health Care Organizations and that process in licensure. It's an agreed-to part of the bill, but there are three amendments to it that we've -- we've amended -- we've attached to this. One of them deals with the licensure of a hospital and nursing home. Any facility operated solely by or for persons who rely exclusively upon treatment by spiritual means through prayer is eliminated. This deals with one home. It really, truly is not a long-term

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care. They should not be included in these regulations. Second amendment increased the membership on the Long-Term Care Facility Advisory Board, and the third one allows the Department -- gives them some teeth to be able to regulate the Home Health Agency Licensing Act, so I -- it's a good bill, and I would ask for your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall House Bill 2-8-3 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? Take the record. On that question, the Ayes are 57, the Nays are none, none voting Present. House Bill 2-8-3, having received the required constitutional majority, is declared passed. House Bills 3rd Reading is House Bill 3-1-3. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 3-1-3.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President and Members of the Senate. House Bill 313, as amended, authorizes the State Liquor -- Liquor Control Commission to issue special event licenses for educational, fraternal, political, civic and religious or not-for-profit organizations to sell beer and wine up to fifteen days per year. The applicant license must show proof of dram shop insurance and exempts State parks from control of liquor -- local liquor control commission. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 3-1-3

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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 2, none voting Present. House Bill 3-1-3, having received the required constitutional majority, is declared passed. House Bills 3rd Reading is House Bill 322. Madam Secretary, read the bill.

SECRETARY HAWKER:

House Bill 3-2-2.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Severns.

SENATOR SEVERNS:

Thank you, Mr. President, Members of the Senate. House Bill 322 would create within DCCA, the Division of Defense Contract Procurement, and it simply is to provide the -- the Division would lobby on behalf of Illinois Employers for procurement of defense contracts from the Federal Government. In Fiscal Year '88, Illinois ranked twenty-second in total defense awards at approximately 1.5 billion - down from 1.9 billion in FY'87. Defense spending has increased in eighteen states, at a time when ours continues to go down. I think the decision to close Fort Sheridan and Chanute could also have a negative impact on defense spending in Illinois. I think this is an opportunity that we'd lose, and for that reason, I would urge an Aye vote. I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Mahar.

SENATOR MAHAR:

Well. Thank you, Mr. President and Members. This bill got considerable discussion during committee, and we certainly can't

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fault the sponsor for trying to bring back as many dollars -- federal dollars to Illinois as possible. The problem that I thought was brought out very well by DCCA was that they already have the Illinois Procurement Assistance Program in place, and if they're not doing the job very well, maybe we should seek to reorganize that particular portion of this agency. But what this bill does is creates an entire new division - the Division of Defense Contract Procurement, and at a time when dollars are so tight that we're looking for alternatives, I would suggest this is not the way to go.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Severns may close.

SENATOR SEVERNS:

Thank you, Mr. President and Members of the Senate. This bill, as Senator Mahar said, was actively discussed in -- in our Commerce and Economic Development Committee. While the original sponsor -- House sponsor of this bill proposed that we also add an appropriation of two hundred thousand dollars to the DCCA budget, I think the better avenue is to suggest to DCCA to reorganize, do a better job, and do it with the dollars that we already provide you in the DCCA appropriation. The fact of the matter is, our record at defense procurement in Illinois is unacceptable, and we should do better, we could do better, but we have to provide a better and more aggressive signal to DCCA and to the entire State to have a better track record. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 322 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 27, none voting Present. House Bill 322, having received the required constitutional majority, is declared passed. 332.

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Senator Jones. On the Order of House Bills 3rd Reading is House Bill 3-3-2, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

House Bill 332.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President and Members of the Senate. House -- House Bill 332 amends various articles of the Pension Code, has many provisions in there similar to what we passed last year. There is a provision for the Chicago firefighters widow; it increases the minimum annuity for those widows. It does not contain the agreement for the City of Chicago as relate to health care coverages. There is provisions in here for the Chicago Park District, Chicago Labor, State Employees, State University, State Teachers, Chicago Teachers, Judges, and many, many others, but mostly the costs are very minor. And I'll answer any question anybody has as relate to the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. This bill has relatively minor impact on the State Pension Systems. It makes some technical changes. The -- the impact on the System probably is less than a hundred thousand dollars a year for the State. There are significant impacts on the City of Chicago. So I guess that would be up to the Chicago legislators to decide how they want to vote on that issue. For those of us who are not in Chicago, this has very little impact on the cost.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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Further discussion? If not, the question is, shall House Bill 332 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 2, none voting Present. House Bill 332, having received the required constitutional majority, is declared passed. On the Order of House Bills 3rd Reading is House Bill 3-4-0, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

House Bill 340.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. House Bill 340 is the bill that would restore the blind, elderly exemption. As I think all of know by now, with the federal tax reform beginning in 1987, the extra exemption of one thousand dollars for those who are sixty-five and older or blind was eliminated from the Federal Tax Code. The automatic result was to eliminate it from the Illinois Tax Law as well, because we track to the federal. It has not been restored in the interim, although many attempts have been made to do so. Indeed, Senator Tom Dunn passed a bill out of the Senate earlier this year which did that, and that bill somehow got lost over in the House. The impact of the bill is estimated to be 23.5 million dollars, assuming an effective date of January 1, 1990, which indeed is the effective date. That represents approximately nine hundred and thirty-nine thousand one hundred and twenty-two additional exemptions. For several years we have not allowed this bill to pass, because the State was in very tight financial straits, and we felt that it could not be justified at the time -

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that we did not have adequate funds for some very basic programs. There is no question that the State's finances are much better this year, and I think the time has come to restore this exemption. I would be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Thomas Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. Well, it certainly is a mystery how that bill got out of the Senate here, and all of sudden, over in the House, just disappeared. Poof! Gone! What a mystery. Even so, I urge adoption of this, and I rise in support. As I've stated earlier, I think the blind and the elderly are the least able to afford to give up a right that they previously had, and we are now restoring that to them, and it's the right thing to do.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Watson.

SENATOR WATSON:

Yes. Thank you. Well, for no other reason than just from what you just said, what they've done to your bill over there - we ought to just shoot this out of the water, really, for that kind of action by the House. But anyway, I want to -- I want to ask the sponsor a question, if I might.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Watson.

SENATOR WATSON:

Has there ever been any consideration, Senator, to just do this for those people who maybe qualify for circuit breaker, or those people who really need it, instead of giving it to all senior citizens?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

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Yes. On several occasions. The House sponsor of the bill had originally introduced the bill in that form. When it reached the Floor of the House, it was changed to a full exemption and passed in that form. In addition, I offered the amendment in the Revenue Committee to do the same thing - that is to tie it only to those who were circuit breaker -- circuit breaker eligible, on the grounds that they certainly are the ones who most need that kind of help. The amendment did not pass in committee, and so the bill was then passed out in its form as it is at the present time.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Well, I guess just one -- that -- that issue then for all practical purposes is dead.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Netsch.

SENATOR NETSCH:

I think it is fair to say that that is correct.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

Well, I'm not about to vote No on -- on this bill, but I do think that the intent of your amendment and the intent of the -- I guess originally of the House sponsor, to help those people that really need the help really is something we should have considered further, and maybe given more careful consideration to -- but I don't remember what it was I read in Newsweek where some sixty-five percent of the wealth of this country--sixty-five percent--is tied up in those people who are over the age of sixty. I mean, there's a lot of people that don't need nor deserve this particular tax break, but I don't want any phone calls and letters, and I'm sure this will fly out of here, so having said

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that, I hope that maybe in the future we'd give more consideration to those people who need it. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, I don't care to prolong the debate, but just like to say to the sponsor, one of the things I've admired about her was the way that she, in general, runs the Revenue Committee, and particularly in the way that they keep from having all us consider provisions such as this. I think she would agree that one of the virtues of our income tax system has been the manner in which it has, in general, been tied to the definition of federal adjusted gross income, and in addition to that, has -- has included certain items such as capital gains in our definition of adjusted gross income for State income tax purposes, that are not included at the federal income tax level. I think, considering the price tag here, and considering what we're really talking about is -- is -- is a gift of twenty-five dollars, maybe thirty dollars, if our income tax goes up, to the -- to the individual tax payer, I -- I think that really is in -- in considering everything -- in considering the total price tag, not a step that we should be taking.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Woodyard.

SENATOR WOODYARD:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates she will yield. Senator Woodyard.

SENATOR WOODYARD:

Senator Netsch, our analysis shows the League of Women Voters are opposed to this. Why is that?

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Senator Netsch.

SENATOR NETSCH:

If I remember correctly from Committee, the League took the position that any tax relief at this moment they would not support, until they knew that there was money in place for further funding for education and other critical needs. I think that was the sole reason.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Netsch may close.

SENATOR NETSCH:

If I might just make one point - and this is in part in response to Senator Barkhausen - I think what you have heard from many of the senior citizen groups is that this is not just an ordinary tax relief provision. Their argument - and there is a good deal of justification to this - is that the result of Federal Tax Reform was that this is one group of people who ended up with a tax increase, because of the way that the Federal Tax Code works in conjunction with ours. So that in a sense, it's not giving something that was never there; it is overcoming a tax increase that was placed in effect by Federal Tax Reform. And I think that on that basis, it is justified. I would urge your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 3-4-0 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 58, the Nays are none, none voting Present. House Bill 3-4-0, having received the required constitutional majority, is declared passed. House Bills 3rd Reading, House Bill 354, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 354.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. House Bill 354, as amended, does two things, both dealing with the Commercial Relocation of Trespassing Vehicles Law. The first thing it does is allow municipalities, in any county covered by the law, to opt out of its coverage. Under the law as it now stands, only municipalities in Cook County can opt out. Also as it stands, only the Counties of Cook, DuPage and Will are -- are covered by the law, because those are the only counties which opted into the law at the beginning. The reason we're doing this is because there are some municipalities and counties covered by the law where there is no relocater within a ten-mile radius of the municipality, and under the Statute, you -- these relocaters cannot tow a vehicle further than ten miles. So what happens is they cannot -- the property owners were not able to -- are not able to obtain relocation towing service from the unlicensed operators, and there are no licensed relocaters to -- to service them, so it -- they've -- caught in kind of a trick bag. Anyway, that is one provision - allows them to opt out of these provisions. And the second thing it does is remove the cap that a relocater can charge. Under current law a relocater charges forty-five dollars for this service. We would remove this cap. And the ICC regulates these relocaters, and they would have to approve any and all increases in their fees.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall House Bill 354 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 59, the Nays are none, none voting Present. House Bill 354, having received the required constitutional majority, is declared passed. Just like to point out to the Membership that we have got a long way to go yet. House Bills 3rd Reading, is House Bill 359, Mr. Secretary. Read the bill, please.

ACTING SECRETARY: (MR. HARRY)

House Bill 359.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator D'Arco.

