

STATE OF ILLINOIS  
86th GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

107th Legislative Day

June 22, 1990

PRESIDENT ROCK:

The hour of 9:30 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 Senator Adeline Geo-Karis. Senator.

SENATOR GEO-KARIS:

(Prayer by the Honorable Senator Geo-Karis)

PRESIDENT ROCK:

Amen. Thank you, Senator. Reading of the Journal, Madam Secretary. Senator Kelly.

SENATOR KELLY:

Mr. President, I move that reading and approval of the Journals of Wednesday, June 13th; Thursday, June 14th; Tuesday, June 19th; Wednesday, June 20th, and Thursday, June 21st, in the year 1990, be postponed pending arrival of the printed Journals.

PRESIDENT ROCK:

You've heard the motion as placed by Senator Kelly. 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. ...(machine cutoff)... Messages from the House.

SECRETARY HAWKER:

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

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

Senate Bill 722 with House Amendment 1.

Passed the House, as amended, June 21, 1990.

I have like Messages on:

Senate Bill 1484 with House Amendment 2.

Senate Bill 1491 with House Amendments 1 and 2.

Senate Bill 1504 with House Amendment 1.

Senate Bill 1523 with House Amendments 1 through 7.

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Senate Bill 1617 with House Amendments 1, 2, 4, 5,  
7, 8, 9 and 10.

Senate Bill 1638 with House Amendments 1 and 2.

Senate Bill 1639 with House Amendment 1.

Senate Bill 1643 with House Amendment 1.

Senate Bill 1704 with House Amendments 1, 2 and 3.

Senate Bill 1838 with House Amendments 2, 3 and 5.

Senate Bill 1962 with House Amendments 1, 2 and 3.

Senate Bill 2036 with House Amendments 1 and 2.

Senate Bill 2075 with House Amendments 1 and 2.

Senate Bill 2076 with House Amendments 1 and 3.

Senate Bill 2084 with House Amendments 1 and 2.

Senate Bill 1593 with House Amendment 1.

Senate Bill 1641 with House Amendment 1.

Senate Bill 1798 with House Amendments 1 and 4.

Senate Bill 1874 with House Amendments 1, 3, 4 and  
5.

Senate Bill 1905 with House Amendment 2.

Senate Bill 2067 with House Amendments 1, 2 and 3.

Senate Bill 2127 with House Amendment 1.

Senate Bill 2171 with House Amendments 2 and 3.

Senate Bill 2190 with House Amendments 1 and 2.

Senate Bill 2253 with House Amendments 5, 7, 10 and  
11.

Senate Bill 2267 with House Amendment 1.

Senate Bill 2308 with House Amendments 6 and 7.

Senate Bill 2150 with House Amendments 2 -- pardon  
me -- 3, 4, 8, 10 and 11.

Senate Bill 2222 with House Amendments 1, 2, 4 and  
5.

Senate Bill 2239 with House Amendments 1, 3, 4 and  
5.

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Senate Bill 2277 with House Amendments 1, 3 and 4.

And Senate Bill 2309 with House Amendments 5, 6, 7  
and 8.

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

House Bill 3264 with House Amendment -- pardon me --  
with Senate Amendment 1.

Non-concurred in by the House June 21, 1990.

I have like Messages on:

House Bill 3271 with Senate Amendment 1.

House Bill 3393 with Senate Amendment 1.

House Bill 3458 with Senate Amendment 1.

House Bill 3460 with Senate Amendment 1.

House Bill 3462 with Senate Amendment 1.

And House Bill 3727 with Senate Amendment 1.

...(machine cutoff)...

PRESIDENT ROCK:

All right. The House Messages -- or the bills on the House Messages will be referred to the Secretary's Desk. 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'm instructed to ask the concurrence of the Senate, to wit:

House Joint Resolution 140.

It is substantive.

I have a like Message on House Joint Resolution 142 which is

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also substantive.

They were both adopted by the House, June 21.

PRESIDENT ROCK:

Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, yesterday on Amendment 1 -- Floor Amendment 1 to the House Bill 3386, I got so carried away in debate against the bill, that I found that I didn't vote. If I were voting I would have voted no.

PRESIDENT ROCK:

The record will so reflect. And Senator Savickas has already written you down as a No when you get to that bill. All right. Those House Messages just read -- the resolutions go to the -- will be assigned to the Executive Committee, Madam Secretary. Resolutions.

SECRETARY HAWKER:

Senate Resolution 1267 offered by Senator Karpziel.

Senate Resolution 1268 offered by Senator Luft.

Senate Resolution 1269 offered by Senator Thomas Dunn.

Senate Resolution 1270 offered by Senator Demuzio and all Members.

Senate Resolution 1271 offered by Senator Smith.

Senate Resolution 1272 offered by Senator Daley.

Senate Resolution 1273 offered by Senator Topinka.

Senate Resolution 1274 offered by Senator Brookins.

And Senate Resolution 1276 offered by Senator Topinka.

And Senate Joint Resolution 204 offered by Senator Friedland. They're all congratulatory and death resolutions.

PRESIDENT ROCK:

Consent Calendar.

SECRETARY HAWKER:

Senate Resolution 1275 offered by Senators Welch and Jerome

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Joyce.

And Senate Resolution 1277 offered by Senator Maitland. They're both substantive.

PRESIDENT ROCK:

Executive. All right. Ladies and Gentlemen, it is Friday, June 22nd. We are confronted with a deadline for consideration of House Bills in the Senate. And so, we will proceed on Page 6 on the Calendar, on the Order of House Bills 3rd Reading. It appears that there are fifty-two matters on the Calendar that have been ruled exempt, thus far. I am told that a number of Members have, again, requested the opportunity to recall bills for even further amendment. We will go through the House Bills on 3rd Reading, and then do the Recall Calendar. Senator Weaver, you ready? On the Order of House Bills 3rd Reading, top of Page 6, is House Bill 309. Read the bill, Madam Secretary, please.

SECRETARY HAWKER:

House Bill 309.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. House Bill 309 does several things, and I'll briefly cover them, and then be happy to answer any questions. First, it creates a fund -- an Income Tax Check-off Fund for Youth Drug Abuse Prevention Fund. And the second amendment is one -- a cleanup amendment from Revenue, which extends the Taxpayers Protest Fund for income tax from forty-five to sixty days. This allows the exemption for persons claimed on another taxpayer's return. As far as motor fuel tax enforcement proposals, it revises the law to treat diesel and other special fuels in the same manner as gasoline. It allows the -- the

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department to provide local governments with lists of circuit breaker recipients for local tax administration. It enables the department to enter into international fuel tax agreements. It extends taxpayers protests from twenty to sixty days. Revises the invested capital tax on utility companies, to conform to the Telecommunications Excise Tax. Amendment No. 3 allows the City of Chicago to form a special service area in the Loop, to provide local funding sources for the proposed downtown trolley. So those -- that's basically what it does. If anyone has any questions, I'll try to answer them. Otherwise, I'd appreciate a favorable roll call.

PRESIDENT ROCK:

Discussion? Senator Netsch.

SENATOR NETSCH:

Thank you. Briefly, Mr. President. The -- the bill is, as Senator Weaver described. I -- I arise only because it is a very thick piece of work, and it sometimes scares Members when they are asked to vote on something that they have not had a chance to read, in detail, dealing with revenue. It is almost all technical. Almost all of it we have seen before. The only exception is the change in the way the diesel fuel tax is going to be collected and enforced. And that has been approved by lots of people. And as I indicated yesterday, I think is a good way of doing it, in any event. So I think it's a good piece of legislation. And I would urge my Members to vote Yes.

PRESIDENT ROCK:

Further discussion? Senator Kelly.

SENATOR KELLY:

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

PRESIDENT ROCK:

Sponsor indicates he will yield, Senator Kelly.

SENATOR KELLY:

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Senator Weaver, can you tell me if these check-off for the Youth Drug Youth Prevention Fund - are these funds going to go to DASA? And if so, are they earmarked for any particular programs?

PRESIDENT ROCK:

Senator Weaver.

SENATOR WEAVER:

As you know, we're changing the name of that fund. But, since initiation of this check-off, those funds have been handled through the -- the Illinois Alcohol and Other Drug Dependency Programs. And the last figure I had on it was in '89 they generated a hundred and sixty-nine thousand dollars for that purpose.

PRESIDENT ROCK:

All right. Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. Senator Weaver, I'm addressing the Amendment No. 3 part of House Bill 309. I'm a little confused by the special service area which is being proposed for a Loop - or a downtown trolley system. What does this funding source -- and -- and -- I know the analysis says that it includes only non-residential property. And then it just rankles me when - I read the next part. It says, "May extend a property tax on such parcels." Could you please elaborate on what that means?

PRESIDENT ROCK:

Senator Weaver.

SENATOR WEAVER:

Yes. The tax will only be put on businesses that benefit from this trolley service throughout the Loop. It will not be placed on any residential property.

PRESIDENT ROCK:

Senator Dudycz.

SENATOR DUDYCZ:

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Is this a new trolley system, because I'm unaware of one that's in existence now in the city?

PRESIDENT ROCK:

Senator Weaver.

SENATOR WEAVER:

It's in the planning stage now.

PRESIDENT ROCK:

Further discussion? Senator Keats.

SENATOR KEATS:

Just a quick question. Not wishing to harass the sponsor, but knowing that there're private sector people who want to do this, why are we turning to a social solution, when we got private sector people who are very interested in doing this sort of thing; and have a track record of doing it at about two-thirds of the cost of government doing it?

PRESIDENT ROCK:

Senator Weaver.

SENATOR WEAVER:

Well, Senator Keats, I might defer to Senator Rock for an explanation on that. I -- I'm not that familiar with -- with what planning has gone on, to date.

PRESIDENT ROCK:

Senator Collins, can you take the Podium? I have been requested to respond to a question. ...(machine cutoff)...

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Rock.

SENATOR ROCK:

Yes. Please, if you'd repeat the question, Senator Keats, I'd appreciate it.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Keats.

SENATOR KEATS:

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When I was looking at this amendment, there are private businessmen right now who are attempting to go into the market with a product that is tailor-made for downtown Chicago - tailor made for airports. It's a much cheaper system. It's actually run in the air. I mean you talk about new technology. Because it's done with electricity, they can use these lighter cars, and it goes up on poles that are not a lot heavier than light poles. And they have talked to me. I know they've talked to some of the people at the RTA. It sounds to me like they haven't yet talked to the City. And their cost figures were at least a third cheaper than anything we've seen. And this is not in any way knocking the City, but saying their cost figures were excellent. And the best part about them - it doesn't take new land. I mean the point is, they can run right down the middle of the street 'cause they're up in the air. What I'm wondering is, this would kind of foreclose them. I just want to make sure we don't foreclose the private sector for an option that may not be the best option.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Rock.

SENATOR ROCK:

Well, I -- I think that that's right on the money. We are -- that's the purpose of this. We are deliberately not foreclosing the private sector, because the ones who brought this plan to the City are, in fact, the Chicago Development Council, many of whom are your friends and supporters. And the -- they envision this as a one-third/ one-third/ one-third - obviously then to make three-thirds with federal UMTA money and -- and City of Chicago or - and/or State of Illinois money and private money. And they are -- we are at the feasibility study stage. And all this is doing -- this amendment is a technical amendment, to afford downtown Chicago the opportunity to designate this district for the purposes of planning, and for the purposes of proper application

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to the federal bureaucracy to receive some federal money for the planning. But no, there is no attempt -- no intent to, in any way, foreclose the private sector. As a matter of fact, they have been directly involved, thus far, and will continue to be involved.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Dudycz.

SENATOR DUDYCH:

Yes. Thank you, Madam President. I apologize for rising a second time, but this question will be addressed, I guess, to Senator Rock. Just for clarification, Senator, is there any known opposition to this special service area downtown?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Rock.

SENATOR ROCK:

There is not. It effects only downtown Chicago. There was some concern expressed by Senator D'Arco, and others, as to whether or not the residential properties would be included in the special service tax aspect of this. They are deliberately excluded, so that -- no. There is no opposition.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Weaver, to close.

SENATOR WEAVER:

I would only ask for a favorable roll call, Madam President.

PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall House Bill 309 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 57 Ayes, no Nays, none voting Present. Having received the constitutional majority, House Bill 309 is declared passed. On the Order of 3rd Reading, House Bill 954. Senator Kelly. House Bill 1220. Senator Welch.

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At the top of Page 7 -- Senator Rock.

SENATOR ROCK:

Thank you, Madam President, Ladies and Gentlemen of the Senate. I'm sure everyone is aware there are currently a number of meetings taking place - both on the second floor, and the fourth floor, and the Governor's got a couple of meetings going. So in deference to all these Members, why don't we just generally get leave to get back to some of these things, if, indeed, some of these folks are off the Floor. We're going to be here all day anyway, it appears. So we might as well afford everybody an equal opportunity to -- to have their measure heard.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator -- Senator Rock requests leave for those representatives in meetings to be able to come back to -- to that order of business, and get to those bills. Is leave granted? Leave is granted. Senator Kelly.

SENATOR KELLY:

Yes. Mr. President, can we go back to House Bill 954, which was the last bill?

PRESIDING OFFICER: (SENATOR COLLINS)

Okay. Senator Kelly, on House Bill 954. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 954

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Kelly.

SENATOR KELLY:

Thank you, Mr. President, Members of the Senate. House Bill 954, as amended, prohibits the Department of Mental Health and Developmental Disabilities from promulgating rules requiring

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minimum distances for CILA facilities. This was Senator Fawell's amendment, which I mention will be met with some resistance in the House. Also the bill created a coordinating committee on transportation, which Senator Netsch expects to provide efficient, cost-effective delivery of transportation services for the handicapped and seniors. This bill will probably end up in a conference committee. However, it is the last part of the Governor's package to revise the Mental Health Code. And I solicit your support - would ask you to support House Bill 954, as amended.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? Discussion? If not, the question is, shall House Bill 954 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 57 Ayes, no Nays, none voting Present. Having received the constitutional majority, House Bill 50 -- I mean 954, is declared passed. House Bill 1220. Senator Welch. House Bill 12 -- I mean -- House Bill 1560. Senator Hall. House Bill 1699. Senator Rigney. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 1699.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Rigney.

SENATOR RIGNEY:

Madam President, 1699, as you perhaps recall, is the bill that provides for chiropractic students, when they are in their last term of study, to be able to go out and practice under the direct supervision of a chiropractor that is in practice in the State of Illinois. It was amended to clean up some technical questions.

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It is now fully supported by the various chiropractic schools in this area, and also by the Medical Society, and by the Department of Professional Regulation.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? Senator Davidson.

SENATOR DAVIDSON:

Madam President, Members of the Senate, I have to declare a possible conflict. I do rise in support of this bill. As Senator Rigney says, this has been an ongoing discussion for over a year. An agreement has now been reached by all parties concerned. And I expect to vote Aye.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDING OFFICER: (SENATOR COLLINS)

He indicates he will yield.

SENATOR FAWELL:

I have, probably, what I consider the best chiropractic college in my district - National College of Chiropractic. And I assume if Dr. Davidson, who is an alumni of that, says it's alright, it is. But I would like to know for sure. It's alright with them?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Rigney.

SENATOR RIGNEY:

Yes. National, Palmer and Logan are all in agreement on this amended form of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Rigney, to close.

SENATOR RIGNEY:

Just ask for a favorable vote.

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PRESIDING OFFICER: (SENATOR COLLINS)

The question is, shall House Bill 1699 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, no Nays, none voting Present. Having received the constitutional majority, House Bill 1699 is declared passed. House -- we have two requests to film the -- the proceedings. Is leave granted? Leave is granted. WCIA-TV. Leave is granted. On the Order of 3rd Reading, House Bill 1762. Senator Madigan. Read the bill.

SECRETARY HAWKER:

House Bill 1762.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Madam Chairman, Members of the Senate. Senate -- or House Bill 1762, as amended, provides that school districts shall make no reduction in salary of employees who are subpoenaed to testify on any school-related matter that is pending in court. If the employee receives a per diem fee from the court that -- that will serve to offset any payments made to the employee by the school district. In other words, the school district may deduct that amount of the per diem from the salary, so that the person receives no net loss in pay for -- to testify on a school-related matter. I'd be glad to answer any questions, and would ask for its favorable adoption by the Senate.

PRESIDING OFFICER: (SENATOR COLLINS)

Discussion? If not, the question is, shall House Bill 1762 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take

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the record, Madam Secretary. On that question, there are 58 Ayes, no Nays, none voting Present. Having received the constitutional majority, House Bill 1762 is declared passed. House Bill 2389. Senator Jacobs. Read the bill.

SECRETARY HAWKER:

House Bill 2389.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam Chairman, Ladies and Gentlemen of the Senate. This is the Workman's Comp Bill, as amended. It's generally technical in nature, and is sought by the Industrial Commission. It's agreed to by labor, management, the municipal league, and all parties west of the Mississippi. If you have any questions, I'd be happy to try to answer them.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? If not, the question is, shall House Bill 2389 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. On that question, there are 58 Ayes, no Nays, none voting Present. Having received the constitutional majority, House Bill 2389 is declared passed. House Bill 2700. Senator Woodyard. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 2700.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Woodyard.

SENATOR WOODYARD:

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Thank you, Madam President and Members of the Senate. House Bill 2700 was a bill held over from last year when there was not agreement between the Department of Conservation and the Chicago Herpetological Society. There is agreement now on this particular bill. And it simply provides protection, or extends protection, for snakes, reptiles, toads, frogs - all of those little critters. And as far as I know, there's no opposition to this bill at this time, and I would move for its passage.

PRESIDING OFFICER: (SENATOR COLLINS)

Any discussion? Discussion? Senator Schaffer.

SENATOR SCHAFFER:

I - like I suspect some of my, at least downstate colleagues, grew up along a river; and as a kid from time to time went out and caught a frog and kept it in a fish bowl for a while and then put it back in the river. Is that now illegal?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Woodyard.

SENATOR WOODYARD:

No.

SENATOR SCHAFFER:

What exactly does this bill do? I mean are we - on behalf of, you know, all the Huck Finns of the world, we are curious. What are you doing to us?

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Woodyard.

SENATOR WOODYARD:

What this bill does - it expands the protection of not an endangered species or anything like that, but it expands some protection to these amphibious creatures, meaning it sets a value in case there is evidently some kind of liability or -- or people are actually catching these critters and reselling them. The -- it -- it provides a -- a fee of two dollars per snake, I guess, in

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case that person should be prosecuted.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Schaffer.

SENATOR SCHAFFER:

Well, you know, the schools are closed now, but in the Springs, most of the little labs in the grade schools and high school have a garter snake in a fish tank and - have we, you know, I mean -- I -- I mean two dollars isn't exactly what you call severe. But, you know, I just have this horrible picture of two of our green-clad conservation officers dragging out the science teacher in front of his students for violating this law. You know. I just, you know, I mean I want to protect the frogs and the toads as much as anybody else, but, you know, I just -- are we going nuts? Tell me we aren't going nuts.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Woodyard.

SENATOR WOODYARD:

Well, Senator, the intent of this bill is certainly to -- to prevent that from happening. There would have to be a complaint filed, and so on. And -- and the problems last year with this bill was that there was a fear that cases like you mentioned would occur. And -- and it's my understanding that those fears are going to be addressed in Rules, to where you're not going to have these things occur as you suggested.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Schaffer.

SENATOR SCHAFFER:

Then it is safe to say that the legislative intent of this bill is not to disallow the normal kind of activities, where a kid will catch a frog and have it in a little thing for a while and then put it back in the pond, or a grade school or high school teacher that may have a snake in their, you know, in the aquarium

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for a while. That these are not -- you're not talking -- you're talking about people who are out there maliciously slaughtering frogs for profit, or whatever. We're not talking about Huck Finn or the grade school biology teacher.

PRESIDING OFFICER: (SENATOR COLLINS)

Senator Woodyard.

SENATOR WOODYARD:

Senator, you are absolutely correct. The legislative intent is -- is thrust at being able to protect those amphibians, where you might have people that would come in and capture these things in large amounts; and there is -- there is no provision under the law to set a value or to prosecute those people. And by the same token, there is no legislative intent in this bill to -- to prevent a child or -- or an individual from -- from taking one of these in his back yard, or picking up a snake in his back yard and putting it in a stream, or whatever, or in a science class.

PRESIDING OFFICER: (SENATOR COLLINS)

Further discussion? Senator Woodyard, to close. The question is, shall House Bill 2700 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 50 Ayes, 7 Nays, none voting Present. Having received the constitutional majority, House Bill 2700 is declared passed.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Welch is back on the Floor. Would you like to go back to page 6 for House Bill 1220 and pick that up? On Page 6, on the Order of 3rd Reading is House Bill 1220. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

House Bill 1220.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President. House Bill 1220 is a bill to provide money for schools that consolidated but did not get money from the Consolidation Fund. They passed the -- the referendum between April 1st of '89 and July 1st of '89, but because it didn't actually occur, they did not receive the money. The three schools involved are Ashland, Kinmundy and Streator. The fiscal year '91 budget includes the money to fund this. Six million dollars has been appropriated, but the State Board of Education only obligated 4.7 million dollars so far. Part of this bill has already been added as an amendment to another bill for two of three schools. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall House Bill 1220 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wished? Have all voted who wish? Have all voted who wish? Take the record, please, Madam Secretary. On that question, the Ayes are 56, the Nays are 1, none voting Present. And House Bill 1220, having received the required constitutional majority, is declared passed. At the bottom of Page 7 is 2842. House Bill 2842. Senator Welch. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

House Bill 2842.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Welch.

SENATOR WELCH:

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Thank you, Mr. President. What this bill will do - will increase the size of the Board of Regents by two members, with the stipulation that one new member be a graduate of Illinois State University, the other a graduate of Northern Illinois University. An amendment was added to do the same for Sangamon State University, but what it does is say that one of the new members -- one of the members to be replaced has to be a Sangamon State University graduate, so that there will continue to be nine members on the board. In addition, there is a provision added, at the request of Representative Ropp, concerning part-time students and the Communicable Disease Immunization Act that we've already passed. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall House Bill 2842 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wished? Have all voted who wish? Have all voted who wish? Take the record, please, Madam Secretary. On that question, the Ayes are 57, the Nays are 1, none voting Present. House Bill 2842, having received the required constitutional majority, is declared passed. Bottom of Page 7 is House Bill 2899. Senator Collins. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

House Bill 2899.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Collins.

SENATOR COLLINS:

Yes. Thank you, Mr. President and Members of the Senate. This is a bill put forth by the Chicago CTA, because of a problem they're having in reference to the -- those -- criminal background

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checks on those persons who contract with CTA for the purposes of transporting CTA passengers. And that's basically all it does. It gives them the authority to do, and have conducted, criminal background checks. And I would be happy to answer any questions. If not, I would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? Senator Raica.

SENATOR RAICA:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates she'll yield.

SENATOR RAICA:

Senator Collins, does this deal strictly with bus drivers? It says public drivers. Does this have anything to do with ambulance drivers or anything else?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Collins.

SENATOR COLLINS:

Only those under contract with the Transit Authority. So those in that.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Watson.

SENATOR WATSON:

Yes, Mr. President. I think it should be mentioned that Amendment No. 4 - and I believe Amendment No. 4 is still part of House Bill 2899 - and maybe I should direct that question to the sponsor. Is Amendment No. 4 still part of this legislation?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Collins.

SENATOR COLLINS:

Yes, it is.

PRESIDING OFFICER: (SENATOR LUFT)

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Senator Watson.

SENATOR WATSON:

Would you explain to the Body what that -- that amendment does?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Collins.

SENATOR COLLINS:

Given that that was your amendment, I -- I -- I -- I would yield to you for you to explain it. However, I can say that the problem that the amendment attempts to address is one of advertisement on the CTA buses.

PRESIDING OFFICER: (SENATOR LUFT)

Senator -- Senator Watson.

SENATOR WATSON:

Well, I believe that -- that we should mention this, because the amendment was put on the other day. And I appreciate the sponsor in allowing us to do this, and I also appreciate her support of this -- of this concept. What's happening, and what's happened in the CTA, and it's unfortunate what -- what has happened there, because they simply don't support the -- the language and the concept that's being projected by some signs that are -- that are being called public service messages, that are being put on the CTA buses in Chicago. Those messages - I've got a copy of -- of the board here, that will be put on there. It's about a ten foot by three foot bill -- billboard on the side of buses. And it says, "kissing doesn't kill. Greed and indifference do." And it's put out by the Arts Against AIDS. And what it's trying to do is try to send a message, I guess, that kissing isn't part of the AIDS problem, that greed and indifference is the problem. And that's a - that's a message that I'm not sure that really is -- needs to be said, at this particular time. I think that the message they're trying to

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condone here, when they have people kissing of the same gender - opposite sex. We just have some concern about the lifestyle that this is projecting to the people of -- of the Chicago area. So, with this amendment on there, I think it's important that we allow the CTA to make the decision for themselves as to what they can put up as a public service announcement.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Marovitz.

SENATOR MAROVITZ:

Well I, very briefly, will just go on record opposed to that amendment. And, therefore, I will not be able to vote for the bill. I mean, since when do we stand here and say, "Well, we as a Legislature, we don't -- we don't think this advertising is good. So since we don't think this advertising is good, we're going to ban this advertising." I mean, you know, let's really get serious about priorities here. Okay? I mean, who are we to decide what advertising is -- is -- is quality, what advertising is good, what advertising is going to be effective and what isn't? And when we start doing that, and beginning to abridge people's rights of free speech and freedom, I think we're really in serious trouble, and we're taking a look at things that we really shouldn't. A lot of people say that the people of the State of Illinois are not safe until the Legislature adjourns. Putting something like this on a bill really makes that true.

PRESIDING OFFICER: (SENATOR LUFT)

It's 10:22 on Friday, and all of the sudden five lights just went on. Senator Alexander.

SENATOR ALEXANDER:

Thank you. The -- the subject matter - would it ban a poster relative to sickle cell anemia, heart conditions, or any diabetes? I'm talking to Senator Watson. The amendment -- Watson -- Senator Watson, please forgive me. Senator Watson, would it ban a poster

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relative to sickle cell anemia, tuberculosis, heart disease - your -- your amendment?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Watson.

SENATOR WATSON:

No, it would not. And that's the intent of what we're trying to do. There were some people who wanted to ban public service announcements altogether. And that would have an impact on sickle cell anemia, boy scouts, red cross, and we said no. But we were trying to be very explicit as to what we're trying to ban, and that's people kissing of the same sex, and the message that's being portrayed here, and the lifestyle that's being condoned by this type of billboard.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Alexander.