SENATOR D'ARCO:

Thank you. Mr. President, House Bill 359 creates the grandparents' bill of rights. It allows grandparents the right to petition a court for visitation privileges concerning their grandchildren. We did put an amendment on the bill creating a threshold which would indicate that they have been denied this right by the parents of the children. And we also put an amendment on here indicating that in an unmarried situation, the paternity of the father must be established. This bill is an excellent bill. It's an excellent concept. Grandparents have rights to see their grandchildren, and they should be allowed to see their grandchildren, and they should be denied -- should not be denied that right. And this bill would afford them the opportunity to do that, and I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there a discussion? Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. I reluctantly rise in opposition to this bill. I do agree in the -- in the right of grandparents to visitation. This Body passed an excellent piece of legislation, sponsored by the sponsor of

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this bill. Senator D'Arco sponsored the bill. It passed this Body overwhelmingly. Went to the House, passed the House, and is back here for concurrence at the passage stage. It's a much better bill than this one. Much better bill than this one. This bill says that if a grandparent, one time, one time is denied visitation by the parents, an intact family, a happy intact family, one time, those grandparents can go to court and request visitation privileges. Doesn't say a continuous denial, or a deprivation of a -- the ability to see that grandchild. Doesn't say that at all. That was supposed to be in the -- in the amendment. But it wasn't. It was taken out. The bill that we originally passed said that if the family is intact, that if the grandparent could show that there was a threat to the physical or emotional health of the child, that grandparent could go in and show that there was that threat, and get visitation. That was taken out. That's not is this bill. Senator D'Arco has an excellent bill to guarantee grandparents' visitation. It's the Senate bill that passed the House, that's back here. This bill has been amended and is in terrible shape. Will clog up the courts. If Senator D'Arco wants a good bill to be put on the Governor's desk, he ought to put his bill, his original bill, on the Governor's desk. This bill is in terrible shape, and I rise in opposition.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Fawell.

SENATOR FAWELL:

Thank you very much. When this bill was heard, it just so happened that the head of our marital division, Judge Galasso, was down testifying on another bill. And he spoke in favor of this bill. He's mentioned in committee that in the second largest circuit in DuPage County, there were less petitions in court by grandparents than on the fingers of one hand. This will not clog

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up the courts. What Judge Galasso told me was, what it will do, it will override a Supreme Court ruling that -- and will now allow grandparents to have a standing in court to petition to see their own grandchildren. Those of us that are grandparents do have a certain relationship that should not be denied by the fact that we may have an argument with the parents. The other bill is a good bill, but how as a grandparent, are you going to prove that your child -- your grandchild is abused, either physically or mentally, if you're not even allowed to see the grandchild? This bill was reviewed by a judge who works daily in this kind of court. He said it was a good bill. I think he knows what he's talking about, and I think we should vote for this bill.

PRESIDING OFFICER: (SENATOR LUFT)

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

SENATOR D'ARCO:

Thank you. Mr. President, this bill is a good bill. It is very similar to my bill, but there are differences. The difference is that under this bill, the grandparent must be denied the privilege of seeing their grandchildren. Not continuously, not continuously, because who is to say when they have a right to petition the court if the denial is continuous, but they do have to be denied one time. And it also is different in the sense that the physical or emotional impairment of the child is not at issue in this bill. In other words, what we're trying to say in this bill, is that even in an intact family, the grandparents of those children have a right to see those grandchildren, regardless of whether the grandchildren are abused or not. That's what this bill is all about. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall House Bill 359 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open.

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Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record please, Mr. Secretary. On the question, the Ayes are 43, the Nays are 13, 1 voting Present. House Bill 359, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading is House Bill -- 365 was on Recall. On the Order of House Bills 3rd Reading is House Bill 367. Senator Watson. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 367.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. The Calendar is quite correct. This -- currently, counties of population of between eighty and five hundred thousand may issue bonds with referendum approval for jails and sheriff's residence. This gives that same authority to counties under eighty thousand population. We put a amendment on there for Senator Dunn, which says that counties under -- Senator Ralph Dunn -- counties under one hundred thousand population to levy a tax for economic development, upon approval by the voters, and the referendum could be initiated by either a resolution of the county board or by filing a petition signed by a least five percent of the voters, and then a referendum question, of course, would be required. Also, we put a frontdoor referendum provision on -- on this, but would not affect current law - only this particular piece of legislation. I know of no opposition, but be glad to answer any questions. Otherwise, I'd appreciate an affirmative vote.

PRESIDING OFFICER: (SENATOR LUFT)

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Discussion? Discussion? Senator Welch.

SENATOR WELCH:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR LUFT)

He indicates he'll yield.

SENATOR WELCH:

Senator Watson, part of your bill is for building sheriffs' residences. Is that a standard practice down your way? I've never heard of it up my way.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Watson.

SENATOR WATSON:

No, it really isn't. I was quite surprised at that language also. But, course, now sheriffs don't live in the jails, and so this would give those counties an opportunity to -- to build -- help build a residence for that sheriff.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Senator Watson, to close. Senator Watson, to close.

SENATOR WATSON:

I'd appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall House Bill 367 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Senator Demuzio, please. Have all voted who wish? Take the record, please, Mr. Secretary. On that question, the Ayes are 36, the Nays are 22, 1 voting Present. House Bill 367, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading is -- House Bill 386 is on the Recall for tomorrow. At the bottom of Page 7, on the Order of 3rd Reading is House Bill 416. Senator Rea. Read the bill, please, Mr.

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Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 416.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Rea.

SENATOR REA:

Thank you, Mr. President, Members of the Senate. This legislation addresses the concern of many of the educators who feel that allowing students to proficiency out of consumer education each year defeats the purpose of the mandate on consumer education. As is amended, this would provide the option to the local school district, and as also amended, Senators Vadalabene and Kustra, which would raise a minimum salary for a teacher with at least a bachelor's degree to seventeen thousand, raise a minimum salary for a teacher with a master's degree to twenty-one thousand. That's primarily cosmetic, because it only affects about a thousand to two thousand teachers in the State. This -- this bill was on the Agreed Bill List.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall House Bill 416 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, please, Mr. Secretary. On that question, the Ayes are 52, the Nays are 6, none voting Present. House Bill 416, having received the required constitutional majority, is declared passed. We'll now move to Page 8. The top of Page 8 on the Order of 3rd Reading is House Bill 424. Senator Hall. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 424.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Hall.

SENATOR HALL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I want to take you back to the yesteryears. What happened is this 424 is a proposal to the response to the Governor's recommended change and the Employees' Rights Violation Act, signed into law September the 2nd, 1988. Senator Karpziel and Senator Barkhausen quite correctly asked, "What is the real meaning of this bill?" Now what has happened is that in 1985, that a young caucasian female filed a suit that she had been found guilty of harassment -- the jury that found the three guilty of harassment. She worked for the Department of Revenue, and at the Federal Courts on June -- on December 13th, 1985, awarded her over one hundred thousand dollars. This bill was introduced to correct this, and rightfully so. The Governor of this great State said, "The intent of this bill is laudable, and I have supported and will continue to support measures aimed at protecting victims of discrimination, including sexual harassment." But the bill said many things, and as a result of his order of doing this, is that he made these suggestions: if the accused is found -- no, start out here, on two -- let us get here where I am. That it shows that he must have suspension of a period of no more than a hundred and eighty days and such other disciplinary punishment, but he cannot be removed, and if the accused is found not guilty and has served a period of suspension greater than prescribed by the board, the board may instruct that the officer receive compensation for the period involved. In other words, the question they asked, "If they're found guilty, are you immediately discharged?" And this bill was to correct that matter, and I'm sure that Senator Karpziel or

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Senator Barkhausen might want to make some comment on this.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

Senator Hall, I'm looking for the -- the language in question that we talked about the other day, and I'm a little bit at a disadvantage, because I -- I haven't found it, but I am interested in trying to help you, and I know Senator Karpiel is too, you and Representative Flowers, in passing a bill that accomplishes your objective, but at the same time would withstand a constitutional test. My -- my concerns were twofold. One is -- and most fundamentally, is I had a question as to whether, if we're going to require that somebody be dismissed when an initial determination rather - than an ultimate adjudication that one has violated another's constitutional rights - is made -- I have question as to whether denying a person his or her job at that particular time, rather than upon the ultimate finding - whether that would be constitutional. Beyond that - and I'm dealing with recollection from our discussion the other day - I -- I questioned whether -- whether it made any sense at all to provide that these various agencies, particularly the Department of Human Rights, but also the Illinois Labor Relations Board and some of these other agencies -- as I recall, the bill talked about those agencies making findings that an individual's constitutional rights are violated, and that simply isn't what those State agencies do. They make determinations as to whether the Statutes for which they are responsible have been violated, but they don't make determinations with regard to violations of First and Fourteenth Amendment Rights - that is something only a court would do. So I'm just -- I'm just afraid that we're -- we're doing something here that -- that may, in some of our judgments, not make sense from a policy point of view, but -- but more fundamentally, may -- may otherwise be

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completely off base.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. I rise in opposition to this bill, and let me -- let me tell you why. Senator Barkhausen is engaged in a discourse about whether or not this bill might be constitutional or not. Well the constitutional question arises because this is a guilty - until - proven - innocence bill. This says if some preliminary administrative body makes a finding that you may have violated some very complicated Federal Statutes, which are determinations that are made by courts, as Senator Barkhausen has explained, that you lose your position; you're out. Now if you can prove yourself innocent later, you'd be reinstated, and I suppose it'll would be the cost of back pay and everything else. I suggest that we leave these determinations to the Executive Branch of Government until there's a final finding by a court that these rights have been violated, and then, of course, if the -- if the person has violated civil rights and that's been a finding by a court, of course they lose their position. But let's not reverse our normal constitutional protections and find somebody guilty until they prove themselves innocent.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Senator Hall, you wish to close?

SENATOR HALL:

No, what I need to do is this. If there is a question at this late hour, I'm going to take this bill out of the record, and see if we can correct it or not.

PRESIDING OFFICER: (SENATOR LUFT)

All right. At the sponsor's request, House Bill 424 will be taken out of the record. On the Order of 3rd Reading is House

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Bill 458. Senator Woodyard. Senator Woodyard in the Chambers?
Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 458.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Woodyard.

SENATOR WOODYARD:

Thank you, Mr. President, Members of the Senate. This bill was introduced because there evidently was some -- or there needed to be some clarification as to actually when the imposing probationary fees could occur, and we definitely had this happen down in our county. The intent of the sponsor, two years ago, was that these probationary fees go into the County Probationary Fund, were to be prospective only, and that -- that we would not be collecting probationary fees - which are twenty-five dollars, I think, a month, or something like that - in a retroactive sense, and -- and this bill very definitely does clarify that - that those fees could not be imposed in a -- in a retroactive manner. I would...

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall House Bill 458 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, please, Mr. Secretary. On that question, the Ayes are 58, the Nays are none, and none voting Present. House Bill 458, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading is House Bill 462. Senator Kustra. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

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House Bill 462.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and Members of the Senate. This bill is an attempt to encourage good scholarship among our young people in our high schools. It requires students who have received a passing grade in at least eight courses during the previous two semesters prior to enrolling in driver's education courses. There is a provision in this bill that allows the superintendent to waive that requirement in extraordinary cases. I would ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President and Senate. The -- I like basically the concept on this, which rewards those students who stay in school and do well. My concern on this particular issue - and I'm still going to vote for it, because I've amended this concept onto -- onto a Senate bill that is over in the House - but there are students who are not achievers, and the thing that concerns me about the deficiency here is that if a student is -- can't get good grades, there's a strong encouragement for them to drop out, because they can drive. And I -- it seems to me like there's a deficiency.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. I rise to take note that the effect of this bill would be to penalize a student who is in school, and

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who is studying, but who may not be of academic bent. Now, Senator, it seems to me we need to keep in mind that we want our kids to be well prepared for the real world, and prepared for work and that includes having a driver's education. Now this will be crucial for those who will be entering the workplace soon enough, and we already place enough obstacles to an effective transition from school to work. This proposal represents another such obstacle. Could you respond to that?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Kustra.