SENATOR ALEXANDER:

Senator Watson, your amendment - is it mandatorial <sic> or is it a volunteer thing? Is it -- I haven't read your amendment, please.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Watson.

SENATOR WATSON:

Well, it says, "No photograph advertisement." I would say it's mandatory that displays -- this type of message cannot be placed on a transportation vehicle.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Alexander.

SENATOR ALEXANDER:

Are we saying that the message that the advertisement would carry is good only for Chicago? 'Cause I'm referencing that you're trying to get the message or the education out about AIDS. Are we saying that Chicago only has AIDS, and not the rest of the

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State? So it's just in the Chicago area. Don't you have buses down here, or in other parts of the State?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. No, there's messages now out there by the same group, that are being posted that really try to address the problem of AIDS. And I think that that's a concern that we all have. And -- but -- but the with the concern that we have with this particular poster, and this particular billboard, and others that are supposedly going to follow, is not necessarily the message that we're concerned about AIDS. It's that we support a certain lifestyle. And that is a -- that's the problem that we have with -- with these particular billboards.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Alexander.

SENATOR ALEXANDER:

I can understand what the Senator is attempting to do, but the lifestyle that he is suggesting is localized to the Chicago area is nationwide -- international-wide. So I would suggest that if he's going to leave it on, that if he takes it to conference committee and they let it be put into the bill to cover the entire State. It is not just a local issue.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Hall.

SENATOR HALL:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I just want to mention that all of us on the Appropriation Committee are meeting. And I -- we should have leave, and we always had had leave to -- if we can have our seatmates just vote us. You know we're here. And anything, if you're going to call us all down, we'll never get the

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appropriation things. It's been a joint effort, we've worked well together, but we need to be sitting up there with the House. So is -- so can we get leave? We need to. That's -- that's not right to call us back down here. So I request leave that we could be -- have our seatmate vote us. We're in the building. We're here, and we're trying to go over these things.

PRESIDING OFFICER: (SENATOR LUFT)

I think that both Senator Rock and Senator Philip are aware of the circumstances this time of the year, and we will try to accommodate our Members. Further discussion? Further discussion? Senator Raica.

SENATOR RAICA:

Mr. President, to what Senator Hall -- I -- I agree with him. In fact, I think we should only leave about four people on the floor, and we'd probably get out of here much better without the conversation on the floor.

PRESIDING OFFICER: (SENATOR LUFT)

I think you'll find a lot of agreement to that. Senator Schaffer.

SENATOR SCHAFFER:

Well, I agree. I think that's a very workable solution. Without it, the session would be extended. But I was just curious, Senator Hall, what provision in our rules would allow us to give you that authority?

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion on House Bill 2-8-9-9? Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I -- I have just had a look at this so-called billboard they've been running. And I'm going to tell you one thing; if there's anything normal about that, I don't know what it would be. You know, it would be different if they -- if they weren't showing

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people's mouths wide open, and showing two men kissing - two women kissing. If that is normal procedure in society today, it's a terrible standard. It's disgusting - it's revolting, and we shouldn't be promoting it. The next thing we'll see on the side of the bus is that two men ought to be able to get married - two women ought to be able to get married, and then they'll want to adopt kids. It's a bad idea, and we ought to support the Senator from Southern Illinois.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Collins, you wish to close?

SENATOR COLLINS:

Yes. Thank you. First, to Senator Watson. You should have stopped while you were ahead. We -- let me -- let me try and respond to why -- may I have some order, please, 'cause I'm not going to try and talk over all this.

PRESIDING OFFICER: (SENATOR LUFT)

This is a very important bill. Could we please have your attention. Give the Lady some attention, please. Thank you.

SENATOR COLLINS:

Let me first say that the bill, as it...

PRESIDING OFFICER: (SENATOR LUFT)

Senator Marovitz, could we break up the conference there, so Senator Collins can explain her bill, please. She's closing. Please. Thank you.

SENATOR COLLINS:

Yes. Thank you. The original bill is very important. It -- it address some critical problems that would, hopefully, avoid - it came about as a - as a result of a lawsuit filed against CTA and -- by one of the private carriers contracted with the -- with CTA involving a incident that happened with one of the private carriers. And at that time, they had no authority to do criminal background checks. And to avoid future lawsuits, this bill

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emanated from that problem, which was a good idea. Subsequently to that, it was called to the attention of some of the Members here, in the House and in the Senate, about this new wave of advertisement, not only in Illinois, but across the country. And there's serious problems with that, because the real problem speaks to the heart of the recent Supreme Court rulings, as it relates to freedom of speech and freedom of expression, around burning the flag issue. The amendment, as it is drafted, after they had several meetings of the task force by the House, and I was asked to sit in on that task force - I think everyone agreed that the amendment, as drafted, has some very serious constitutional questions. However, they agreed to put forth this amendment to, hopefully, take some of the weight off of CTA. If it is unconstitutional, then they will be -- they will be acting in accordance to State law. It's up to you how you vote on that amendment, but I would ask you to pass the bill. We can send it back to the sponsor in the House. The sponsor in the House has indicated to me that he is not for the amendment. And so this bill could end up in a conference committee. But, please, do not kill this bill. Give me an opportunity to send it back over to the House. I would solicit your favorable vote.

PRESIDING OFFICER: (SENATOR LUFT)

The question is, shall House Bill 2899 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Did I call it? Take the record, please, Madam Secretary. On that question, the Ayes are 49, the Nays are 2, 2 voting Present. House Bill 2899, having received the required constitutional majority, is declared passed. Page 8. Top of Page 8. House Bills 3rd Reading is House Bill 2907. Senator Netsch. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

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House Bill 2907.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. House Bill 2907 is the Family Responsibility Law of Illinois. It is identical, with one minor exception, to the Senate Bill - Senate Bill 1501, which we passed earlier this Session, and to the bill which we passed last year which was vetoed by the Governor. I think we have had this debate on numerous occasions. There's only one point that I would address, and that is the amendment that Senator DeAngelis had filed, which was non-germane, having to do with the -- a tax credit on UI costs. And I would simply point out to Senator DeAngelis that under the existing law, if an employee leaves because of a certified illness of a child or a pregnancy, voluntarily, that that person is already entitled to recover unemployment compensation benefits. So that the family leave bill, as law, would make, substantially, no difference in that connection. I think that really settles that issue. Beyond that, I would be happy to answer any additional questions. If not, I would ask for an even better roll call than the last one.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Hudson.

SENATOR HUDSON:

Thank you, Mr. President. Well, I rise in opposition to this measure because here, once again, we go interjecting government into what ought to be, I think, private affairs - small businessmen - businessmen across the State of Illinois handling these matters as they see fit. And I think that most business people are responsible enough to take these things -- these --

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these necessities for leave, and the rest of it, seriously enough to -- to provide for their employees. But for the State to say, "You have to do this and you must do this," to me is making what used to be discretionary policy, now making it mandatory. And I -- I -- I think we ought to take a good hard look before we travel down this road. The business community in the State of Illinois is, generally speaking, is not in favor of this, as I understand it. And it seems to me that we ought to listen to some of these people when they cry for some relief from ever present State mandates on what -- what should be their business. So I -- I would urge you, Members of the Senate, to -- to vote No on this bill.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. I certainly don't disagree with anything Senator Hudson said, except that we come to different conclusions. This is really a dilemma bill. On the one hand, I clearly recognize the needs for families to devote time to newborn children, to extended family illnesses, and so forth. However, I want those on the other side, and the State Chamber to know that as Chair of Economic Development - I recognize the complications this can pose for many businesses - businesses that operate on a very narrow margin of profit. Reluctantly, I'm going to vote for this, because it does not require employees to pay for the extended leave. I point out that temporary workers do cost less, and in that respect there is some relief present for employers. But it is with reluctance that I come to this conclusion. I support this bill, and would urge my constituents to do likewise.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Holmberg.

SENATOR HOLMBERG:

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Thank you, Mr. President. Not to long ago I had a visit from a class of grade school children, and they each wrote a letter to me on an issue that they were concerned about. One of the girls in that class sent a letter to me that reads like this: "Dear Joyce Holmberg, I'm writing to you about family leave. I think that mothers or fathers should be given the right to take work off to care for their children, then come and find their work still available. Why do I think as I do? Very simple. Let me tell you an example. Just a week ago my sister got the chicken pox. My mom could not take off of work. She had to find people who didn't work, and that wasn't easily done. My mom had to ask several people twice, and she was stressed out. Even the children of Illinois know that the time has come to allow family leave."

PRESIDING OFFICER: (SENATOR LUFT)

...(machine cutoff)...discussion? Further discussion? If not, Senator Netsch, you wish to close?

SENATOR NETSCH:

I solicit your support for this very important piece of legislation that will become the policy of Illinois.

PRESIDING OFFICER: (SENATOR LUFT)

Question is, shall House Bill 2907 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Last time. Have all voted who wished? Take the record, please, Madam Secretary. On that question, the Ayes are 29, the Nays are 26, none voting Present. House Bill 2907, having not received the required constitutional majority, is declared failed. Senator Netsch ...(machine cutoff)... asks to have House Bill 2907 put on the Order of Postponed Consideration. On the Order of 3rd Reading is House Bill 3058. Senator Collins. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

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House Bill 3058.

(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 Bill 3058 creates the Homeless Prevention Act. And what it simply does - it provides for a one-time grant for those persons who meet the federal income lines, to assist them when they have crisis in their families that -- and they are no longer able to maintain their place of residence. I would be happy to answer any questions. If not, I would just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall House Bill 3058 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. -- Madam Secretary. On that question, the Ayes are 55, the Nays are none, none voting Present. House Bill 3058, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading is House Bill 3085. Senator Thomas Dunn. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

House Bill 3085.

(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 is supported by the State Board of Education and the regional superintendents. Excuse me.

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And what it does is - that it allows the regional superintendents to borrow funds to begin programs when State or federal grant money is delayed. It includes the regional superintendents and educational service region employees and regional boards and school trustees under the Tort Immunity Act; and requires the State Board of Education shall report audits to the Legislative Audit Commission, when completed, of each additional service region.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Holmberg.

SENATOR HOLMBERG:

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

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates he will yield.

SENATOR HOLMBERG:

Did I hear you say that this gives regional superintendents the ability to get a loan if their federal grants are delayed? What kind of procedures are we getting into, here, Senator Dunn?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Dunn.

SENATOR T. DUNN:

We're getting into a procedure to allow them to complete a grant that's already been approved, and the money hasn't arrived, and they can borrow temporarily till the money's arrived. And then they pay it back. It's simple.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? If not, the question is, shall House Bill 3085 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wished? Have all voted who wish? Have all voted who wish? Take the record, please, Madam Secretary. On that question, the Ayes are 55, the Nays are 2, 1 voting Present, and House Bill 3085,

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having received the required constitutional majority, is declared passed. On the Order of 3rd Reading is House Bill 3090. Senator Watson. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

House Bill 3090.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. This bill ends up being a Christmas tree, so to speak, for the township officials for legislation that was, unfortunately, held in the Rules Committee. There's the original bill and four amendments. The original bill provided that for purposes of bidding procedures, the -- the terms "new machinery" and "new equipment" mean machinery and equipment that has not been titled, or that has fewer than two hundred operating hours and is accompanied by a manufacturers warranty. Amendment No. 1 was put on by Senator O'Daniel, which is House Bill 4173, which passed out 107 to 2 but did not get out of the Rules Committee. And this requires that once a rate has been established by the township trustees, for road purposes, that that rate will -- will remain in effect until changed by the board. Amendment No. 2 requires that when a written request for a special town meeting is filed in the town clerk's office, the meeting shall be held not less than fourteen days, nor not more than forty-five days after the request has been filed. Amendment No. 3 was offered by Senator Rea. Again, it was a House Bill, 3118, that passed 111 to nothing, but was in -- held in Rules. This removes the requirement that road district's highway commissioners, in determining the amount of taxes necessary to be levied for road purposes, they state separately the several

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amounts to be levied for construction of roads and other purposes. And, finally, Amendment No. 4, which I offered yesterday, simply adds the word "church" to those -- those individuals or those groups that can contract with a municipality or -- or county in regulating the traffic pattern in parking areas. I know of no opposition, and would appreciate your support.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Discussion? If not, the question is, shall House Bill 3090 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 that question, the Ayes are 57, the Nays are none, and none voting Present. House Bill 3090, having received the required constitutional majority, is declared passed. On the Order of House Bills 3rd Reading is House Bill 3136. Senator Watson. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

House Bill 3136.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Watson.

SENATOR WATSON:

Yes, sir. Thank you, Mr. President. This, too, ended up with several amendments. This particular legislation amends the Southwestern Illinois Development Authority Act. And it made several provisions. It removed the time limit on the chairman of the Authority for reporting to the Governor any lack of monies to pay bonds. It eliminated certain bond requirements which will allow the Authority to help with financing of bridge projects. It incorporates conflict of interest requirements for the members, officers, agents, and employees. It authorizes the pooling of

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community infrastructure revenue bond projects, and allows the Authority to broker such bonds, without assuming ownership of the project. And it extends the existing quick-take powers of the Authority to -- for an additional two years. There was an exemption on the original legislation, which exempted the -- the bonds from Illinois income taxes. We took that provision out, and they now would be subject to tax. So there's no fiscal implications at all to the State. Amendment No. 2 addressed some of the concerns that were brought out by the Revenue Committee which restricted eligibility units of local government to those only located within a certain geographic area of the Authority. And it also required that notices to the Governor of needed State funds must be given as soon as practical, and that amount must be included in the Governor's budget no later than the date of the submission of the State budget, as suggested in Section 38 of the Civil Administrative Code. Amendment No. 3 was an amendment we put on that granted quick-take powers to the City of Morris for one year so that - to help with the development of the Morris Municipal Airport. Amendment No. 4 was offered by Senator Tom Dunn, which created the Will-Kankakee Regional Development Authority, which is very similar to the Southwestern Illinois Development Authority and the Quad Cities Development Authority, giving them the same provisions. Amendment No. 5 was offered by Senator Luft, which created the Tri-County River Valley Development Authority. Again, similar to the other authorities established here in Illinois. Amendment No. 6 had three provisions, offered by Senator Dunn, which made some technical corrections in the -- in the -- in the previous amendment, and also gave some TIF authority to Southwestern Illinois Development Authority.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Geo-Karis.

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SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates he'll yield.

SENATOR GEO-KARIS:

Senator, my analysis says that Amendment No. 4, which creates the Will County Kankakee Regional Development Authority Act, although it gives no taxing power to the proposed Authority, but it could issue up to one hundred million dollars in revenue bonds. Then they've got a statement here - these are moral obligation bonds backed by the State of Illinois. Does that mean the State of Illinois will have to pay those bonds?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Watson.

SENATOR WATSON:

Yes. This -- this is similar language that we have in other Development Authority Acts. The Governor would have to put this in the budget, but the General Assembly - Legislature would not have to -- to act on it.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Further discussion? If not, the question is, shall House Bill 3136 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wish? Take the record, please, Madam Secretary. On that question, the Ayes are 56, the Nays are none, 1 voting Present. House Bill 3136, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading is House Bill 3161. Senator Hawkinson. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

House Bill 3161.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. The original House Bill 3161, which passed the House 114 to nothing, clarifies that the selection procedure by municipalities pertaining to architectural engineering and land surveying services is not in conflict with the provisions of the bid rigging Act that we passed last year. I don't believe that's controversial with the amendment. I did put on Amendment 2, which is going to cause, and I pledge that this bill will go to conference committee to work out differences with some language that Senator Dunn has in a separate bill that we'll be passing today, but it does three important things for -- for law enforcement. Number one, it contains the provisions of Senate Bill 2105, which I sponsored, and passed this Body 47 to 2, which provides for use immunity in criminal prosecutions in this State. Currently we have a transactional immunity system which requires that you let a co-defendent completely off for a crime if you need to use his -- his or her testimony. This provision would allow for immunity which would prohibit the use of that testimony, or any fruits of the testimony, against the person, but would still allow you to prosecute if you have independent evidence that that co-defendent committed a crime, and you can prove that that evidence was obtained apart from their testimony. The second thing that it does is it creates the Drug Asset Forfeiture Procedure Act. This is important and it was in Senate Bill 2112, which was on our Agreed Bill List, because right now we have three different forfeiture proceedings in Illinois under the Steroid Act, the Cannabis Act, and the Controlled Substances Act. This improves and consolidates them, so that our law enforcement people will be able to operate under a single system. And, thirdly, it

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contains Senator Barkhausen's Senate Bill 2186, which was also on the Agreed Bill List, which also makes changes in the Narcotics Profit Forfeiture Act, which are important to law enforcement in this State. I would ask for your approval. It will go to conference committee, so that we can resolve some of the differences that the groups have with the forfeiture proceedings.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? If not, the question is, shall House Bill 3161 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wished? Have all voted who wish? Have all voted who wish? Take the record, please, Madam Secretary. On that question, the Ayes are 58, the Nays are none, none voting Present. And House Bill 3161, having received the required constitutional majority, is declared passed. On the Order of 3rd Reading is House Bill 3197. Senator Savickas. Read the bill, please, Madam Secretary.

SECRETARY HAWKER:

House Bill 3197.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER:

Senator Savickas.

SENATOR SAVICKAS:

Yes. Mr. President, Members of the Senate, House Bill 3197 is the civic center bill. It has approximately nine amendments, and they basically accommodate eight different areas for Civic Center Authorities. Senator Demuzio had put on a amendment to eliminate eminent domain -- the eminent domain provision. And at this point, I would solicit your support in sending it back over to the House.

PRESIDING OFFICER: (SENATOR LUFT)

Discussion? Senator Keats.

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SENATOR KEATS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in very strong opposition to this bill. I know the sponsor is caught in a difficult position of there are -- was originally just a minor thing in the bill, but we are now continuing another expansion of the civic center authorities. For those of us who've been here long enough to remember when this thing started, this started out with maybe a finger in the dike. We're now at the point where all Holland is under water. In 1984, six years ago, our debt for civic centers was seventy-five million. Today it's two hundred and seventy-two million, four hundred eighty-one thousand dollars. We have increased our debt almost four times, from seventy-five million, to approaching three hundred million in, literally, a couple of years. This is a program - the original intent of developing regional entertainment and convention centers in downstate Illinois' larger communities - probably was not a bad idea. But we have now reached a point where we have civic centers in townships where the population's so small the Census Bureau probably doesn't check. We have got to, at some time, start to show restraint. I think many Members of the General Assembly have seen the publication called Illinois Civic Centers, put out by the Taxpayer's Federation. If you would ever like to read a nightmare, take a look at some of this information. We are now up to fifty-six Civic Centers -- Authorities. Not all are funded yet, but they're all waiting in line for the pork barrel. And the problem is each year, when some new major project comes up, you got some local official who comes down here and beats on you and says, "oh, you got to get me a civic center, and you got to get me the money," and so you say, "well, if I'm going to vote for this, I'll get it for him." Guys, there's only one way to get yourself out of that program, and that is to say, "no more end this increase in civic center authorities"

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so you don't have local officials forever down here banging on us for pork barrel and more pork barrel. Remember, 1984, seventy-five million. Today, almost three hundred million dollars of obligated debt. When you figure we're paying that off in bonds, that means six hundred million because every bond costs us roughly two dollars to pay off. We had a big argument on tax amnesty yesterday for essentially thirty million bucks. That's what we're paying in debt service right now to the General Revenue Fund. We wouldn't even have needed tax amnesty, Senator Netsch. And to the other people who complained about tax amnesty, we wouldn't need it if we'd show some restraint on this civic center fundings. Each time we've had huge increases, we had a tax increase at the time. I'm not arguing pro or con that. But I'm at least saying let's not have significant increases when your not even trading it off on pork barrel. Think about it a little bit and say at least tie the thing down. This is not a year when we need to authorize anything new. There is no question that as long as you say to local officials, "here is free State money," and we continually decrease what they have to pay, and increase what we pay, they're going to be here trying to feed at the trough. I ask us to show a little fiscal restraint. Here is a tight budget year where we're grubbing for every dollar, but we're going to go out here and now increase civic center authorities, which guarantees increase in bonded indebtedness and increased financial problems in the future.

END OF TAPE

TAPE 2

PRESIDING OFFICER: (SENATOR LUFT)

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Further discussion? Senator Joyce. J.J. Senator Joyce.  
Senator J.J. Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. President. I, too, rise in opposition to this. It's -- it's gotten to the point of ridiculousness. Yesterday, I believe, an amendment was put on here that we're going to pay for the maintenance, as well, - of some of these civic centers. I have one that's in this. One of my House members put it on and -- and I, for the life of me, can't understand how we can do that, when in my district there's wastewater facilities that need help. We have Radon in wells that need help. If we're doing something in that area, it'd make a little more sense, but to go in and do this when there's thirty-one - now thirty-one civic centers vying for the money that isn't there. It's -- it's kind of a hoax on the folks back home. We put this civic center bill in, and -- and knowing full well it's not going to get any money, and if it does it's -- or, you know, we're probably not going to appropriate any this year, and -- and maybe never again, I would hope. So they're anticipating this, and it's not going to happen. So I think -- I just think we ought to just stop this nonsense and -- and do away with this civic center thing, altogether. Because we all know as long as it's out there, we're going to have people asking for this money. So I would ask for your opposition.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President, Ladies and Gentlemen of the Senate, I completely concur with the two prior speakers. In addition, I represent the City of Waukegan, which is the County Seat in the largest city in all of Lake County, and there's a provision in here that all members of the Waukegan Metropolitan Exposition and Auditorium Authority will be elected from the seven members of the

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county board. The -- the Chairman of the County Board's going to appoint them. I think that's wrong. I think it's so bad that they disregard the fact that Waukegan is the largest city in the whole county. And in addition to the reasons given by Senator Joyce and Senator Keats, I have the further reason to say this is -- the way the whole thing is structured is bad. And I like the expression of Senator Joyce, "It's a hoax on the folks back home." It surely is, and I'm against this bill.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I'd like to focus on one other problem with this proposal. This year, as an example, every social service agency in the State is banging on us because we're not giving them enough. Now, enough doesn't exist, but you know how tight a budget this year is. This bill starts a very, very serious precedent. I agree with my previous speakers regarding moving forward in the construction of civic centers that may be of questionable value, and I really think that that ought to be looked at. But I would suggest to you in an even more serious way, this bill allows, for the first time, the appropriation of State money for operating subsidies. So, not only are we talking about twenty or thirty million dollars of General Revenue Fund money every year for debt service, we are going to be required to take care of our local important constituents to appropriate General Revenue Funds, not for human needs, but for building maintenance, civic center operations. That's the wrong priority, in our budget making. We must stop it now. I urge a No vote.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Karpiel.

SENATOR KARPIEL:

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Thank you, Mr. President. Most all the previous speakers said most of what I wanted to say. I also rise in opposition, but let me just add that another provision of this bill allows one of the civic center authorities that's being proposed, the Boone County one - it authorizes them to be able to put on a one-percent food and beverage tax for the support, construction, maintenance or financing of the authority, et cetera. Including the establishment of reserve funds - an expenditure of funds under an intergovernmental agreement between Belvedere and Boone County. I think we've just gone way off base with this whole legislation. We've gotten totally out of -- I -- our original purpose with this - now we've put on operating funds. We're allowing one of them to put on a one-percent food and beverage tax. Several of these authorities also had eminent domain powers on them, except that we did amend those -- those provisions out. And in addition to that, we're diverting some of the money now to libraries, and I'm a very strong proponent of libraries, but this is way out of -- off base from our original intent. And I urge a No vote.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. To the concerns that have been raised by Senator Joyce, and now Senator Karpziel and others, let me just add one footnote. Some of you may have seen the report that was just released, I believe, by the Taxpayers Federation of Illinois on Illinois' civic centers - an analysis of it from every perspective, including the fiscal point. Let me read just one sentence that the Taxpayers Federation had said in their analysis of our Civic Center Program, "The General Assembly's steadfast resistance to providing operating subsidies for local civic centers deserves acknowledgement and praise." That is no longer the fact. We are now bonding and -- and in otherwise, subsidizing

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the operating subsidies themselves. That is absolute fiscal irresponsibility. And I think Senator Joyce has aptly phrased it, we are perpretrating a hoax now, and it is a financially irresponsible one at this point.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. Very quickly, a question of the sponsor.

PRESIDING OFFICER: (SENATOR LUFT)

Sponsor indicates he'll reluctantly yield.

SENATOR DONAHUE:

It's obvious, from the comments made by various Senators, that the operating -- the use of these bonded monies for operating expenses is a great deal of concern to all of us. Can you give us any indication of what's going to happen with this? Is this coming out in conference? What's going to happen? What's your feeling?

PRESIDING OFFICER: (SENATOR LUFT)

Senator Savickas.

SENATOR SAVICKAS:

Yes. Senator, a House member had requested Senator Luft to introduce that amendment. I says, "Go ahead, give it a shot, we have enough amendments on the bill." I never, in my days here, thought that that would be adopted. Just out of courtesy, we gave him a shot. It was adopted. Obviously, not only that provision, but there is some other concerns. This bill will be headed into a conference committee, and I would guarantee that provision would not be on the final conference committee report.

PRESIDING OFFICER: (SENATOR LUFT)

Senator Donahue.

SENATOR DONAHUE:

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Thank you very much. Just to comment on the bill then. I -- I think that some of the comments that are made are a little bit erroneous, in the sense that the cities and the communities that are in this bill, now have the opportunity to apply for funds. These are not funding these communities. It just gives them the opportunity to go through the same criteria that the other communities that are already applying right now are doing. So I support this, as long as the operating budget is not in there.

PRESIDING OFFICER: (SENATOR LUFT)

Further discussion? Senator Savickas, you wish to close?

SENATOR SAVICKAS:

Yes. Just to comment. Senator Donahue, I think, hit the nail right on the head, that we started the game rolling. Now in the middle of the game, we want to close the door to all those communities that just want to get into it and say, "If there is availability, we want to be in position to apply." That doesn't guarantee them any money. It doesn't guarantee them anything. Unless we provide the money and disburse it, we give them this opportunity to at least be part of the game to show that they're, for their own communities, trying to do something economically. I would suggest that we vote this bill out, get it over to the House, put it in a conference committee, and let all these communities fight it -- fight it out, and come out with something that we all could live with. I would ask for your Aye vote.

PRESIDING OFFICER: (SENATOR LUFT)

The question is, shall House Bill 3197 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. ... (machine cutoff) ... Have all voted who wish? Have all voted who wish? Last time. We're getting close. Have all voted who wish? Take the record, please, Madam Secretary. On that question, the Ayes are 15, the Nays are 35, 5 voting Present. House Bill 3197 does not receive the required constitutional

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majority, and is declared failed. On the Order of 3rd Reading is House Bill 3242. Senator Topinka. Read the bill, please -- Recall. Sorry. House Bill 3272. Senator Hall. House Bill 3288. Senator Kelly. House Bill -- on Page 9 -- top of Page 9. ... (machine cutoff) ...