SENATOR KUSTRA:

Yes. Thank you, Mr. President. The obstacle can be easily removed by the superintendent, who has the ability to waive a student and put the student back in the driver's ed course, if that superintendent determines that in this particular case, the student has tried hard but has some particular difficulty. So I think as long as we have the waiver in there, you have the perfect opportunity to remove the obstacle.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. I rise in opposition to this bill. We've already passed several bills that prevent driver's training for those students who drop out of school or who are truants. That -- those bills passed here with substantial majorities, because I think we recognize that those are actions that the student himself or herself took, and we didn't want to reward them with the opportunity of learning how to drive, when they themselves decided not to go to school. That's not this bill, and I just suggest to you that we are shooting ourselves in the foot if we vote for this kind of bill, because this bill is not necessarily within the control of the student, and the penalty

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that we're imposing is a penalty not necessarily on the student, but on the people other than the student. You and I that are walking along the street and you're going to have some kid that's going to drive a car who hasn't learned how to properly drive that car. Who are we proving something to? Now I just suggest to you that we've already passed the bills that prove a point and deliver a message to kids regarding proper penalties, and that is to give them the inducement to stay in school. And I would suggest to you that this escape clause that the sponsor talks about is just additional paperwork that puts the superintendent -- and when we're talking about a superintendent, we're talking about a superintendent of a school that may have a thousand or two thousand or three thousand kids. The superintendent of Evanston Township High School has got about five thousand kids, and he's got to make the decision whether the kid should or should not have the right to learn how to properly drive, because he didn't get eight passing grades in the past two years? I think that's a lot of unnecessary paperwork, and if the denial is enforced, what have we done? We're encouraging somebody to eventually not learn how to properly drive. I think that's convoluted reasoning. I'm going to vote No, and I hope you join me.

END OF TAPE

TAPE 7

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. Senator Kustra, I understand what -- what you're trying to get at here, but I think that this bill

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could have the reverse effect. One of the incentives - and we talked about the driver's licenses being an incentive for staying in school - one of the incentives is being able to take driver's ed, and what you're doing is, you're eliminating that as an incentive, because you're telling students that if they don't perform at a certain level, even though they are trying hard but they may have circumstances that are beyond their control, they may be working long hours, low-income families, they need to work, their grades aren't up to par, but at least they're in school, and that's the important thing, and now we are going to say to them, "If your grades aren't at a certain level, we aren't going to allow you to take driver's ed." It doesn't make a whole lot of sense to me, and I urge that we vote this bill down.

PRESIDING OFFICER: (SENATOR LUFT)

Further -- further discussion? Senator Kustra, you wish to close?

SENATOR KUSTRA:

Yes. Thank you, Mr. President. This sounds like how to make a mountain out of a molehill. We're talking a passing grade, here. That means a student can get an A, a B, a C, a D. Okay? You can have all Ds and you can still qualify under this bill for driver's ed. So it's not like we're imposing some horrible burden here on the student. This bill is exactly in control of the student, Senator Berman. This is an encouragement for the student to do better in school - to improve good scholarship. If the student can't take driver's ed, that student can't get a license until age eighteen, so you're not going to have some seventeen-year-old running around without proper driver's training. They can't get a driver's license. And I think on the question of the superintendent having the waiver power, that's local control - that's what we're supposed to be for. So if you really want to encourage good scholarship, and you want to place

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this in the hands of the students, then vote for this bill.

PRESIDING OFFICER: (SENATOR LUFT)

All right. The question is, shall House Bill 462 pass. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, please, Mr. Secretary. On the question, the Ayes are 29, the Nays, 29, none voting Present. House Bill 462, having not received the required constitutional majority, is declared failed. On the Order of 2nd Reading is House Bill 470. That's on Recall. 489 is on Recall. In -- in the middle of Page -- Senator Marovitz.

SENATOR MAROVITZ:

I spoke to the...

PRESIDING OFFICER: (SENATOR LUFT)

All right. Okay. All right. On the Order of House Bills 2nd -- 3rd Reading is House Bill 489. Senator Marovitz. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 489.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. House Bill 489 authorizes property tax exemption for property used by a charitable organization, when that property is held by another entity organized solely to hold this property. Community mental health clinics are exempt from federal taxation currently - currently - under 501(C)(3) of the Internal Revenue Code, and exempt from property taxation as charitable organizations. That's the current law. They lose their property tax exemption when they

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pay rent to a subsidiary organization which is established solely - solely for the purpose of holding title to a building that the charitable organization uses. Property used by an exempt charitable organization under this bill would not lose this exemption due to the fact that title to the property belongs to an entity used solely - and I emphasize that - for the purpose of holding title to that property. And I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Fawell.

SENATOR FAWELL:

Well, I have no objection to the bill. I was just wondering if you were mad at me - if that's the reason you skipped over my bill.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

I'm just -- I'm sorry that you skipped her bill, and I think we should get leave to go back to Senator Fawell's bill, who I think was skipped over inadvertently.

PRESIDING OFFICER: (SENATOR LUFT)

Well, I will come back to her bill right after this bill.

SENATOR MAROVITZ:

Just ask for an Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

All right. Question is, shall House Bill 489 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, please, Mr. Secretary. On the question, the Ayes are 56, the Nays are none, none voting Present. House Bill 489, having received the required constitutional amendment <sic>, is declared passed. We will now return to the Order of 3rd Reading, House Bill 465. Senator Fawell, with the

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Chair's apology.

ACTING SECRETARY: (MR. HARRY)

House Bill 465.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This is a Township Officials bill, and all it does is it authorizes townships to receive and sell liquor in buildings -- in the township buildings, by ordinance.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall House Bill 465 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, please, Mr. Secretary. On that question, the Ayes are 46, the Nays, 4, 1 voting Present. House Bill 465, having received the constitutional majority, is declared passed. On the Order of 3rd Reading is House Bill 494. Senator Smith. Read the bill, please, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 494.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Smith.

SENATOR SMITH:

Thank you, Mr. Chairman, Ladies and Gentlemen of the Senate -- Senate. House Bill 494 is the State Minimum Wage Law. It requires that the State minimum wage rate shall never be less than the federal minimum wage. As amended, House Bill 494 will allow

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our minimum wage rate to track exactly with the federal minimum wage rate. I ask your favorable support.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in opposition to this bill, but first would like to say that I think that Senator Smith should be complimented on her attempts to make this bill better. She's worked hard, I think, in that direction. So we debated the philosophical and economic aspects of the minimum wage the other day, so little would be served, as I see it, to do that all over again at this time. However, it -- the bill does have still one main disadvantage -- and this is my closing statement on it -- and that is that yes, it does tie our Illinois minimum to the federal, and at this point we don't know what the feds are going to do. They've put one up, the President has vetoed it, it's come back. We don't know where that -- where that wage is going to end up at the federal level, but wherever it ends up, we will be tied to it. If it's high, we will be tied to it, and I don't -- I think this is -- this bill is premature. We could wait on this until we see at least what the Federal Government is going to do. So I would urge a No vote on the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This is a good bill, and it's a good bill because it was basically agreed to by all parties. I know that the other side of the aisle has some problems with it. The amendment has been worked out really with labor and with the -- the retailers and et cetera. So we feel it's a good amendment, it's a good bill, and

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we ask for your support.

PRESIDENT ROCK:

All right. Further discussion? Any further discussion? Senator Smith may close.

SENATOR SMITH:

Thank you, Mr. President. I merely want to say that I have gone as far as I can, but it's time for us to think in terms of raising the minimum wage. There are people out there that are sorely in need, and that's what we are here to represent them, and so I'm asking for your support. Let us give them some hope. Let us pass this, and we'll not go any farther than our Federal Government. Thank you.

PRESIDENT ROCK:

Question is, shall House Bill 494 pass. Those in favor will 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 43 Ayes, 15 Nays, none voting Present. House Bill 494, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, earlier we indicated that we would then revert to the Order of Recalls to accommodate those Members who have indicated that they wish to recall bills, so we will continue tomorrow at 497 on down. In the meantime, the Recall List has been distributed. I would ask you all please to act as expeditiously as possible. The Chair will again assume that the amendments have been distributed. On the Order of House Bills 3rd Reading is House Bill 90. Top of Page 6. Senator Marovitz seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 90, Madam Secretary.

SECRETARY HAWKER:

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Amendment No. 4 offered by Senator DeAngelis.

PRESIDENT ROCK:

Senator DeAngelis, on Amendment No. 4.

SENATOR DeANGELIS:

Thank you, Mr. President. This amendment comes as a result of some of the testimony in committee on House Bill 90. The major complaint registered by the Independent Pharmacists is that they felt shut out of the process. This, in fact, requires that they be invited into the process, they be allowed to participate, and we can restore free enterprise once again.

PRESIDENT ROCK:

All right. Senator DeAngelis has moved the adoption of Amendment No. 4. Discussion? Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. Well, this is the same amendment -- this is -- the hour's late, we've had long debates tonight. This is the same amendment that we voted on yesterday, and lost, 15 Yes, 36 No. Same amendment we voted on yesterday - lost, 15 Yes, 36 No. I think it deserves the same roll call. This is no compromise whatsoever. It puts the little pharmacy out of business. It doesn't offer them any opportunity at all, and I urge your No vote on this repetitive amendment.

PRESIDENT ROCK:

Further discussion? Senator Watson.

SENATOR WATSON:

Well, thank you, Mr. President. Just to follow up those remarks. This is the very same amendment. All this does is gives the pharmacist - the retail pharmacist - the opportunity to bid. And it notifies -- you have to, I guess, submit notification some sixty days before letting the contract. Well, -- a good speech the other day on this issue was by Senator Schuneman, who made the

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remark that how can a small pharmacy even not necessarily compete, but how could they even provide the service to -- that might be necessary, if they actually got the bid. I -- I -- really, I don't think the retail pharmacists are interested necessarily in participating in the bidding process. They just want to be able to provide the service to the people that belong to the HMO. That's all they're asking for. I'd -- I reject this amendment, and hope that the Body would also, and vote No.

PRESIDENT ROCK:

Further discussion? Senator Savickas.

SENATOR SAVICKAS:

Oh, yes. Mr. President, I sat in the committee to hear those that supported House Bill 90, and one of their main concerns was to be able to have the opportunity to bid. Now that this opportunity is being made available to them, now we hear a different side of the story. I don't understand why -- why they will not accept this compromise in this accommodation. This is what they requested in committee. This is what they're being afforded now. I would rise in support of this amendment.

PRESIDENT ROCK:

Further discussion? Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President and Members of the Senate. I rise in support of this amendment. This -- there's a lot of misinformation. Now then, this will not be detrimental to the -- to the small pharmacists, regardless of what some of the others say. In fact, I think it will even help them. And I think if it was detrimental to the small pharmacists, the AFL-CIO and the different organizations that are supporting this legislation wouldn't be in support of it. I would support this legislation.