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Top of Page 9. 3326. Senator Keats. 33 -- 3326, Madam Secretary.

SECRETARY HAWKER:

House Bill 3326.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Keats.

SENATOR KEATS:

I thoroughly explained this yesterday when we put the amendment on, which was an agreed amendment between our State Nuclear Regulatory Agency and the various utilities in the State. This just allows inspectors into facilities. It's a pilot project to see how it works, and it does limit that these are inspectors, not engineers, doing major changes, et cetera. It is agreed with no opposition, and I'd appreciate your support. Thank you.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall House Bill 3326 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 3326, having received the required constitutional majority, is declared passed. House Bill 3337. On the Order of House Bills 3rd Reading, Mr. -- Madam Secretary, please.

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SECRETARY HAWKER:

House Bill 3337.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. This is the Drug-Free Workplace bill. It specifies that an entity with twenty-five or more employees, receiving a grant, or being considered for a contract of five thousand dollars or more from the State of Illinois, shall take steps to certify that it'll maintain a drug-free workplace. Employees -- or -- of the grantee or contractor shall notify employer of a drug violation conviction occurring in the workplace, for purposes of disciplinary action. Also, this creates the bill -- within the bill creates the crime of drug-induced infliction of great bodily harm. Increases penalties for money laundering, based on the amount of laundered and -- of money laundered, and increases penalties for delivery of drugs or paraphernalia to a pregnant woman. There's also the amendment that was put on yesterday by Senator Dudycz, regarding certification that the -- that -- that, in fact, there is a drug-free workplace, which could or could not, depending on your interpretation, involve drug testing. It is my understanding that this -- when this bill goes over to the House, it's going to go to conference, so that we will continue our discussions about some of the more questionable provisions of the legislation. So this bill is definitely going to go to conference. I would solicit you Aye vote for a drug-free workplace.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Philip.

SENATOR PHILIP:

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Thank you, Mr. President, Ladies and Gentlemen of the Senate. I want to commend Senator Marovitz, it's the best bill he's ever had in his whole entire legislative life. I think we ought to pass it the way it is and don't let it go to conference. I know what you've guy -- you left-wingers over there will do. So don't do it. Let's pass this thing, and let it get on the Governor's Desk and sign it.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Marovitz, -- to close? Question is, shall House Bill 3337 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 3337, having received the required constitutional majority, is declared passed. House Bills 3rd Reading is House Bill 3386. 3390 is on the Recall List. 3394. 3412. Senator Berman. House Bills 3rd Reading is House Bill 3412, Madam Secretary.

SECRETARY HAWKER:

House Bill 3412.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 3412 does two things. It deletes a number of specified requirements regarding administrative assistants in the court system, to comply with the new classification system developed by the judicial branch of government. And according -- in accordance with an amendment we adopted yesterday, it provides the same -- standards for salary increases for court reporters as we adopted

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under the revised Compensation Review Board formulary of the federal index commencing July 1 of 1991. Be glad to respond to any questions, and solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Discussion? Senator Watson.

SENATOR WATSON:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Sponsor indicates he will yield. Senator Watson.

SENATOR WATSON:

You mentioned that -- a salary increase for court reporters -- I guess you -- following the same guidelines that we did on the cost-of-living. Can you tell me what a court reporter currently -- what the salary of a court reporter might be?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

I can tell you what the old law specifies. I can't tell you what they, in fact, get. I think that varies from -- from person to person. The -- as I read this, and I may be in error, but let me -- as I read the existing language, beginning July 1 of '87, I think that's the last threshold date, full-time court reporters shall be paid not less than six thousand, nor more than thirty-seven thousand two fifty annually. That's -- that's the language that I have in front of me.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator -- I'm -- Senator Watson.

SENATOR WATSON:

You mentioned a minimum and a maximum there. You said thirty-seven thousand dollars? What is -- and then I guess on top of that they also get some salary or some compensation for transcribing, I understand. This was mentioned in the committee.

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Could you expand on that, please, Senator?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Berman.

SENATOR BERMAN:

Yes. This bill sets out minimums and maximums for -- and the law set out minimums and maximums for the salary of court reporters. In addition, they are paid on a per page basis, depending whether they are originals or copies, for transcripts that are -- that are requested of them. That can vary from zero to - as hard as they work - in response to the request for transcripts.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Watson.

SENATOR WATSON:

I guess - thank you, Senator. I appreciate your response, and so we're -- we're paying people thirty-seven thousand and then we're also giving them money for transcribing -- additional money. We -- we heard testimony in the committee that some court reporters are making seventy - seventy-five thousand dollars a year. I -- I just -- maybe some of these people deserve it. Maybe -- I honestly don't know what a court reporter does. I've seen them work. I don't necessarily understand the expertise behind it, and why they would demand such a salary such as this; but I think for us to give them just an annual increase of -- of up to five percent each year, I think is -- is irresponsible at this time. And I'd -- and of course this has got to be fit into the budget, and we are under certain budget restraints here, and certain concerns about the money being available for these type of things. So I -- I just don't believe this is the time nor the place to be giving court reporters additional money, when some of them are making upwards of seventy thousand dollars a year.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR BERMAN:

Let me respond to Senator Watson's critique of this bill. This bill sets salary schedule. Court reporters in the judicial system are very important. Their accuracy, their diligence, is a very important part of the effective operation of the judicial system. We're talking about a talented, dedicated person whose salary, here at the present time, is a max -- a maximum of thirty-seven thousand two hundred and fifty. Their minimum is six thousand dollars. The other money, and I don't think that it's fair to talk about the transcript costs - those costs are paid, I believe, almost entirely by the attorneys representing the litigants, for copies of the transcripts. That's not State money. It's not public money. So you're talking about a important talented employee at thirty-seven thousand two fifty. I don't think that's out of line at all. What this bill further says is that beginning a year from now, subject to a appropriation and subject to the rule of the administrative office of the Illinois courts, two thresholds, they may get a -- an increase in their salary, which may not exceed five percent, and may, and must be, in line with the federal index, similar to what ours is. I don't think that's unreasonable at all. And I would tell you that there aren't many employees of the State, and court reporters are part of the system, that don't get some raise. If you want good people, you've got to give them reasonable compensation. This is reasonable compensation. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 3412 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Take the

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record. On that question, the Ayes are 34, the Nays are 23, none voting Present. House Bill 3412, having received the required constitutional majority, is declared passed. 3468. Senator Carroll. 3494. Senator Donahue. On the Order of House Bills 3rd Reading is House Bill 3494, Madam Secretary.

SECRETARY HAWKER:

House Bill 3494.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 3494 - the original bill clarified the law for trailers. There have been three amendments; One by DOT, one by the State Police, and one by the Department of Conservation. And I would just move for a favorable roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Question is, shall House Bill 3494 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. House Bill 3494, having received the required constitutional majority, is declared passed. House Bills 3rd Reading is House Bill 3513, Madam Secretary.

SECRETARY HAWKER:

House Bill 3513.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Schaffer.

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SENATOR SCHAFFER:

Mr. President and Members of the Senate, this bill codifies the several references to electronic home detention that already exist in the law, and creates the Electronic Home Detention law. The amendment we put on it was at the request of the -- some of the judiciary, as it affects those people who are on -- out on bond, pending trial or appeal. Basically, I think most of us understand that our local jails, and even our Department of Corrections, are looking at this electronic home detention for some of the people convicted of crimes in this State. And then this bill, I think, makes that process -- puts on a much firmer ground, and sets the guidelines for how that is to work. The Department of Corrections supports the bill. I'm not aware of anyone in opposition. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 3513 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 57, the Nays are none, none voting Present. House Bill 3513, having received the required constitutional majority, is declared passed. House Bills 3rd Reading is House Bill 3528, Madam Secretary.

SECRETARY HAWKER:

House Bill 3528.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, House Bill 3528, in its original form, requires insurance companies to maintain a consumer affairs

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division or department to answer inquiries and complaints from policy holders. And further provides that the company respond in writing to any written requests that it receives from a policy holder within twenty-one days. As the bill has been amended, it also includes recommendations from the health care summit to allow employers to provide group health insurance policies. This is employers with twenty-five or fewer employees - to provide group health insurance policies that are free of many of the mandates -- mandated coverages that are otherwise required by the Insurance Code. As the bill was last amended yesterday by Senators Berman and Severns, the -- the mandate for a mammography was -- was reincluded, even for these otherwise relatively bare-bones, or no-frills policies, and -- and I solicit your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, -- Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. I -- I think it's -- we appreciate the business community's interest in doing something about uncompensated care, and about making health care more accessible and health insurance more affordable. But I think the Body needs to take close look at what the business interest proposed to do about it in this legislation. First of all, this is a -- this is a piece of legislation that has very substantial opposition, and I would hope that the Members listen to this. This is a bill that's opposed by all the labor unions. The proponents of this bill say that they're seeking to provide an option, a more care-bones minimum package of coverage that -- that businesses are now -- are not now required to buy for their employees. This bare-bones option for small employer-purchased insurance doesn't really do very much. It denies what we all know to be true about alcoholism, that it's a disease, and sometimes it's a disease that requires in-patient

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treatment. It eradicates those existing provisions of the Insurance Code, which prohibit insurers from denying claims for psychiatric or physical rehabilitation treatment, simply because these services were provided in the hospitals which don't have surgical facilities. I don't know how many of you know anything about the Rehabilitation Institute in Chicago, and the fine work that Dr. Henry Betts does at that Rehabilitation Institute. You may have known someone who had been in that Institute. My father has been there. Dick Elrod's been there. This would really be extremely detrimental to the Rehabilitation Institute in the City of Chicago. Those kind of hospitals can provide more cost-effective and equally high quality care, and are jeopardized by this legislation. This bill circumvents important policy enacted recently concerning blood processing, and administration. Processing blood and its components for lifesaving transfusion is a very costly procedure. It's even more so today, because of the AIDS crisis, but as necessary as any other element of care. To recognize its necessity, and to avoid increasing the already staggering bad-debt burden carried by many of our hospitals, and jeopardizing many of our hospitals, we've required that this blood processing be covered. But this bill seeks to exempt businesses from including the cost of blood processing in their employee benefit plans. Ladies and Gentlemen of the Senate, current law prohibits insurers from excluding or limiting coverage to Medicaid-eligible beneficiaries. This, effectively, makes Medicaid the secondary payer in such cases. This bill would permit the exclusion of Medicaid-eligibles, which would allow insurers to shift primary payment responsibility to the State of Illinois, and -- our -- increase our, already heavy, burden on Medicaid responsibility. An amendment adopted by voice vote in the final days of this Session is not the way to make sweeping changes in Illinois' health care policy. It's not the way to

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strip workers of basic health care coverage requirements, which they now benefit from. It's not the way to purport to address the problem of uncompensated care. I do appreciate the hard work and expressed intent of this bills proponents, but the implications of their proposal are not beneficial to workers across this State - to people who need rehabilitation across this State. The risk that they're asking us to engage in is overwhelming, and I intend to vote No on this legislation.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Kustra. ...(machine cutoff)...

SENATOR KUSTRA:

Thank you, Mr. President and Member of the Senate. I rise in support of House Bill 3528. And I stand as one who has, a number of times, voted for some of those mandates that have been fought by some of the business community, and certainly the insurance company. I supported the clinical social worker bill, for example. Without going into the merits of any of those, let me just suggest that I certainly do understand the possibility that mandates like that will increase the cost of insurance coverage, and therefore, require businesses to make some tough decisions, as to whether or not they should offer health care insurance coverage to their employees. Understanding their concerns, and understanding the fact that small businesses who operate on the margin, may make the decision to refuse coverage to employees, this particular bill seems to me to be a reasonable approach to save, for the employees of small business firms, the opportunity for health care insurance coverage, and that's what this bill is all about. For those larger firms, they will continue living under the variety of mandates Senator Marovitz thinks are so vital to every citizen, but to small firms, they will simply refuse to offer coverage or, as is the case today, they simply don't offer coverage anyway. What legislation like this does is encourage

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small firms with employees under twenty-five to do just that, to offer coverage. I hear Senator Marovitz say that the labor unions oppose this bill. I'm disappointed in -- in their leadership, in opposition to this bill, because I happen to believe that many of these small business firms operate with employees who are not even labor union members. Those people deserve some kind of coverage. Better that they have the opportunity to participate in some kind of health care policy than no health care policy. This bill gives those folks that opportunity, and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you -- excuse me. Thank you, Mr. President, Ladies and Gentlemen of the Senate. I wasn't going to speak on this bill. I was just going to vote for it, because I think it's a good bill. But I think I -- I have to, at this point, because labor has also contacted me in regards to this bill and -- and their concern is, as I understand it, is that there's going to be an erosion. I think the bill protects that erosion. I think that making insurance available, even though it may be limited insurance, available to the small working man and woman of this country is not all bad. In order to ensure that those who are involved in a Hardee's, or those that are involved in the local drug store, if they want to provide insurance, they now have that availability, and it's now affordable. Everybody's afraid that this thing is going to build into something other than what I think it's going to be, and if it ever comes to that point, I think it's at that time that we can correct the errors. We make a lot of mistakes when we're down here. We pass legislation and whenever we made a mistake, we try to come back and rectify it. I think this is a good -- a good bill. I think it's one that we should -- should go forward with, and if we run into some problems, we can always

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correct them. And I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Further discussion? Senator Thomas Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. I may have a conflict on this. I'm going to vote my conscience.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. I appreciate very much the speakers who have spoken in favor of this bill, and Senator Marovitz, I -- I'm really -- am concerned about the comments you made on this bill. It seems that you imply that, virtually, we're changing all coverage all across the State. Not once can I recall you mentioning that this bill only addresses the concerns of employers with less than twenty-five employees. Keep in mind, Ladies and Gentlemen of the Senate, these are individuals that are not now covered. We're not talking about sweeping changes in the overall health policy in this State. We simply are not. We are attempting to address the needs of those who do not now have insurance, and you all know those problems that exist. This is a critical problem facing society. This is an attempt, as Senator Kustra has so ably pointed out, to address those small employers who have narrow margins, who cannot now afford the kind of premium on the kind of policies that now exist. This is a critically important bill. One that's good for the small employer, and those employees across this State. And I urge your support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman from Whiteside, Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. I just want to say a couple of

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words in support of this bill. We hear people complaining about this approach, and what they're advocating is what those of us in the insurance business refer to as a Cadillac policy. In other words, they want -- they want a policy that would just cover everything, and that's wonderful. That's great, except the problem is, Ladies and Gentlemen, not everybody can afford a Cadillac. So if you refuse to allow this sort of plan to be offered to people, then in effect, you're telling them, "You either buy a Cadillac, or you don't get anything." And this is an alternative for small employers, who are not now insured, to buy something for their employees. Don't you want to offer them that opportunity? I think this is surely a step in the right direction.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen, to close.