PRESIDENT ROCK:

Further discussion? Senator Jacobs.

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SENATOR JACOBS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I'll make this short, because I think without this amendment, I -- I for one could not vote for -- for -- for 90. I think with this amendment, it makes it a lot more palatable, and I know it erases a lot of the objections that I have heard. And I plan to vote for it.

PRESIDENT ROCK:

Further discussion? Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. I really apologize, but I would like to ask the sponsor of the -- amendment to clarify for me. It's my understanding that this amendment mandates bidding within sixty days of a contract for pharmaceutical products or services. Is that correct? What I don't -- what I don't understand -- he shook his head -- what I don't understand is how this benefits the small pharmacists. Because if, in fact, this does benefit the small pharmacists, I don't understand, because Walgreens could outbid any small pharmacists, I would think, on any contract, anywhere in the State of Illinois. And where it appears that we're trying to help the small people, and it seems to me like the unions that support this would be wanting to help the small people, in fact, by going out for bids, there is no way that they can even participate in this. And if they can participate in it, there is no way that they could outbid someone like Walgreens. Now either -- I'd just like to be enlightened.

PRESIDENT ROCK:

Senator DeAngelis.

SENATOR DeANGELIS:

Well, you know, if they can't outbid Walgreens, then the bill won't do them any good either, because what the bill does is to allow them access after somebody else's bid. And then they make

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the determination whether they want the business or not. That has been portrayed as freedom of choice, but freedom of choice for whom? For the pharmacy to decide that perhaps when somebody enrolls somebody in an HMO, they can pick the family they know that is healthy, take that away from the bid, and then turn around and not serve the one who is unhealthy. And then the person who has the major contract has to pick up the poor schlep that's sick. Okay? Now, if that's American, God help us. But I heard the objection from them that they felt shut out of the process. Now if you want to subsidize the -- pharmacy, let's go ahead and do it. Because essentially you're saying they can't compete, so you want the bill then - and we're not going to argue the bill - but I'm saying to them, let's find out if they can. And if they can't, then it's a confession on the part of the fact that this bill is going to cost a hell of a lot of money.

PRESIDENT ROCK:

Further discussion? Senator Woodyard.

SENATOR WOODYARD:

Thank -- thank you, Mr. President and Members of the Senate. I may have a conflict of interest on this, due to the fact my daughter is a pharmacist, and has been rather lobbying me against this amendment. But I -- I guess I'm rather confused on this, and I have been a sponsor of the amendment, along with Senator DeAngelis and Senator O'Daniel. I feel that, as Senator DeAngelis indicated, that this may put the pharmacists in a better posture, and certainly if this bill is defeated, the pharmacists are definitely not in as good a shape as they would have been otherwise, and I think -- if with this amendment on the bill, there's some of us in this Body that -- that can maybe support it.

PRESIDENT ROCK:

Further discussion? Senator DeAngelis may close.

SENATOR DeANGELIS:

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Well, just one comment. I was at the hearing. I was on the committee, and I saw the guy that was sitting behind Senator Marovitz that was jumping out of his shorts, claiming that they didn't get a chance to bid. Now either that guy is lying, and his whole group is lying and misrepresented something, or there was, in fact, that problem. And if there is, this amendment will take care of it.

PRESIDENT ROCK:

Question is, the adoption of Amendment No. 4 to House Bill 90. Those in favor of the amendment will vote Aye. Opposed, vote Nay. And the voting is open. Have all voted who wish? Take the record. On that question, there are 29 Ayes, 25 Nays, none voting Present. Amendment No. 4 is adopted. Senator Marovitz, for what purpose do you arise, sir?

SENATOR MAROVITZ:

Verification.

PRESIDENT ROCK:

That request is in order. The gentleman has requested a verification of the affirmative vote, Madam Secretary. Will the Members be in their seats. Madam Secretary, please read the affirmative vote.

SECRETARY HAWKER:

The following Members voted in the affirmative: Alexander, Barkhausen, Brookins, Collins, Daley, D'Arco, DeAngelis, del Valle, Demuzio, Fawell, Hall, Holmberg, Jacobs, Jones, J. E. Joyce, Kustra, Lechowicz, Mahar, Newhouse, O'Daniel, Rigney, Savickas, Severns, Smith, Vadalabene, Weaver, Welch, Woodyard, and Mr. President.

PRESIDENT ROCK:

Question the presence of any Member, Senator Marovitz?

SENATOR MAROVITZ:

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Senator Lechowicz?

PRESIDENT ROCK:

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

SENATOR MAROVITZ:

Senator Daley?

PRESIDENT ROCK:

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

SENATOR MAROVITZ:

Senator Joyce.

PRESIDENT ROCK:

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

SENATOR MAROVITZ:

Senator Alexander.

PRESIDENT ROCK:

Senator Alexander on the Floor? Senator Alexander on the Floor? Strike her name.

SENATOR MAROVITZ:

That's it.

PRESIDENT ROCK:

All right. The roll has been verified. There are 25 Ayes, 25 Nays. There has been a request for a verification of the negatives. That request is in order. Madam Secretary, please read the negative roll call.

SECRETARY HAWKER:

The following Members voted in the negative: Berman, Carroll, Davidson, Dudycz, Ralph Dunn, Thomas Dunn, Etheredge, Geo-Karis, Hawkinson, Hudson, J. J. Joyce, Karpziel, Keats, Kelly, Macdonald, Maitland, Marovitz, Netsch, Philip, Raica, Rea, Schaffer, Schuneman, Topinka and Watson.

PRESIDENT ROCK:

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Senator Jacobs, do you question the presence of any? Senator Joyce is on the Floor. Didn't hear you. Do you question the presence of any other Member? All right. The roll has been verified. There are 25 Ayes, 25 Nays. Amendment No. 4 fails. Further amendments?

SECRETARY HAWKER:

Amendment No. 5 offered by Senator Marovitz.

PRESIDENT ROCK:

Senator Marovitz, on Amendment No. 5.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. As previously indicated, when an earlier amendment was adopted to address the concerns of the AFL-CIO and the Carle Clinic to provide an exemption for HMOs which offer pharmacy services through their own pharmacies which they own and operate, this amendment clarifies that that exemption operates when the HMOs are actually providing pharmacy services to members through the pharmacies that they operate. This is to clarify that -- what Carle Clinic and the AFL-CIO asked us to do. Without this clarification - and that's all it does, it's just a clarification - the HMO could become exempt, merely because its parent company owned a pharmacy in Illinois, even if that pharmacy had nothing to do with serving HMO members. This clarifies it; it must serve those HMO members, not just because it owns a pharmacy. And I ask for this clarifying amendment -- adoption.

PRESIDENT ROCK:

All right. Senator Marovitz has moved the adoption of Amendment No. 5 to House Bill 90. Discussion? Senator Jacobs.

SENATOR JACOBS:

Yes. Thank -- thank you, Mr. President, Ladies and Gentlemen of the Senate. Just one question of the sponsor, if he'll yield.

PRESIDENT ROCK:

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Indicates he'll yield.

SENATOR JACOBS:

An owner/operator of an HMO with their pharmacy, which they also own, and does not contract out for the pharmacy services for their HMO patients, are they covered under the provision of this bill?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

No. They would be exempt, because they do not contract for the pharmacy services.

PRESIDENT ROCK:

Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

A question of the sponsor, please.

PRESIDENT ROCK:

He indicates he will yield.

SENATOR BARKHAUSEN:

Senator Marovitz, I assume that the amendment that you put on yesterday must have deleted from the application of your proposed bill certain HMOs that you're now proposing to add back in. Do you know which those are? How -- what their names are, how many of them they are?

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

No. We're not -- we're not doing -- we're not doing anything like that for specific HMOs. We had an amendment yesterday for Carle Clinic, which was asked for. That's the only specific HMO. The amendment that we adopted yesterday was faulty in its drafting. The way I explained it, the amendment went further than that. We just -- this amendment is exactly as I explained it

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yesterday and today, and doesn't go further. So that if the HMO doesn't serve those patients, but just because it's -- we're only exempting those HMOs that serve the patients that they are dealing with, not just because they own a pharmacy. It doesn't go any further. It doesn't -- we're not aiming this at particular HMOs.

PRESIDENT ROCK:

Senator Barkhausen.

SENATOR BARKHAUSEN:

Did your amendment yesterday - I never saw it - did it make reference to HMOs that were organized under the Voluntary Health Service Plan? Do you know? I think there are three of those, one of which is the Union HMO.

PRESIDENT ROCK:

Senator Marovitz.

SENATOR MAROVITZ:

It did not make such reference, Senator Barkhausen. Did not.

PRESIDENT ROCK:

Further discussion? All right. Senator Marovitz has moved the adoption of Amendment No. 5 to House Bill 90. No further discussion? All in favor indicate by saying Aye. All opposed. The Ayes have it. The amendment's adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 6 offered by Senator D'Arco.

PRESIDENT ROCK:

Senator D'Arco, on Amendment No. 6.

SENATOR D'ARCO:

Thank you, Mr. President. Amendment No. 6 provides that the provisions of subsection (b) shall not apply to any administrator which provides services under contractual arrangements solely with employers having one hundred or more employees. Now the reason for this amendment is to provide that any employer who employs over a hundred people should be allowed the opportunity of contracting

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with an HMO and providing for his employees the best rate possible for all kinds of medical services, including pharmacy. And that's what this amendment will do. This amendment is supported by all of the unions in the State of Illinois and all of the employers in the State of Illinois. The reason is that the cost to that employer, and therefore the benefits to the employee, are reduced substantially by a savings because of a discount in the rate for employers that are being served by a volume-oriented pharmaceutical company. This bill is consumer-oriented -- this amendment is a consumer-oriented amendment, and it will protect the employee. And isn't that what this is all about? Are we working to protect the pharmacies, or are we working to protect the consumers? And that's what this amendment does. It works to protect the consumers not the people that are going to increase the rates, if this bill passes without this amendment. And I would ask for its adoption.

PRESIDENT ROCK:

All right. Senator D'Arco has moved the adoption of Amendment No. 6 to House Bill 90. Discussion? Senator Marovitz.

SENATOR MAROVITZ:

Well I rise again in opposition to this amendment. There is nothing consumerism, or consumer-oriented about this amendment. Nothing could be further from the truth. This amendment is just another way of trying to kill off the bill, and trying to kill the little pharmacies, because all it does is exempt all the large employers in our State. And if it -- if we're going to have this bill, if we're going to give it a hearing, let's give it a hearing on 3rd Reading in its pristine form, and vote it up or down. But let's not exempt certain employers and say it's applicable to some employers, it's not applicable to other employers. If it's good, it's good. If it's not, it's not. Vote it -- vote it up or down on its merits, but arbitrarily picking a figure of how many

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employers -- employees an employer could have to be under the purview of this bill, is absolutely ridiculous. And I would urge a No vote on this amendment.