SENATOR BARKHAUSEN:

Mr. President, I think the issue has been pretty well debated. We think this is a good idea that needs to be experimented with, and -- and let's give it a try. I ask for your support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The question is, shall House Bill 3528 pass. All in favor, vote Aye. All opposed, vote No. Voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 50 Ayes, 7 Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 3529. Senator Jones. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 25 -- pardon me. 3529.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Gentleman from Cook, Senator Jones.

SENATOR JONES:

Yeah. Thank you, Mr. President and Members of the Senate. House Bill 3529 is an -- basically an agreed bill. It contains provisions for refunds of unearned premiums from the insurance companies to the consumers. It also contains a -- an amendment from the Department of Public Health that takes the Department of Public Health out of regulation of the limited health service organizations. Also, it contains in there language as relate to telephone -- for -- for insurance producers to provide potential applicants for the oral estimates over the telephone in cities over five hundred thousand. It also contains the Illinois Motor Vehicle -- Illinois -- it creates the Motor Vehicle Theft Prevention Council and many, many other provisions that has already been discussed on this Floor. We took out the language that some of the insurance carriers was concerned about, as relate to the three years, and I don't see any opposition. I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The Gentleman from Whiteside, Senator Schuneman.

SENATOR SCHUNEMAN:

Thank you, Mr. President. Well I agree with, basically, -- with what the sponsor is saying, he has amended this bill several times, and I think everybody's on board now, and I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Jones, to close. On that question, -- question is, shall House Bill 3529 pass. All in favor, vote Aye. All opposed, 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, no Nays, none recorded as Present. This bill, having

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received the constitutional majority, is hereby declared passed. 3565. Leave of the Body, Senator del Valle will be handling the bill, instead of Senator Severns. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 3565.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Hearing no objections, Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. House Bill 3565 codifies DPA's Project Chance training and work programs under the AFDC Program in accordance, and with current DPA rules. This bill was worked out with DPA, and the funding for this bill is included in the current budget.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall House Bill 3565 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 56 Ayes, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. Top of Page 10 appears House Bill 3590. Senator Watson. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 3590.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Bond, Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. House Bill 3590, the Committee

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amendment, actually now becomes the bill. It requires that manufacturers and distributors of controlled substances shall send to the Department of Alcohol and Substance Abuse, on a quarterly basis, the same information that they send the Federal Drug Enforcement Agency. There was another amendment attached by Senator Barkhausen, which provides for minimum fines or community services for drug offenses, and prohibits court supervision for those particular crimes. This particular amendment really has no impact on the prison population. Amendment No. 3 was worked out between the Department of Alcohol and Substance Abuse and alcohol and drug dependency treatment groups, which would allow for those particular individuals not to be required to be licensed by both DASA and the Professional Regulation Agency. Amendment No. 4 was offered by Senator Barkhausen, which cleared up some of -- some technical changes in -- in the -- Amendment No. 2. Be glad to answer any questions; otherwise I ask for your support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? Gentleman from Cook, Senator Marovitz.

SENATOR MAROVITZ:

Thank you, Mr. President. Well, there's a very important provision in this legislation that I think people ought to know about, 'cause I think it's far-reaching. There is an amendment in this piece of legislation which removes supervision from the list of available sentences for defendants found guilty of violation of the Cannabis Control Act. That means that according to this legislation, a college student found guilty of possession of one marijuana cigarette -- one marijuana cigarette, would necessarily have a criminal conviction on his or her record for life. That is a major change in the law. The sentence of supervision, which is currently allowed, allows the criminal court to impose a term of supervision upon finding of guilt of a violation of the Cannabis Control Act, and then upon successful completion of the term of

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supervision, where the individual has remained clean and has no problems, the offender will then have a clean record. Supervision is only available -- only available for offenders who are unlikely to commit further crimes where sentence of supervision is in the public's best interest. In addition to the order of supervision, the court now -- the court now can order the offender to pay restitution and to perform community service, as well as other terms and conditions that the court deems appropriate. Eliminating supervision for the young, first-time drug offender, as this bill does, will eliminate many plea bargains, deny the court the discretion it needs in sentencing an already overcrowded drug calendar, and really denigrate -- the justice system. I think what we've done in this amendment is gone way too far. I think we need to give young people who commit one offense of maybe having possession of a single joint of marijuana - and I'm not defending that in any way - but we need to give the criminal justice system the discretion to give those individuals supervision and to allow them - those young individuals - to have a clean record, and not to be branded for life with a criminal conviction. And this bill would prevent that, and I think it's important for you to know that.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Lake, Senator Barkhausen.

SENATOR BARKHAUSEN:

Mr. President and Members, thank you. In response to Senator Marovitz, I -- obviously there is a -- a serious difference of opinion on this issue, and what he says is -- is partially correct, but I think it's important to -- to understand some things, and the first is, the degree to which supervision for all kinds of drug offenses is basically routinely granted right now. We, through our various actions here in State Government and back home in our schools and at the federal level, where's there's

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certainly been a big anti-drug push, we are exhorting all society and especially our young people, to just say "No," and yet as it stands right now with our criminal laws as they're written today, "Just say No" is really a meaningless slogan. To do away with supervision will not have nearly the drastic consequences that Senator Marovitz suggests. For one who -- who indulges in a -- smoking a joint, for example, that seems to be the -- the -- the sort of incident that everyone likes to highlight here, we're not talking about a serious criminal penalty. We've talking about a Class C misdemeanor, and the penalties are not -- not at all changed. The question is whether there ought to be kind of a record, even a minor record, as with a Class C misdemeanor, or whether one -- one simply ought to go off scott-free, facing no sanctions whatsoever for violating the law and not -- not living up to our campaign to "Just say No." In addition to that, there is the other issue of -- of police and prosecutorial discretion. If we're talking about relatively minor offenses, particularly in jurisdictions such as Chicago and Cook County, where the courts and the prosecutors and the defense attorneys are as busy as they are, we know that many of these cases don't get prosecuted now, for better or worse, and that will continue to be the case. In addition to the supervision issue, what we provide in this bill and in the amendment, we feel, is a workable scheme of both fines and community service. The fines, we feel, will raise a significant amount of money, which in turn can be used by the State for treatment and prevention programs on the one hand, for law enforcement by the State and by our police departments and MEG units on the other, so that we will have, we hope, significant additional resources with which to combat the -- the serious drug problem that society faces today. And as an alternative, judges will have available to impose, instead of, or in conjunction with, fines, community service. So we feel that, Ladies and Gentlemen,

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that it is important finally, to do away with these two Sections of our Statutes that have sent out, we feel, the wrong signal to those who violate our drug laws, who -- who have been led to believe that there is simply no consequence whatsoever for indulging in drugs and for contributing to the problem, and I urge your support for the bill, and particularly for this important amendment.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any further discussion? It's like a Christmas tree up here. Senator D'Arco.

SENATOR D'ARCO:

Just for the record, Mr. President, the State's Attorney of Cook County is against this bill, and the reason he's against this bill is because he feels that if you don't offer people 1410 probation, and allow them this opportunity, what the offender will do -- will ask for a jury trial like everybody else, and last year, in Cook County alone, just in Cook County, there were fifteen thousand felony drug cases, and without 1410 probation, you're going to get fifteen thousand people that have been charged with a drug offense asking for jury trials, and the effect of which is to bog down our court system, the effect of which is going to be to put more people in Illinois jails, which are presently overcrowded to the point that we don't know what to do with them, the effect of which is to say to that first-time user, "You are going to jail regardless of whether or not you are, in fact, a first-time user." That's wrong, and this bill should be soundly defeated.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Lady from Cook, Senator Collins.

SENATOR COLLINS:

Yes. Thank you. The other bad feature of this bill - whether or not it is the intent - this bill will most certainly stop

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people from coming in and going in -- admitting that they have a drug problem. Not because it's in the law, but if you make a law that says that if you are a user and you're caught in possession, they will assume that if they admit that they are using drugs and go in for treatment, that they could, in fact, maybe go to jail, and that most certainly is a disincentive for people to voluntarily go into treatment on their own, or for some of the programs that we have passed here, which provides for assistance to go out and recruit and to get these people to voluntarily go into treatment. This would have an adverse effect on those laws that we pass, and -- and we'll never solve the drug problem unless people are cured. That makes it a bad idea, in addition to the things that Senator D'Arco just stated.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman from Will, Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. Well, this is an attempt, I think, to pit people for or against drugs, and I think it's rather silly. What this does is to reverse a long-standing recognition that people make mistakes in judgment, especially youth. I would ask the proponents: Why don't we change the law on joy-riding then? Why don't we charge all of those people who make those mistakes with felony theft? We don't because we recognize that they do make a mistake. This -- this bill, if it's passed, will brand people for life of making a bad decision. No one is -- is proposing that we say anything good about the use of drugs, but this bill will brand people for life, and it's something they will carry with them forever when they go to get a government job, or to go into the service, or to do anything. And what this bill does, again, is to reverse a recognition that those people who make that small mistake once in their life should not be branded forever. I urge a No vote.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman from Cook, Senator Kustra.

SENATOR KUSTRA:

Thank you, Mr. President and Members of the Senate. First of all, I must say that I'm -- I'm disappointed to hear that the Cook County State's Attorney, who ought to be providing leadership on this difficult issue, is opposed to this particular approach to it, and I'll explain why I find that so disturbing, but as far as I'm concerned, he takes this in absolutely the opposite direction we ought to be going in the midst of what everyone across this country claims to be the greatest crisis facing our young people of today. I'd like to address the issue, not so much as a legislator, but as a parent - Senator Marovitz and Senator Dunn, specifically to both of you - a parent who has two young adults. I think I've done a pretty good job of raising them. They're two good kids, but let me tell you what I taught them as they grew up, from the time they were small until now. I taught them to understand and to learn the consequences of the decisions they make. That's what I think has gone wrong in our society today. There's not enough people willing to convince young people of understanding the consequences of their decisions. Senator Marovitz, to follow your example, the one-joint violation, whatever you want to call it. What we're suggesting by this bill, this so-called record for life that somebody is going to take through life, is a Class C misdemeanor - the least serious misdemeanor on our Criminal Statutes today - and what I suggest to you is that each and every one of you that have a problem with that, take it out across the State of Illinois. Take it to the people of the State of Illinois, and I'd like to get the reaction of people when you say that any person, young or otherwise, who violates this law, should get the least serious misdemeanor on his or her record. I find it very difficult that the people of the

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State of Illinois are going to have any problem with the law we're considering right now. As I go out and about the State of Illinois, people are saying, "Do something about this problem." Of course we want education. Senator Marovitz, you're the guy that has stood up on this Floor, and I've supported you, for drug education in the schools. If this law passes, this law will be a part of those drug education efforts you've argued so strenuously for, and I support you in that. Every young person sitting in every classroom across this State ought to know that when they make that first decision and it's a wrong decision, and it's a violation of this law, it will get them a Class C misdemeanor on their record. It doesn't mean - to answer the concerns of some of you - that they're forever barred from public employment. Show me that. Show me where a Class C misdemeanor forever bars you from any kind of employment. But it is certainly a message, and it seems to me that we have to make that decision right here, now, on this Floor of the State Senate, in this year. Are we going to get serious about the drug problem? I'm for treatment. I don't have any problem with treatment. There are even deferred prosecution programs that will allow for treatment, as opposed to this particular approach. But in the meantime, Ladies and Gentlemen, let's get serious. Let's send a message to our young people. Let's make sure they do understand the consequences of their decisions. We have, as I said when this bill was on amendment stage, we have second- and third- and fourth-time offenders, because we have given people across this State, who use drugs, second and third and fourth chances to use them. Hasn't the time come that we simply send that message out and suggest to our young people that the first offense is the most serious, because that's what leads to the second and the third and the fourth offense? If there should be a penalty anywhere that puts a mark on somebody's record as a threat against using drugs a first time, this is where

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it belongs. A Class C misdemeanor. I urge an Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman from Cook, Senator Marovitz, for a second time.