PRESIDENT ROCK:

Further discussion? Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. I'd like to make one thing perfectly clear from the beginning. The pharmacists are opposed to this amendment. There was some confusion, I believe, on the first amendment, that was offered by Senator DeAngelis. The pharmacists are opposed to this. And why are the pharmacists opposed to this? Why are you getting all of these phone calls? Why do you think you're getting these phone calls? I'll tell you why you're getting these phone calls - is because the little guy has got some problems. The little guy -- the future of the pharmacists to the retail business and the corner drug store is in jeopardy. And it is because of the HMOs, it's because of the problems that have been brought about by the bidding procedures that have been going on for prior to, hopefully, the passage of this legislation. This amendment guts the bill. The -- this amendment says that any employer having more than a hundred employees would be exempt. Well, that's practically everybody. And I'll tell you, in my area, McDonnell Douglas, major employer. They're in Missouri. They're in St. Louis, but they've got a multitude of people who live in Illinois. They would be exempt in this -- in this particular piece of legislation. Carlisle Syntec, another employer that is in my home town, would be exempted from this legislation. This guts the bill. The pharmacists want a No vote. The people that have been calling you are asking you to vote No on this amendment. Thank you.

PRESIDENT ROCK:

Further discussion? Senator Savickas.

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SENATOR SAVICKAS:

Well, the people that have been calling me are the senior citizens who wanted me to vote against this bill that will increase their costs. It seems that what we're doing here -- that the pharmacies, or the -- or those that cannot compete in bidding are saying, "We want the consumer to pay more so that we could stay in business." Now I think that is a totally wrong concept. The ones that are going to be hurt are the little consumers. I'm not concerned about a businessman that can not compete. If he can't compete, he should stay out of it. The consumer would save money under this amendment, and that's who we are talking about. The working person for all those unions. The working person, the senior citizen, that must -- must live on a fixed income and get these drugs at a reduced rate. These are what -- the ones we are talking about, not a businessman that cannot compete in his own field. I urge support of this amendment.

PRESIDENT ROCK:

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Well, Mr. President, Ladies and Gentlemen of the Senate, my senior citizens want to have a good rapport with their druggist. They don't want to have to chase all over. And -- but my senior citizens like to feel that they have confidence in their druggists, and the local druggists are the ones that -- who know them and know what their needs are. And I speak against this amendment.

PRESIDENT ROCK:

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

SENATOR D'ARCO:

Thank you, Mr. President.

PRESIDENT ROCK:

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I'm sorry. Excuse me, Senator D'Arco. Senator Schuneman.

SENATOR SCHUNEMAN:

Well, just a couple of remarks, Mr. President. When -- when this bill was before committee, I asked the person who was representing Michael Reese HMO how many hospitals that their -- that their members could access in order to have care. And as I recall, he said five. I asked him how many doctors members of their HMO had access to. And he said over five hundred. And I asked him how many pharmacies they could go to. He said one. Now, I'm just as sensitive as any of you to the -- to raising the cost of health care. I understand that, and I -- I don't want to do it. But the other thing that I thought was interesting, when I asked about the percentage of their total expenses that goes for pharmacy drugs, how much do you think he said it was? Six percent of their total budget. Six percent of their total budget goes for pharmaceutical materials. All the rest of it goes to doctors and hospitals. I find it rather strange that the HMOs themselves have a bill here this year, which Senator DeAngelis is sponsoring, which would allow them to set aside ten percent of all the money they're paying for doctors to pay to doctors who are not contracted with HMOs. Yet, on the other hand, they don't want to allow the small local pharmacy to get any piece of the action at all. And I really think that's a double standard. And the other thing we ought to understand is that -- that the small pharmacies aren't going to get all that six percent. They'll only get a little bit of it. So you're not talking about raising the costs of health care by any measurable degree. I think you ought to defeat this amendment.

PRESIDENT ROCK:

Further discussion? Senator DeAngelis.

SENATOR DeANGELIS:

Well, I mean that's going to be a pretty foregone conclusion

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on what's going to happen, but Senator Schuneman, I think we ought to clear the record on what you perceive to be a significant discrepancy in what I have proposed legislatively, and what might, in fact, be occurring with this bill. First of all, to turn around and take what the man from Michael Reese said that much out of context - he said one pharmacy company. Not one pharmacy. And that one pharmacy company might have a thousand stores. Just as those five hundred doctors might belong to one medical group. The point is that if -- if the pharmacists want to do what is prescribed under the bill that you perceive to be a discrepancy, I'd be happy to have that done. But you know what this bill does? It gives the pharmacist a choice. Not the employee. Because that pharmacist could say no. My bill doesn't give the doctor a chance to say no. It gives the employee the right to choose, but that doctor must, in fact, serve. There's nothing in here that requires that pharmacy to fill that prescription.

PRESIDENT ROCK:

All right. Senator D'Arco, you may close.

SENATOR D'ARCO:

Thank you, Mr. President. Senator Schuneman, that's the whole point. Their costs today is six percent. If this bill passes, their costs will be substantially higher. That's what -- that's what this amendment is all about. Senator Savickas hit the nail on the head. Who do we care about here? Do we care about the senior citizens that have to buy the drugs to survive, or do we care about the local pharmacy that is servicing the population in the community? That's the issue here. And I'll tell you what, this amendment allows that local pharmacy to participate. It says that if an employer has under a hundred employees, that local pharmacy can't competitively bid on the pharmacy business of that employer. There's nothing anti-competitive, or anti-small business about this amendment. This is a good amendment. It

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protects the consumer, and it protects small business along with it. I ask for a favorable vote.

PRESIDENT ROCK:

Question is, the adoption of Amendment No. 6 to House Bill 90. Those in favor of the amendment will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 16 Ayes, 38 Nays, none voting Present. And Amendment No. 6 fails. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. On the Order of House Bills 3rd Reading, is House Bill 113. Senator Daley seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, is House Bill 113, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 filed by Senators Daley and Philip.

PRESIDENT ROCK:

Senator Daley.

SENATOR DALEY:

Thank you, Mr. President and Members of the Senate. This Amendment, House -- Senate Amendment 1 to House Bill 113, is a result, my understanding is, of three months of meetings of DuPage, Lake, and the Home Builders, Realtors, commercial developers, the Illinois Municipal League and the Chambers of Commerce. This amendment applies to those local governments who currently have the power to impose impact fees. The amendment sets up a process by which a local government must go through in order to impose impact fees. Included in this process are public hearings, notification of the interested parties, cooperation with

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the public and private sector, and an appeals process. I'd be happy to answer any questions.

PRESIDENT ROCK:

Senator Philip, on Amendment No. 1.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I would have to oppose this amendment and ask leave to get off as a hyphenated co-sponsor. I was hoping that the president of my county board and the other side of the aisle could work out some reasonable compromise on amendments. I was told that they had worked those out this morning, but evidently they have not. My wish would be to get this thing in conference committee and hopefully, sometime next week, reasonable people could sit down and work something out, because, of course, we certainly are interested in impact fees.

PRESIDENT ROCK:

All right. Senator Philip seeks leave of the Body to be removed as a hyphenated co-sponsor on this Amendment, Madam Secretary. Without objection, leave is granted. Senator Daley now moves the adoption of Amendment No. 1 to House Bill 113. 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. 183. Senator Welch. 386. Senator Mahar. On the Order of House Bills 3rd Reading is House Bill 386. Senator Mahar seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 386, Madam Secretary.

SECRETARY HAWKER:

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Amendment No. 2 offered by Senator Kustra.

PRESIDENT ROCK:

Senator Kustra, on Amendment No. 2.

SENATOR KUSTRA:

Thank you, Mr. President. This amendment is to correct a drafting error. I urge its adoption.

PRESIDENT ROCK:

Senator Kustra moves the adoption of Amendment No. 2 to House Bill 386. 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. 437. Top of Page 8. Senator Holmberg seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 437. Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Jones.

PRESIDENT ROCK:

Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President and Members of the Senate -- of the Senate. Amendment No. 2 is the same as Senate Bill -- 577 which passed this Body, but kind of ran into a little problem in the House, which is on -- which is on Postponed Consideration, and this is for the clinical social workers to be reimbursed for services. This is to include them on any policy that offers this service that clinical social workers be included. I move its adoption.

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PRESIDENT ROCK:

Senator Jones has moved the adoption of Amendment No. 2 to House Bill 437. 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. 760. Senator DeAngelis seeks leave of the Body to return House Bill 760 to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 760, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator DeAngelis.

PRESIDENT ROCK:

Senator DeAngelis.

SENATOR DeANGELIS:

Yes. Thank you, Mr. President. Amendment No. 2 to House Bill 760 is a permanent income tax increase, raising the personal rate from two and a half percent to three percent, and the corporate rate from four percent to 4.8. Once that's been put on, the distribution will be in the following: the Local Government Distributive Fund will increase from one-twelfth to one-eleventh, and therefore that would increase their share from three hundred and sixty-two million to three hundred and ninety-five million. Fifty percent of the new revenues, or four hundred and twenty-six million, to the Educational Assistance Fund, and the other fifty percent will remain in GRF to provide an income tax credit -- income tax credit equal to ten percent of the property taxes paid on residential property taxes. I'd be happy to answer any questions.

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PRESIDENT ROCK:

All right. Senator DeAngelis has moved the adoption of Amendment No. 2 to House Bill 760. Discussion? Senator Netsch.
SENATOR NETSCH:

Thank you, Mr. President. Senator DeAngelis, I think I would actually oppose this amendment, and let me point out a couple of things about it that I think are not quite the way they ought to be. One, your transfer to the Educational Assistance Fund, although the income tax is permanent, the income tax increase is permanent, the transfer to the Educational Assistance Fund takes place only for two years. So that at the end of two years, whatever is represented by this permanent tax increase would go into the General Revenue Fund. Secondly, with respect to the Local Government Distributive Fund, what your amendment does is to reduce the one-twelfth distribution to one-eleventh, but only to respect to the existing two and a half percent tax increase. The end result of that is that the Local Government Distributive Fund would receive a net increase for Fiscal 1990 of only thirty-three million dollars to be distributed among all of the cities and counties, which is not exactly adequate. A third thing, that I think really does not make much sense, is that you have provided not only a tax credit, a ten percent tax credit for property tax relief, but you also have not removed the current deduction, so that means that there would be -- right now it's running between sixty and seventy million dollars in deduction that would be lost to General Revenue, and in addition, there would be, based on our figures, an additional -- for this year -- or for Fiscal 1990, three hundred -- three hundred and twenty-three million dollars of property tax relief. Now, it seems to me, if we are going to provide property tax relief through a credit - and I floated one proposal that would do that - that it should not be on top of the deduction. It seems to me that it ought to be in lieu of the

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deduction, as just one form of property tax relief, but not to pile one on top of the other, which adds to the confusion of the entire amount. So, for a variety of reasons, including one that I think everyone should be aware of, that this is a permanent tax increase, but the distribution, the fifty percent distribution to the Education Assistance Fund would continue only for two years. Thereafter, all of the money would be in the General Revenue Fund. I think it is not the best proposal and the best approach. It's a good try, but not good enough.

PRESIDENT ROCK:

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

SENATOR DeANGELIS:

Yes. Thank you, Mr. President. Senator, that's -- I'm absolutely bowled over, because the proposal that you voted Yes on is only a two-year proposal also. And you yourself know, as well as I do, with the appropriation process right here, the dedication to that fund doesn't mean much beyond that period of time, because the balance of what goes to education has to be appropriated out of General Revenue anyhow. But primarily the reason that was put in there, is that we have on the Table a discussion on the change in the School Aid Formula. And I didn't want to lock us in forever to something that perhaps we want to look at in the future and change. In regard to the Local Government Distributive Fund, Senator Netsch, when I went to school, one-eleventh is much more than one-twelfth. And therefore it is an increase; it is not a decrease. And frankly, everybody -- and Senator Demuzio, your taxpayers will, in this one, get some nice property tax relief, 'cause everybody will get it on this one. And so I just urge the adoption of this amendment.

PRESIDENT ROCK:

Senator DeAngelis has moved the adoption of Amendment No. 2 to

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House Bill 760. Those in favor of the amendment will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 19 Ayes, 32 Nays, none voting Present. The amendment fails. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 7-7-9. Senator Daley seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 7-7-9, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Daley.

PRESIDENT ROCK:

Senator Daley, on Amendment No. 1.

SENATOR DALEY:

Thank you, Mr. President and Members of the Senate. Amendment No. 1 to 7-7-9 deals with reckless driving while under the influence of alcohol or drugs. It changes the penalty from a Class 3 to a Class 2, and from three to fourteen years. I'd be happy to answer any questions.

PRESIDENT ROCK:

Senator Daley has moved the adoption of Amendment No. 1 to House Bill 7-7-9. 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 Davidson.

PRESIDENT ROCK:

Senator Davidson, on Amendment No. 2.

SENATOR DAVIDSON:

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Mr. President and Members of the Senate, this amendment is to correct a loophole that was in the present law. As of Monday of this week a person who, here in Springfield, had committed murder by stabbing an elderly woman to death when they were doing a home burglary, and the Supreme Court overturned the death sentence, saying that because the prosecutor had relied on existing felony murder aggravating factor for murder committed during a burglary, and the court ruled that residential burglary is not a burglary set forth in the murder Statutes, and overturned it. So if you have someone committed a murder during a burglary of a warehouse, falls under the death provision. He did it to a person's home, he doesn't. It doesn't -- it won't help that case, but it certainly will help in the future, and this has support of the Cook County State's Attorney's Office and the Sangamon County State's Attorney Office. And I move the adoption of the amendment.

PRESIDENT ROCK:

Senator Davidson has moved the adoption of Amendment No. 2 to House Bill 7-7-9. Discussion? If not, all in favor -- I'm sorry. Senator Daley.

SENATOR DALEY:

Yes, Mr. President and Members of the Senate. I join with the Senator in this amendment and accept the amendment.

PRESIDENT ROCK:

All right. Senators -- Senator Davidson has moved the adoption of Amendment No. 2 to House Bill 7-7-9. 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. 977. Senator Welch seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an

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amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 977, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Welch.

PRESIDENT ROCK:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. What this amendment affects is an Act concerning bidding on and awarding of public contracts. And what the amendment does is talk about those who should be barred. This amendment has been worked out with one of the industries that was in opposition, and what it says is that the corporation shall be barred from contract with any unit of State or local government as a result of a conviction under this Section of any employee or agent of such corporation. If the employee so convicted is no longer employed, and is either -- the corporation's adjudicated not guilty or if the corporation demonstrates to the governmental entity with which it seeks a contract that the offense was neither authorized, requested, commanded nor performed by a director, officer or high managerial agent in behalf of the corporation. I'd be glad to answer any questions.

PRESIDENT ROCK:

Senator Welch has moved the adoption of Amendment No. 2 to House Bill 977. 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. Senator Smith. On the Order of Consideration Postponed, House Bills 3rd Reading, is House Bill 1152. Senator Smith seeks leave of the Body to return that bill to the Order of

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2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading, House Bill 1152, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Smith.

PRESIDENT ROCK:

Senator Smith.

SENATOR SMITH:

Thank you, Senator -- Mr. Chairman and Ladies and Gentlemen of the Senate. The amendment to House Bill 1152 deletes the provisions of the bill pertaining to nursing homes, except for the field audits of nursing homes, and postpayment review for hospitals. The dispensing fee for a pharmacist shall not exceed ten dollars, rather than fifteen dollars as stipulated in the original bill. The Department of Public Aid shall reimburse community health centers at a cost beginning July 1, 1990. This amendment significantly reduces the fiscal impact of House Bill 1152, and as amended, House Bill 1152 only pertains to community health centers, field audits for nursing homes, and the pharmacy dispensing fee. And I ask for your adoption.

PRESIDENT ROCK:

All right. Senator Smith has moved the adoption of Amendment No. 2 to House Bill 1152. 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. On the Order of House Bills 3rd Reading is House Bill 1203. Senator Jacobs seeks leave of the Body to return that bill to the Order of 2nd Reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd

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Reading is House Bill 1203, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Jacobs.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

...(machine cutoff)... Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This amendment -- this first amendment just amends the State's Collective Bargaining Acts regard to negotiated changes to the Public Labor and Educational Labor Relations Act. It is a agreed-upon amendment, and ask for your approval. I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Gentleman from DuPage, Senator Hudson. Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President. First, let me say that Senator Jacobs and I have -- well, let me compliment him on trying to work this out to the best of his ability, and I have no -- I have no -- well, how should I say it? We've gotten along fine on this, and Amendment No. 1 seems to be agreed -- seems to be agreed, except for one provision, and we feel that that one provision was brought in at the last minute - again no fault of Senator Jacobs - brought in at the last minute, and our understanding is that it is -- that it is not agreed-to. So what it does is to exclude Cook County from the provisions of this bill, the requirements to furnish names, physicians, salaries and employees, et cetera, et cetera. Now there will be, as Senator Jacobs explains, something coming along later in the form of an amendment that may correct this, but in the meantime, I thought I would alert you to this. You can -- you can vote as you want on this first amendment. Perhaps a Present vote or whatever, but it is not our understanding agreed

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-- an agreed-to part of the amendment.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Jacobs, to close.

SENATOR JACOBS:

Thank you. Just ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Amendment No. 1 be adopted. All those 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 28 Ayes, 11 Nays, 7 recorded as Present. The amendment's adopted. Any further amendments?

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Jacobs.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This amendment strictly amends, again, the Illinois Public Relations Act in regards to the definition of a supervisor. This is an issue that is currently being discussed between the Governor's Office and AFSCME, and the effect of this amendment actually would be to increase the number of State employees in nonsupervisory units which AFSCME overwhelmingly represents. This is not an agreed-upon amendment, but it's one that we think is worthy of continuing on and getting some discussion as it goes along.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President. I would simply say that this -- this amendment would greatly -- would increase the number of

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employees brought in under the provisions of this. CMS is opposed. The Governor's Office is opposed, and I would recommend a No vote on this amendment.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The question is, shall Amendment No. 2 be adopted. All in favor, vote Aye. All opposed, vote Nay. Excuse me. The Lady from DuPage, Senator Karpziel.

SENATOR KARPIEL:

I'm sorry. Did I understand you, Senator Jacobs, to say that this amendment would put the State supervisors under the collective bargaining units?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Jacobs.

SENATOR JACOBS:

The purpose of this amendment is to keep the discussions going between the Governor's Office and AFSCME.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Karpziel. Senator Karpziel.

SENATOR KARPIEL:

Well, when you said it would increase the number of people in the collective bargaining units, did you mean the State supervisors? Because it is my understanding, I mean, CMS is very much opposed to this amendment, and it is my understanding when the collective bargaining went into effect in 1984, that the Governor vetoed -- amendatorily vetoed the bill to take out State supervisors. And it has always been an unwritten agreement that the supervisory personnel would not be included in Collective Bargaining Units. I also understand that if this was put into effect, that we wouldn't have any management or supervisors, really, at say our penal institutions, and that you're putting your management people right in the same unit with the -- with the other personnel, and it's just a bad, bad thing to do, and I

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oppose this -- this amendment, and I hope everybody else does.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. -- Mr. President and Ladies and Gentlemen. Again, in direct answer to your question, Senator, you are absolutely correct. What we're trying to do here, and as I understand it, Riley from the Governor's Office, and Steve Cullen from -- from AFSCME, are continuing to work on this problem, and that's the reason we were asked to present, this so that that negotiation can continue on. It doesn't mean that it's going to be a yes or a no, it just provides -- to let them continue on in their discussions.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Karpiel.

SENATOR KARPIEL:

Well, Senator, our discussions can continue without this amendment being addressed. First of all, you just put an amendment on the bill. It certainly will be going back. It'll end up in conference committee, and -- and discussions can continue without this amendment being on. I think putting the amendment on is not a very good way to keep the negotiations going in good faith, because this shows that you really aren't having good faith by shoving this amendment down their throat.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Jacobs, to close.

SENATOR JACOBS:

Just ask for an Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Amendment No. 2 be adopted. All those in favor, signify by voting Aye. All opposed, by voting No. The voting is open. Have all voted who wish? Have all voted who

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wish? Have all voted who wish? Please take the record. On this question, there are 29 Ayes, 28 Nays. Amendment's adopted. Senator Karpriel.

SENATOR KARPIEL:

Verification of the Aye roll call.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

I'm sorry, 30 Ayes, 28 Nays. Lady asks for verification. Would the Membership please be in their seats. Will the Secretary please poll the affirmative vote.

SECRETARY HAWKER:

The following Members voted in the affirmative: Alexander, Berman, Brookins, Carroll, Collins, Daley, D'Arco, del Valle, Demuzio, Thomas Dunn, Hall, Holmberg, Jacobs, Jones, J.E. Joyce, J.J. Joyce, Kelly, Lechowicz, Luft, Marovitz, Netsch, Newhouse, O'Daniel, Rea, Severns, Smith, Vadalabene, Welch, Zito and Mr. President.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Karpriel, do you have any question of the affirmative vote?

SENATOR KARPIEL:

Yes, Mr. President. Senator Jones. Here he -- I see him. I see him.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Jones is right here.

SENATOR KARPIEL:

Senator Jeremiah Joyce.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Jeremiah Joyce. Is the Gentleman in the Chamber? Please strike his name.

SENATOR KARPIEL:

That's all, Mr. President. Thank you.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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On that question, there are 29 Ayes, 28 Nays. The amendment's adopted. Any further amendments?

SECRETARY HAWKER:

Amendment No. 3 offered by Senator Jacobs.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This also is another amendment that was not agreed upon. This amends the Illinois Public Labor Relations Act in regards to the collective bargaining for firefighters employed by fire protection districts. It allows the collective bargaining rights for employees of fire protection districts employing ten or more firefighters. It currently is thirty-five. Ask for your support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Amendment No. 3 has some of the same deficiencies that the previous two. Number one -- number one consideration here is that it is not agreed to. It was really not a part of anything that some of us knew anything about, brought in here at the last minute, and what it does is to expand fire protection districts, and those that would be included in this collective bargaining process. As -- as matters now stand, units less than -- with thirty-five employees are not covered, but now -- now we find ourselves with any unit with ten or more employees is covered, would be subject to collective bargaining, unionization, and what have you, and many of those districts are hurting for money as it is. They simply can't, in all cases, afford that process, and it's -- it's -- it's an amendment that should be soundly defeated.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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The Lady from Lake, Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, the municipalities have it tough enough as it is now, and they -- many of them are covered by these fire protection districts, and they have a tremendous burden to carry, and I rise to speak against the amendment, because I don't think it's necessary.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman from Tazewell, Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. Just a question of the sponsor, please.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Indicates he'll yield.