SENATOR MAROVITZ:

I'm sorry to rise for a second time, but in the interim during this debate, I spoke to a gentleman that has probably more knowledge about what we're talking about than any of us in this room, and that is the Chief Judge of the Criminal Courts of Cook County, Tom Fitzgerald, and I spoke to him about ten minutes ago. And he said to me that he is unalterably opposed to taking this supervision provision out of the law, that it is the most successful program that they have in the criminal courts to deal with this problem involving young people. The most successful program they have, and he is unalterably opposed to taking this successful program out of the law. Now, he deals with this kind of problem every day when he goes to work. We don't. He knows what works. We don't. Kids are not going off scott-free, as somebody on the other side said. The law today allows very serious community service. Take a look at people who do drugs. Send them into hospitals. Take a look at these detox centers. The law allows the judge discretion to do that today. You want to take that away from a judge. You want to end this successful program. You say, "So a kid's going to have a Class C misdemeanor for smoking one joint. Big deal." The employers of this State are the ones who are going to decide how big a deal it is. You, on the other side of the aisle, had a bill last Session to say that a State employer couldn't hire somebody who had a drug conviction. You had that bill. Could not hire somebody who had a drug conviction. And that's what would happen to some kid who smoked one joint. All we're saying is give the judges discretion to give a kid supervision, send them to community service. That's -- and treatment, that's right, and treatment. That's what we're

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saying. Don't cut that off. If you want to make it apply to the Controlled Substances Act, fine, but it shouldn't apply to -- to -- to cannabis. It shouldn't apply to one joint of cannabis, and let's be serious here. Let's listen to the people who deal with this on a day-to-day basis. The Chief Judge of the Criminal Courts. We're not talking politics. You want to talk leadership, let's talk leadership, yes. You want to talk demagogues? The answer should be no.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman from Cook, Senator Keats.

SENATOR KEATS:

The Chief Judge of the Criminal Courts in Cook County ain't politics? You must have gone to Chicago Public School System. You probably believe in the tooth fairy. Let me throw in one last point in this bill. I listen to the -- one joint, one joint, one joint. People don't get arrested over one joint. They may get caught with one, and to pretend it's always a first-time offense, and it's a nice little kid, and first mistake he ever made. The chances of getting arrested on the first time are pretty slim, and I'm sorry if we bog down the Cook County Court System. I voted for that last judicial pay raise, and I'm proud of it. One of the reasons I think we should have given the judges a raise is we have a significant caseload there, but they're there to take care of these cases, and if it inconveniences people and they got to work a little longer hours, I'm sorry, but the criminal justice system is not there for the convenience of the State's Attorney and the judge. It is there to serve the people of this State, and it is important that we not weigh our judgments on these technicalities of convenience and this and that, and pretend it's first-time offenses. Are people breaking the law? And do we have system there to take care of it? And those should be the only two issues that we should be considering.

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Watson, to close.

SENATOR WATSON:

Well, thank you, Mr. President. There is other provisions to this legislation, but I don't believe that obviously they're not as controversial as this particular amendment, so I'll just address my remarks to the amendment. I don't know if you've -- one thing that wasn't mentioned here is that right now you can give supervision for someone dealing thirty grams of cannabis or less. We're talking about the seller out there. We're also talking about supervision for anyone who grows any amount of cannabis, from one plant to any number of acres. So we're talking about not only the user here or the one-time abuser, we're talking about those people that are dealing, and that's something that -- that certainly should be taken into consideration. And also, they can still go to mandatory treatment centers. There's no problem with that. The judge can do that, and the remark was made a moment ago, maybe in a motion, that we're taking that provision away. That's not the case at all. We are concerned about treatment, and I'm sure the judicial branch is also, and they can send that individual if -- if they feel that they need treatment, they can do that. One other thing that -- that concerns me is the statement that was made that the -- the Cook County State's Attorney is opposed to this particular piece of legislation. Now the -- the people in my area and the State's Attorneys in my area -- I mean, they support his kind of concept, because they believe in getting tough on the drug crime and the drug criminals. And what's happening in many cases, and a big problem that we're seeing, is that these -- these State's Attorneys are plea bargaining away. They're plea bargaining these people into supervision and letting them off the hook, and that's an abuse of the system, and that's a concern I think that we should address

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ourselves here to. We're talking about a Class C misdemeanor - the lowest possible misdemeanor - and we're talking about a fine and community service. What's wrong with telling these people that they've got to do something for somebody else for a change? Obviously what we're doing in the criminal system right now isn't working. We need to change directions, and I think this is a piece of legislation that attempts to do that.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Excuse me. Senator D'Arco, on a point of order. What's your point?

SENATOR D'ARCO:

You are misrepresenting what this bill is about. You're not just talking about a Class C misdemeanor. You're talking about someone that's charged with any amount of cocaine - the minutest amount of cocaine - is charged with a felony. So you can be convicted of a felony for a first-time offender for being in possession of any amount of cocaine. Don't characterize this as simply being a Class C...

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Excuse me, Senator D'Arco...

SENATOR D'ARCO:

...misdemeanor. You're wrong about that.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Barkhausen. Why don't we just let the Gentleman close? Senator Watson, to close.

SENATOR WATSON:

Thank you, Mr. President. I was trying to address the concerns that we've heard so much about from the people on your side of the aisle, and that's the one-time abuser that -- the joint so-called user, and that's the concerns that I was trying to address. If you're talking about cocaine -- I mean, that's -- that's a major problem. We're having -- we're down in South

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America right now, sending millions of dollars trying to address a cocaine problem, Senator, and if you think that we ought to liberalize that, well, you're definitely wrong. We need to get tougher on cocaine. This is the right type of legislation, and I appreciate your support.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The question is, shall House Bill 3590 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 42 Ayes, 14 Nays, 1 recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 3610. Senator Dunn. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 3610.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman from Will, Senator Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. This is the bill that is intended to go into conference committee that I have an agreement with Senator Hawkinson on. He has a similar bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Is there any discussion? The question is, shall House Bill 3610 pass. All in favor, vote Aye. All opposed, vote No. Voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 57 Ayes, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. House Bill 3613. With leave of the Body, Senator Jacobs will handle the bill. Madam Secretary, hearing no objections, read the bill,

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please.

SECRETARY HAWKER:

House Bill 3613.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill, 3613, strictly amends the Homeownership-Made-Easy Act, for the purpose of clarifying the intent, and I think it's agreed upon by all parties, and if there's any questions, I'll be happy to try to answer them.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall House Bill 3613 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, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. House Bill 3630. Senator Maitland. Out of the record. 3632. Senator Luft. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 3632.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. House Bill 3632, as amended, permits DCCA to make loans to counties, municipalities or local promotion groups to improve tourism attraction. It also increases

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the caps on those grants from forty to eighty thousand. There was -- language dealing with the World's Fair 1992 Authority Act that was eliminated from the bill. And then Senator Rigney and I created the Tri-County Tourism Development Act, and the Freeport Tourism Development Act. I would ask for a favorable roll call, or would ask -- answer any questions.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall House Bill 3632 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, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 3649. Senator Joyce. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 3649.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Joyce. Joyce, please.

SENATOR J.J. JOYCE:

Thank you, Mr. President. This bill authorizes the Department of Agriculture, in consultation with the Interagency Committee on Pesticides, to develop methods and guidelines for evaluation and assessment of pesticide contamination in -- Agrichemical facilities in Illinois. It also creates the Agrichemical Incident Fund -- Response Fund to provide reimbursements for the cost of response action during -- by an owner or operator of an agrichemical facility in Illinois, resulting from an incident involving the release of agricultural pesticides. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Is there any discussion? The question is, shall House Bill 3649 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 56 Ayes, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. 3656. Senator Zito. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 3656.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Zito.

SENATOR ZITO:

Yes. Thank you, Mr. President and Members. House Bill 3656 creates seven storm water management planning councils in Cook County to develop storm water management plans for four established water-shed areas that we have in Cook County. The bill is basically the same concept as Senator Macdonald had in Senate Bill 1710. The only difference being the removal of the language that disallows municipalities who choose not to adopt a water-shed plan, as prepared by the council, to levy a tax for storm water purposes. I have been asked, rather than put this bill on Recall again, asked to read in for legislative intent this following statement: "House Bill 3656, as amended, is not - I repeat - is not intended to grant non-home rule municipalities within Cook County any authority to levy a property tax for the purposes of implementing the storm water management plan." Yesterday Senator Philip had added an amendment for the DuPage Council on Mayors. Basically that's it. I'd ask for a favorable vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

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Any discussion? The Gentleman from Cook, Senator DeAngelis. Senator Zito, to close. Okay. The question is, shall House Bill 3656 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 56 Ayes, 1 Nay, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. House Bill 3658. Senator Joyce. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 3658.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Leave of the Body, Associated Press would like to take some photos. Hearing no objections, permission granted. The Gentleman from Kankakee, Senator Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. President. This amends the State Prompt Payments Act. It says, "A bill submitted to the State or an administrator for health care provided to a person covered under the State group health insurance is subject to the prompt payment requirements of this Act." Any questions, I'd be happy to respond.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall House Bill 3658 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 56 Ayes, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. House Bill 3722. Senator Topinka. Take it out of the record. 3725. Senator Hall. Out of the record. 3777. Senator Newhouse. Read the

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bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 3777.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Senator Newhouse. Out of the record. Top of Page 11 appears House Bill 3812. Senator Welch. Out of the record. 3826 is on Recall. 3834. Senator Berman. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 3834.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman from Cook, Senator Berman.

SENATOR BERMAN:

Thank you. The bill contains the similar language dealing with uninsured motorists coverage as the bill that we passed out of the Senate. What -- what is new in this bill is Amendment No. 2 that gives certain authorities to the Department of Insurance dealing with managing general agents, Medicare supplemental policies with certain base safeguards, which are maintained in legislation, but keeping -- but allowing the Department the prerogatives of rulemaking in line with federal guidelines, dealing with Medicare, and Property Casualty Guarantee Fund. Be glad to respond to any questions, and solicit your Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall House Bill 3834 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 55 Ayes, no Nays, none recorded as Present. This bill, having received the

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constitutional majority, is hereby declared passed. House Bill 3894. Senator Netsch. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 3894.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Lady from Cook, Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. House Bill 3894 basically provides for a demonstration program to be done by the State through the Department of Central Management Services, in cooperation with other agencies, for the encouragement and, really, the possibility of employment by persons who are disabled, as that is defined in the Act. It's a supported employment program which would allow some of the people who are quite capable of making a contribution, but not necessarily in exactly the same form as others, to have an opportunity to work. It was on the Agreed Bill List, as a matter of fact. It was removed only to allow Senator Brookins the opportunity to offer an amendment, which also deals with Central Management Service and State employees, and basically provides that agencies which fail to meet their affirmative action and equal opportunity goals, should set up training programs to prepare and promote people in those missing categories. I am not aware of any opposition.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall House Bill 3894 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 54 Ayes, 1 Nay, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. House Bill

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4-0-8-2. Senator Davidson. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 4082.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Gentleman from Sangamon, Senator Davidson.

SENATOR DAVIDSON:

Mr. President and Members of the Senate. The amendment we put on yesterday became the bill. This is in answer to a problem that's been created by beavers, and the damage they've done to the drainage ditches and to the irrigation ditches. It has support of the Department of Conservation, the Farm Bureau, the Farmer's Union, Illinois Agriculture Association, the Soil and Water Conservation District. Appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall House Bill 4082 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, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. House Bill 4-1-2-4 is on Recall. House Bill 4-1-4-9. Senator Marovitz. Read the bill, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 4149.

(Secretary reads title of bill)

3rd Reading of the bill.

END OF TAPE

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PRESIDING OFFICER: (SENATOR LECHOWICZ)

The Gentleman from Cook, Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President and Members of the Senate. House Bill 4-1-4-9 makes it a crime to provide false identification to a police officer. It requires a licensed driver to notify the Secretary of State of changed physical and mental conditions which may create a driving hazard. It raises the penalties for providing false information on a driver's license application. And if -- if a person is in custody for unlawful use of weapons, or violating the FOID Card Act, the arresting agency shall not release the person until it's taken every reasonable effort to obtain a fingerprint-verified criminal history, and has ascertained that the person has not been previously convicted of a like offense or felony. We are going to clarify this bill when it gets over that it applies to UUW - unlawful use of weapons - and not just to expirations. And I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR LECHOWICZ)

Any discussion? The question is, shall House Bill 4-1-4-9 pass. All in favor, vote Aye. All opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Please take the record. On this question, there are 55 Ayes, no Nays, none recorded as Present. This bill, having received the constitutional majority, is hereby declared passed. ...(machine cutoff)... For what purpose does the Lady from Cook, Senator Topinka, seek recognition? Want to call that bill or not? You want to call that bill? Okay. Okay. We went through House Bills on 3rd Reading one time.

PRESIDENT ROCK:

Thank you, sir. ...(machine cutoff)... All right. Ladies and

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Gentlemen, the Recall List is being distributed, or has been distributed. I ask you all to take a look at it, so that we are prepared and can, in fact, move through it. While we're doing that - and I understand all the amendments are not yet with us - there's been a request to move to Page 13 on the Calendar. I don't see Senator Watson - he made the request. ...(machine cutoff)... All right. There's been a request by Senators Netsch and Newhouse and Watson to go to the Order of Secretary's Desk, Resolutions. We can do that now, while everybody's getting their papers ready for the Recall List, because we're going to then move through the Recall List, and go one more time through 3rd Reading, and then we're out of here, as they say in the trade. All right. On Page 13 on the Order of Secretary's Desk, Resolutions is House Joint Resolution 116, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Joint Resolution 116 offered by Senator Watson.