SENATOR LUFT:

I'm assuming this is full-time firefighters, is that correct?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Jacobs.

SENATOR JACOBS:

As I understand it, yes, Senator Luft.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Luft.

SENATOR LUFT:

Our amendment doesn't say that -- or our analysis, and I am wondering if in the bill you can confirm, between now and then -- somewhere along the line -- whether it does say full-time or not. The problem is, potentially in some of these fire districts where virtually half the town may be a volunteer fireman or would be allowed to draw a stipend of some sort or whatever. I just wonder if it says full-time.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Jacobs, to close.

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SENATOR JACOBS:

Yes. Thank you. These firefighters are not in part-time fire -- or districts that have part-time firefighters. They are in districts that are defined by the law, and are covered now. There's just a matter of changing them from thirty-five to ten. Ask for your support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The question is, shall Amendment No. 3 be adopted. All those in favor, signify by voting Aye. Opposed, by voting No. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 29 Ayes, 27 Nays. Amendment's adopted. Any further amendments?

SECRETARY HAWKER:

Amendment No. 4 offered by Senator Hudson.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. What Amendment No. 4 would do, would be to strike the provisions of Amendment No. 1...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Jacobs.

SENATOR HUDSON:

...what we consider to be -- what we consider to be the really the most onerous of the amendments offered. Pardon me? Yes. And this was the one that truly was put in at the last second and not agreed to, and -- and that's the gist of the amendment. Amendment No. 4. Excuse me. And I urge an Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Jacobs.

SENATOR JACOBS:

I -- yes. I think it's agreed upon, but through both Senator

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and myself, and just ask for an Aye vote on voice vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall this amendment be adopted. All in favor, signify by saying Aye. Opposed. Amendment No. 4 is adopted. Any further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

3rd Reading. Senator Jacobs has leave to bring House Bill 1313 back from 3rd Reading for purpose of an amendment. Hearing no objections, House Bill 1313.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Jacobs.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This amendment strictly does what was requested yesterday by Senator Schuneman on the foreign fire tax - to take it back from three cents -- or three percent to two percent, and I ask for its approval.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Amendment No. 1 be adopted. All those in favor signify by saying Aye. Opposed. Amendment No. 1's adopted. Any further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

3rd Reading. House Bill 1423. Senator Zito requests leave of the Body to bring that bill from 3rd Reading to 2nd. Hearing no objection, 1423. Senator Zito.

SECRETARY HAWKER:

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Amendment No. 3 offered by Senators DeAngelis and Zito.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Yesterday, I put an amendment on this bill that the Department of Insurance wasn't totally fond of. This is an amendment to clarify that and gain their approval and acceptance by limiting the amount of work they have to do when there is a merger and acquisition of an insurance company in the State of Illinois.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Is there any discussion? The question is, shall Amendment No. 1 be adopted. All those in favor, signify by saying Aye. Opposed. Amendment No. 1 is adopted. Any further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

3rd Reading. House Bill 1453. Senator Netsch asks leave of the Body to bring the bill back to 2nd Reading. Hearing no objections, House Bill 1453, Senator Netsch. Read the bill, please.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Netsch.

PRESIDING OFFICER: (SENATOR NETSCH)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. The other day, Senator DeAngelis put an amendment on 1453 which was designed to allow corporations which -- not to be permanently barred from bidding or from participating with units of local government on contracts as a result of convictions. I felt that the language was not quite tight enough, and the amendment which I am offering now

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considerably tightens up that restriction. I would move the adoption of Amendment No. 2 to House Bill 1453.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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

SENATOR GEO-KARIS:

Will the sponsor yield, please?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

She indicates she will.

SENATOR GEO-KARIS:

Will you tell me what your amendment does that the other one didn't do?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Excuse me. Senator Netsch.

SENATOR NETSCH:

Yes. The first amendment seemed to have kind of the wrong presumption on the part of the corporation, in terms of how it would be allowed to continue to bid. So the current amendment provides that a corporation shall be barred from contracting with a unit of local government as the result of -- I'm sorry, no corporation shall be barred from contracting with a unit of local government as a result of conviction under this section. If the employee is no longer employed by the corporation, that is new, and if it has been finally adjudicated not guilty, or if it demonstrates to the governmental entity with which it seeks to contract, and that entity finds that the commission of the offense was neither authorized, requested, commanded, nor performed by a director, officer, or a high managerial agent, in behalf of the corporation. So it considerably tightens up the circumstances under which the corporation will be permitted to continue to do business.

PRESIDING OFFICER:

Senator Geo-Karis.

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GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, the amendment that was on before said if an employee committed some infraction. How could a company keep track of all of its employees? I think we're being unfair, and what you are saying in your amendment now, you're saying well the employee's dismissed. Fine, that's one, but then you have another -- position. You say, and if the company is acquitted of any wrongdoing. I think we're -- we're putting an unnecessary hardship on a company when we have some dodo employee do something wrong and then the whole company gets indicted for it. I -- I -- would like to speak against the amendment 'cause I think the amendment that was on it before, Senator, was more adequate.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Keats.

SENATOR KEATS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Could we have a little order a moment? Could we have a little order? I mean -- I think this is a major amendment. If anyone's listening, I think what this amendment says is -- and I think it deals with the City of Chicago, which may take a three-fifths, is she saying that if you have an ordinance that says you're a crook, we won't work with you, but now we're saying if you're a nice crook, you will. Could we get a better...and let's get everyone quiet, because this sounds -- I mean, this is bid-rigging. I think this is a three-fifths vote, and this is dealing with convicted felons. This may not be a minor amendment, and we probably ought to get a better understanding from the sponsor of what it is she's trying to do.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

This is an amendment. It only takes simple majority. Senator Netsch. The bill might take three-fifths. All right. Senator

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Netsch.

SENATOR NETSCH:

I think, Senator Keats, I think I start out with your basic premise, and my concern was that the amendment which Senator DeAngelis put on was too easy in allowing the corporation to come back and do business. What this says in effect is that a corporation may continue to do business, but only if there has been a conviction of one of the factors in the bill which is bid-rigging, bid-rotating, and a variety of other things, but only if the employee is no longer employed by the corporation who was presumably the person responsible for it, and if the corporation...either has been adjudicated not guilty, which occasionally happens in such a matter, or if it demonstrates to that governmental entity and the entity specifically finds that the commission of the offense was neither authorized, requested, commanded or performed by a director, officer or a high managerial agent. In other words, the -- where a corporation has been really essentially innocent and an employee has been pretty much off on a frolic and detour of his or her own, then the corporation will not be permanently barred from doing business. But it puts a much heavier burden on the corporation to make that kind of a showing before it will be allowed to continue to do business.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Keats.

SENATOR KEATS:

Follow up...following up on that question then, this amendment would override the home rule unit's decision on -- as an example, this ordinance, because, would this apply statewide including the City of Chicago? I know, this again to the President, I know this is 2nd Reading. I'm talking about tomorrow. But this sounds like you're overriding home rule, and the State is saying you can't have an ordinance that blocks municipalities from dealing with

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crooks.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

That issue should be addressed tomorrow. Senator Netsch, she wants to address the issue today. Senator Netsch.

SENATOR NETSCH:

Well, I...I think you may be on the wrong track. The basic bill applies to all units of government. It was what we passed last year, dealing with bid-rigging and bid-rotating. It is a criminal law offense, and all this does is to say that it is really a kind of an add-on to the bid-rigging legislation, and says that it is not a permanent bar where all of these very specific circumstances are met. So it is not an interference with home rule in that respect. We're -- we're amending really a criminal statute that already applies to everyone.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Keats.

SENATOR KEATS:

So you are not abolishing a local ordinance. You are establishing a State law. You're not going to override a local ordinance?

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Netsch.

SENATOR NETSCH:

No. This amendment applies only to the State law which makes certain activity, bid-rigging, bid-rotating, criminal. If a municipality, home rule or otherwise, has its own local ordinance dealing with such matters, then it determines how it wants to treat this matter. But this is an amendment to the State law dealing with bid-rigging.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The question is, shall Amendment No. 2 be adopted. All those in favor signify by saying Aye. Opposed. Amendment No. 2 is

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adopted. Any further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

3rd Reading. 1469. Senator Welch asks leave of the Body to bring the bill -- No? Okay. 1523. Senator Maitland. Gentleman asks leave of the Body to bring the bill back from 3rd to 2nd. Hearing no objections - Senator Maitland, Amendment No. 1.

SENATOR MAITLAND:

Thank you very much...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Amendment No. 2 -- I'm sorry.

SENATOR MAITLAND:

Thank you very much, Mr. President, Members of the Senate. Amendment No. 2 to House Bill 1523 is an amendment that meets the objection to those of you who had concerns about the high school deactivation bill. I -- we have made the language exactly the same as we have in other reorganization language, and I'd be happy to respond to any questions. Otherwise would move for the adoption.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, I just rise in support of the Gentleman's motion.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Question is, shall Amendment No. 2 be adopted. All in favor, signify by saying Aye. Opposed. Amendment No. 2 is adopted. Any further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

3rd Reading. 1530. Senator Marovitz asks leave of the Body

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to bring -- bill -- bring the bill back from 3rd to 2nd. Any objection? Hearing none, goes on 2nd Reading. Senator Marovitz, Amendment No. 2.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. Amendment No. 2 to House Bill 1530 was requested and drafted by the Illinois Association of Realtors. This -- this was what they wanted. It gives the court discretion as to whether funds in excess of the repair costs will remain in escrow after the completion of necessary repairs. It says the owner must submit bills to the manager of the escrow account within thirty days after the owner receives the bill from the contractor, and that's what the Realtors wanted. This is what the amendment does.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Amendment No. 2 be adopted. All in favor, signify by saying Aye. Opposed. Amendment No. 2 is adopted. Any further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

3rd Reading.

END OF TAPE

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

...(machine cutoff)...2123. Senator Davidson asks leave of the Body to bring the bill back from 3rd to 2nd for the purpose of an amendment. Hearing no objections. Senator Davidson, on Amendment No. 4.

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SENATOR DAVIDSON:

No. I need to Table an Amendment, Mr. President.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

All right. The Gentleman asks leave to Table what amendment?

SENATOR DAVIDSON:

No. 3.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

No. 3. Hearing no objections, Amendment No. 3 is Tabled. Any further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

3rd Reading. 2196. Senator Zito asks leave of the Body to bring the bill back from 3rd to 2nd for purpose of an amendment. Hearing no objections, Senator Zito, Amendment No. 3.

SENATOR ZITO:

Thank you.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Excuse me. What's the amendment number? Amendment No. 3. Please proceed. Senator Zito.

SENATOR ZITO:

Thank you, Mr. President and Members. Amendment No. 3 to House Bill 2196 is extremely involved. I am not going to stand here and try to kid anybody to believe that this is not a very lengthy amendment. I can tell you though, that there have been negotiations going on for some time. That's why House Bill 2196 has come to us with this amendment at this late date. But this amendment was negotiated by the Department of Insurance with representatives of the Mortgage Loan Banking Industry and the Mortgage Insurance Business. I can tell you that there is now no opposition. Everybody is in agreement to this amendment. I would move for its adoption.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Amendment No. 3 be adopted. All in favor, signify by saying Aye. Opposed. Amendment No. 3 is adopted. Any further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

3rd reading. 2334. Senator Dunn. 2334 -- asks leave of the Body to bring it back from 3rd to 2nd for the purpose of an amendment. Senator Dunn.

SENATOR T. DUNN:

I apologize for being late, Mr. President. Thank you.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Amendment No. 1. Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. This makes numerous changes in the issuance of bonds to defendants, and it will require that the court will find that the accused does not possess a threat to the public. And if there is a subsequent offense while the defendant is out on bond, the State may file a petition to modify or revoke the bail. The court, if it does revoke the bail, must find by clear and convincing evidence that the bailee committed a forcible felony or Class 2 or greater drug offense. On a post-conviction matter, the defendant, after being found guilty, could be detained without bond, and the court must find if it does give him bond, that he does not possess a danger and is not likely to flee.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Amendment No. 1 be adopted. All in favor, signify by saying Aye. Opposed. Amendment No. 1 is adopted. Any further amendments?

SECRETARY HAWKER:

No further amendments.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

3rd reading. 2374. Senator Welch. Senator Welch. Gentleman asks leave to bring the bill back from 3rd to 2nd for the purpose of an amendment. Senator Welch, on Amendment No. -- it's Maitland's. Amendment No. 1, I'm sorry. Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. Amendment No. 1 to House Bill 2374 require that the owner shall disclose in -- in -- in written specifications for bid or in writing, if no form of bid specifications are utilized, the presence of any hazardous substance or waste that is known, or should have been known, in the land or structure where construction is to be performed. It -- it further, if undisclosed hazardous -- substances or wastes are encountered in the performance of the contract, a number of things should happen. Stop performance until the owner removes the hazardous substance, terminate the contract and be compensated for services, or remain responsible under the contract, but receive damages for any delay caused by the removal of the -- of the waste. There are a -- number of other minor changes in the amendment. I would be happy to respond to any questions. Otherwise, move for the adoption.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion on the amendment? Senator Friedland.

SENATOR FRIEDLAND:

Thank -- thank you, Mr. President and Ladies and Gentlemen of the Senate. I just wanted, Mr. President - you to be aware that the Illinois Manufacturers' Association, the Realtors Association, Illinois Bankers Association, Home Builders Association, Chamber of Commerce, Retail Merchants Association and the AEI are opposed to this amendment. I just wanted you to be aware of that. Thank you.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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The Lady from Cook, Senator Macdonald, on the amendment.

SENATOR MACDONALD:

Regrettably, I stand in opposition to this amendment. Not only do the groups that Senator Friedland mentioned have formally voiced opinion, but I have had other individual people as well tell me that this amendment makes the bill totally unacceptable. So I would have to oppose this amendment.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Maitland, to close.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. It is difficult to be the sponsor of an amendment where -- where the business groups are -- are somewhat at odds on an issue. There have been discussions on this issue for some days, as I understand it. I think that there would be further discussions forthcoming before this bill finally passes completely out of the -- the General Assembly. I ask for your support that the negotiations might go on.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The question is, shall Amendment No. 1 be adopted. All in favor, signify by saying Aye. Opposed. The -- No. Question is, shall Amendment No. 1 be adopted. All those 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 31 Ayes, 20 Nays, none recorded as Present. The amendment's adopted. Any further amendments?

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Welch.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Welch, Amendment No. 2. Out of the record, at the request of the sponsor. 3rd Reading. 2576. Senator Davidson asks -- Senator Davidson asks leave of the Body to bring the bill back

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from 3rd to 2nd for purpose of amendments. Senator Davidson.

SENATOR DAVIDSON:

Mr. President, the amendment will be offered by Senator Schaffer, and I'd like leave at this time to withdraw as the chief sponsor of 2576, and no longer will be the sponsor, and Senator Schaffer will be the principal sponsor of 2576.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Let the record reflect that Senator Schaffer now assumes responsibility of 2576. Senator Schaffer, on -- on the amendment. No amendments?

SENATOR SCHAFFER:

Mr. President, this bill, as I suspect the majority of the Body know, is a potential vehicle for a gas tax proposal. The amendment has not been drawn finally. I'll just -- with permission, put it back on 3rd and bring it back for an amendment tomorrow.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman asks leave to bring the -- put the bill back to 3rd. Hearing no objections, the bill's on 3rd Reading. 2737. Senator Davidson asks leave of the Body to bring the bill back from 3rd to 2nd for purpose of an amendment. Senator Davidson.

SENATOR DAVIDSON:

Mr. President and Members of the Senate, this amendment to 2737 which was agreed to in Committee - that the Department of Insurance and the Insurance industry would work out their differences and come up with compromise amendment - and that's exactly what it does. And what it says -- requires company who lists -- who issue life insurance policies that pay a long-term care benefits to provide the policyholder a description of long-term care benefits and how they will affect the death benefits of a policy. Also will let the Long-Term Care Task Force report on the liability and potential of long-term care insurance

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and they will report to the Legislature on June 30th, 1990. Move the adoption of the amendment.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall Amendment No. 1 be adopted. All in favor signify by saying Aye. Opposed. Amendment No. 1 is adopted. Any further amendments? Senator Davidson, Amendment No. 2.

SENATOR DAVIDSON:

Mr. President and Members of the Senate, this is a request from the insurance industry in relation to updating a Section of the Insurance Code, Section 245, which last was amended in 1980, and under the present Statute, that the board of directors of any life insurance company, if they're going to have the salary of an employee be more than forty thousand dollars, it must be acted upon by the Board of Directors. And this simply changes the forty to a hundred thousand dollars. The Department of Insurance is in agreement with this amendment. I move the adoption of the amendment.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall Amendment No. 2 be adopted. All in favor, signify by saying Aye. Opposed. Amendment No. 2 is adopted. Any further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

3rd Reading. House Bill 2756. Senator Jones asks leave of the Body to bring the bill back from 3rd to 2nd for the purpose of an amendment. Hearing no objections, Senator Jones, on Amendment No. 1.

SENATOR JONES:

Yes. Thank you, Mr. -- Mr. President and Members of the Senate. Amendment No. 1 is just a technical amendment to the bill

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so that we can pass the bill over to the House and it can possibly be used later on for some matters as relate to the School Code, and I move its adoption.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Question is, shall Amendment No. 1 be adopted. All in favor, signify by saying Aye. Opposed. Amendment No. 1 is adopted. Any further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Yes. I'm sorry. 3rd Reading. House Bill 2757. Senator Jones asks leave of the Body to bring the bill back from 3rd Reading to 2nd for the purpose of an amendment. Hearing no objections, Senator Jones, Amendment No. 1.

SENATOR JONES:

Yeah. Thank you, Mr. President and Members of the -- of the Senate. Amendment No. 1 just change the effective date to January 1, 1990. I move its adoption.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any objection? Question is, shall Amendment No. 1 be adopted. All in favor, signify by saying Aye. Opposed. Amendment No. 1 is adopted. Any further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

3rd reading. 2803. Senator Kelly asks leave of the Body to bring the bill back for the purpose of Tabling an amendment. Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President. I would ask to Table the Valedictorian amendment, which I thought had merit but apparently didn't, and I've given the House sponsor my agreement that I'd

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withdraw that amendment, and I would ask leave to Table the amendment.

PRESIDENT ROCK:

All right. Senator Kelly, having voted on the prevailing side, is moving to reconsider the vote by which Amendment No. 1 to House Bill 2803 was adopted. All in favor of the Motion to Reconsider, indicate by saying Aye. All opposed. The Ayes have it. The vote's reconsidered. Senator Kelly now moves to Table Amendment No. 1 to House Bill 2803. Any discussion? If not, all in favor of the Motion to Table, indicate by saying Aye. All opposed. The Ayes have it. Amendment No. 1 is Tabled. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. 2805. Senator Daley seeks leave of the Body to return House Bill 2805 to the Order of 2nd reading for purposes of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 2805.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Daley.

PRESIDENT ROCK:

Senator Daley.

SENATOR DALEY:

Thank you, Mr. President and Members of the Senate. Amendment No. 1 to House Bill 2805 was formerly House Bill 2321 and it was on the Agreed List. Basically what it does is deals with an action to foreclose a lien on the owner or owners arising from demolition of any building. May be commenced at any time after the filing of notice.

PRESIDENT ROCK:

Senator Daley has moved the adoption of Amendment No. 1 to

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House Bill 2805. 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. All right. Ladies and Gentlemen, tomorrow is the deadline day. Does any Member have a bill on House Bills 2nd that they wish to move? Senator Carroll.

SENATOR CARROLL:

Yes, if we could, Mr. President, I'd like to go to the Order of House Bills 2nd Reading on page 22.

PRESIDENT ROCK:

All right. With leave of the Body, we'll move to the Order of House Bills 2nd Reading, Page 22. On the Order of House Bills 2nd Reading, Madam Secretary, is House Bill 2517. Read the bill, please.

SECRETARY HAWKER:

House Bill 2517.

(Secretary reads title of bill)

2nd Reading of the bill. No committee amendments.

PRESIDENT ROCK:

Are there amendments from the Floor?

SECRETARY HAWKER:

Senator Raica offers Amendment No. 1

PRESIDENT ROCK:

Senator Raica, on Amendment No. 1

SENATOR RAICA:

Thank you, Mr. President. At this time I would like leave to withdraw the Floor amendment, and I've -- hopefully will work out something with Senator Carroll, and he states we'll be able to bring it back tomorrow if we have to.

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PRESIDENT ROCK:

Gentleman asks leave to withdraw. That request is in order. Withdraw the amendment, Madam Secretary. Both amendments? Yes. Asks leave to withdraw both amendments. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDENT ROCK:

3rd Reading. All right. Ladies and Gentlemen, tomorrow we will obviously have the opportunity again to get into recalls, I suppose. But tomorrow is the last day for substantive House Bills on 3rd Reading, so we will convene at nine o'clock in the morning. Senator Brookins, for what purpose do you arise?

SENATOR BROOKINS:

Yes, Mr. President. I'd like to have leave to adopt Senate Resolution 456, which is congratulatory, that we would like to present tomorrow at the Podium.

PRESIDENT ROCK:

All right. With leave of the Body, we'll move to the Order of Resolutions. Senator Brookins has asked leave to go to the Order of Senate Resolution 456, a congratulatory resolution. Madam Secretary, on the Order of Resolutions, is Senate Resolution 456. Senator Brookins moves to suspend the rules for its immediate consideration and adoption. All in favor of the Motion to Suspend, indicate by saying Aye. All opposed. The Ayes have it. The rules are suspended. Senator Brookins now moves the adoption of Senate Resolution 456, a congratulatory resolution. All in favor, indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. If there's no further business or any announcements, the Senate will stand adjourned until 9:00 o'clock tomorrow morning. I'd ask the Members to -- we have a great deal of work to do tomorrow. Nine o'clock tomorrow morning, Ladies and Gentlemen. Have a nice evening.

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