PRESIDENT ROCK:

Senator Watson.

SENATOR WATSON:

Thank you, Mr. President. This does exactly what the Calendar says. It would ask for the display of the National League of Families Prisoner of War and Missing in Action flag in the Capitol Rotunda. The reason we're asking for consideration, is so that the Director of the Department of Veterans' Affairs can present this particular resolution in -- in the next coming weeks. So I'd appreciate your support.

PRESIDENT ROCK:

All right. Senator Watson's moved the adoption of House Joint Resolution 116. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The resolution's adopted. The same order - Secretary's Desk, Resolutions - bottom of Page 13, is House Joint Resolution 117, Mr. Secretary.

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ACTING SECRETARY: (MR. HARRY)

House Joint Resolution 117 offered by Senator Watson.

PRESIDENT ROCK:

Senator Watson.

SENATOR WATSON:

Yes. For the same reasons, House Joint Resolution 1-1-7 urges the observance of Prisoner of War/MIA recognition day on the third Friday of September of each year. Again, the Director would like to have this resolution available.

PRESIDENT ROCK:

All right. Senator Watson has moved the adoption of House Joint Resolution 117. Discussion? If not, all in favor, indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. Top of Page 14, on the Order of Secretary's Desk, Resolutions, is Senate Joint Resolution 116, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House <sic> Joint Resolution 116 offered by Senators Topinka and others. Thank you.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President, Ladies and Gentlemen of the Senate, this basically would establish a Private Enterprise Review and Advisory Board to study privatization of activities currently being performed by the State and local government. And that's all it does.

PRESIDENT ROCK:

All right. Senator Topinka has moved the adoption of Senate Joint Resolution 116. Discussion? Senator Demuzio.

SENATOR DEMUZIO:

Well, thank you, Mr. President. Senate Joint Resolution - according to the committee record - indicated that there were 8

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Ayes and 8 Nays. I don't know how this thing got on the Calendar. Perhaps somebody could enlighten me.

PRESIDENT ROCK:

I'm sure I could, but -- Senator Topinka.

SENATOR TOPINKA:

It was discharged yesterday. And I did thank the committee for all of its work, but there were a number of people who were absent that day, and I felt that maybe the full Chamber would like to have a shot at it.

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

My understanding that this is opposed by both the National Federation of Independent Business - opposed by labor, Central Management Services. Is there anybody in favor of it?

PRESIDENT ROCK:

We'll find out shortly. Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I, too, stand in opposition to -- to this resolution for a number of reasons. Number one, it's not balanced. The committee is not balanced. This is a privatization bill -- I mean, resolution -- in effect. As Senator Demuzio said, there is no -- no provision for large business, nor is there any provision for -- for organized labor. And I think it's one that should be defeated.

PRESIDENT ROCK:

All right. Further discussion? Senator Topinka, to close.

SENATOR TOPINKA:

Yes. Mr. President, Ladies and Gentlemen of the Senate, we've had similar legislation passed out in 1989. It's passed out of the House, gosh, 115 to 0. The Senate, 47-3-1. It is put out by the Independent Business Association of Illinois, John -- the

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NFIB. And I see no problem. It's a study. What are we talking about. It's a study to find out, you know, what we're paying our money for, and whether or not privatization would work. I would ask the adoption.

PRESIDENT ROCK:

Question is, the adoption of Senate Joint Resolution 116. 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? Have all voted who wish? Take the record. On that question, there are 31 Ayes, 25 Nays, none voting Present. The resolution is adopted. Same order of business. Senate Joint Resolution 198. Senator Newhouse. Read the resolution, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Joint Resolution 198 offered by Senators Newhouse and Woodyard.

PRESIDENT ROCK:

Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. The purpose of this resolution, Ladies and Gentlemen, is to begin a dialogue on the subject of regulatory impact on the business climate. It has the concurrence of a number of parties to this prospective efforts. And Senator Woodyard and I hope that it would culminate in language for a bill, which is Senate Bill 2182 that originated in my committee, and is currently on Interim Study in the House. It is supported by the Chamber of Commerce and by JCAR and others. My colleague -- my cosponsor, Senator Woodyard, is a member of JCAR and may have some remarks to make on the subject matter.

PRESIDENT ROCK:

All right. Senator Newhouse has moved the adoption of Senate Joint Resolution 198. Discussion? Senator Woodyard.

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SENATOR WOODYARD:

Thank you very much, Mr. President and Members of the Senate. I'm very pleased to be a cosponsor of -- of this resolution. As -- and also as a member of JCAR for the past two years, I certainly have a -- a direct knowledge of some of the rules and regulations that various agencies are passing and -- and adopting without really understanding the impact on the business community. And Senator Newhouse is certainly to be congratulated for offering this amendment. And we intend to bring this into some of our discussions with the Senate Economic Development Committee at some hearings this summer. So I would certainly urge its adoption.

PRESIDENT ROCK:

Question is, the adoption of Senate Joint Resolution 198. Those in favor will 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 Ayes, no Nays, none voting Present. Senate Joint Resolution 198, having received the required constitutional majority vote, is declared adopted. Senate Joint Resolution 200. Senator Hudson. Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Joint Resolution 200 offered by Senator Hudson and other Members.

PRESIDENT ROCK:

Senator Hudson.

SENATOR HUDSON:

Thank you very much, Mr. President and Members. I will be the first to admit that when I introduced this resolution the other day that would seek to memorialize Congress to enact an amendment that would protect our flag, it had not taken the action that it -- it did take - at least the House of Representatives yesterday. However, when I introduced this resolution, I took care to contact

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members of leadership and other members on both sides of the aisle in this Chamber, because I honestly and devoutly believe that this is not a partisan matter - providing protection for the flag - the symbol of our country and its unity. And, overwhelmingly, the Members here approved the idea, so I put the resolution in. Now, in spite of the action taken yesterday, the Senate of the United States still has to act. And I believe that having run the flag up the pole, as we have, this would be a bad time to run the flag down the pole, in light even of what the House did in Washington, D.C., yesterday. So I would urge each and everyone of you to support this, and let's get this resolution over to the -- over to the House, and I would urge your support.

PRESIDENT ROCK:

Question is, the adoption of Senate Joint Resolution 200. Those in favor, indicate by saying Aye. All opposed. The Ayes have it. The resolution's adopted. Senate Joint Resolution 202. Senator Netsch. Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

Senate Joint Resolution 202 offered by Senator Netsch.

PRESIDENT ROCK:

Senator Netsch.

SENATOR NETSCH:

Thank you, Mr. President. Senate Joint Resolution 202 declares November 16, 1990 as National Philanthropy Day in Illinois, and encourages local activities in connection with celebrating the contribution of volunteers in all aspects of the sector. I would move its adoption.

PRESIDENT ROCK:

Discussion? If not, Senator Netsch has moved the adoption of Senate Joint Resolution 202. All in favor, indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. All right. Ladies and Gentlemen, we'll begin now on the Recall

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List, and I'd ask you to pay attention. At the conclusion of the Recall List, with leave of the Body, we will then go back and pickup the bills that not only have been recalled, but those that are sponsored by some of our Members who have been down working on appropriations all morning. And they have been in and out of the Chamber, but we wish to afford them, also, the opportunity to have their bills presented. Then we will go - as the final order of business - to the Order of Consideration Postponed. So I would ask you to be as mercifully brief as possible. All right. Page 8 on the Calendar. On the Order of House Bills 3rd Reading, Madam Secretary, is House Bill 3242. Senator Topinka 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 3242, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by Senator Topinka.

PRESIDENT ROCK:

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President and Ladies and Gentlemen of the Senate, the amendment becomes the bill, and, basically, is a former bill that we had in here which went out on the Agreed Bill List. It's an administration bill from the Department of Historic Preservation. It was tied up in the House Rules Committee. Now what this would do is - it amends the Historic Preservation Agency Act to increase the board of trustees from five to seven members. And it gives specific authority to make grants and appropriations for rehabilitation and restoration of property on the National Register of Historic Places. Nobody has an objection to it - as I said, it was on the Agreed Bill List.

PRESIDENT ROCK:

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Senator Topinka's moved the adoption of Amendment No. 1 to House Bill 3242. 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. 3325. I understand Senator Maitland has -- is seeking 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 3325. Bottom of Page 8, Ladies and Gentlemen. Madam Secretary.

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Jerome Joyce.

PRESIDENT ROCK:

Senator Joyce.

SENATOR J.J. JOYCE:

Thank you, Mr. President. All right. Amendment No. 2 creates the low-level radioactive waste -- Senate Bill 1761, which created the Low-Level Radioactive Waste Disposal Siting Commission, passed the House last Tuesday. This amendment further clarifies the changes made by Senate Bill 1761 and is agreed to by the Governor's Office, DNS and other interested parties. It also makes one important change in Section 12. We are deleting new language which would have required that the proposed site meet certain criteria with respect to a facility of the proposed design. I was concerned that this language might allow section -- the selection of a bad site and a great facility. And I didn't -- we didn't want that, so we had that removed. The amendment also increases the nuclear reactor waste fees, and according to DNS is agreed to by Commonwealth Edison and Illinois Power. I'd move for the adoption of the amendment.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Joyce has moved the adoption of Amendment No. 2. Discussion? Senator Weaver.

SENATOR WEAVER:

Thank you, Mr. President. Senator Joyce, is Senator Maitland in agreement with these amendments? I see he has one also. He's in agreement with all of them? All right.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Joyce has moved the adoption of Amendment No. 2. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 2's adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 3 offered by Senator Jerome Joyce.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce.

SENATOR J.J. JOYCE:

Withdraw that amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Joyce seeks leave to withdraw. Withdraw that amendment. Further amendments?

SECRETARY HAWKER:

Amendment No. 3 offered by Senator Maitland.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce has leave to offer Senator Maitland's amendment. Leave is granted. Senator Joyce.

SENATOR J.J. JOYCE:

This amends the Illinois Low-Level -- Oh, wait a minute. Excuse me. This retains the bill, but adds Senate Bill 2097, Senator Macdonald's bill changing the definition of underground storage tanks to include additional tanks. This was passed in the Senate and was held up in Rules in the House. Is that right, Senator -- okay. I'd ask for the adoption of this amendment.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Joyce has moved the adoption of Amendment No. 3. Discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 3 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. 3390. Senator Karpziel seeks leave of the Body to return House Bill 3390 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 3390, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 3 offered by Senator Karpziel.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Mr. President. Amendment No. 3 is an amendment that was agreed to on both sides of the aisle, which changes the sunset date for the Interagency Services Fund to -- from 1992 to 1991.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpziel's moved the adoption of Amendment No. 3. Is there discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 3 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. House Bill 3826. Senator Daley seeks leave of the Body to return House Bill 3826 to the Order of 2nd Reading for

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the purpose of an amendment. Is leave granted? Leave is granted.  
House Bills 2nd Reading, House Bills 3826, Madam Secretary.

SECRETARY HAWKER:

Amendment No. 1 offered by -- offered by Senator Rock.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rock.

SENATOR ROCK:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I'm sure each Member has received a copy of this amendment. And I'm sure, equally, that they haven't had a chance to read it all. It does, in fact, literally rewrite the bill, but incorporates those three changes with respect to the Democratic State Central Committee, that Senator Daley had presented, both in committee, and on the Floor earlier. It adds one thing that we are constrained to do, and I've spoken with Senator Philip - this is an amendment to the Election Code, but only to that paragraph that deals with the Democratic Party - it does not touch the Republican Party or its process at all. And what it says is, that we are constrained by the Democratic National Party Rules to elect or select delegates by -- in accord with a system called "Proportional Selection Representation." That is to say we elect our delegates by popular election, and what the Democratic National Party Rules now say is that the delegates who attend the convention have to reflect, percentage-wise, the Presidential primary vote in the Democratic Primary in that congressional district. So if John Daley got forty-two percent of the vote, he has to have, and will receive, forty-two percent of the delegates. It affects only the Democratic Party. And what it says is that the State Central Committee - the ruling body of the Party - has to come up with rules to implement the Democratic National Party Rules. If indeed we don't, we will be subject to penalties that can be issued by, and enforced by the Democratic National

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Committee. I would urge the adoption of Amendment No. 1, and thank Senator Daley for affording me this opportunity.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, Senator Rock has moved the adoption of Amendment No. 1. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 1 is adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 2 offered by Senator Dudycz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz.

SENATOR DUDYCYZ:

Thank you, Mr. President. Amendment No. 2 contains the provisions of Senate Bill 2155, which passed the Senate on May 17th with a vote of 58 to nothing. Specifically, what the amendment simply does, is it provides that all election jurisdictions must accept the absentee ballot applications provided by the State Board of Election. I appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Dudycz has moved the adoption of Amendment No. 2. Is there discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 2 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. On Page 11 is House Bill 4124. Senator Marovitz seeks leave of the Body to return that bill to the Order of 2nd Reading for the purposes of a number of amendments. Is leave granted? Leave is granted. On the Order of House Bills 2nd Reading is House Bill 4124, Madam Secretary.

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SECRETARY HAWKER:

Amendment No. 3 offered by Senator Marovitz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much, Mr. President. Amendment No. 3 embodies the Currency Reporting Act, which passed the -- which passed the Senate on the Agreed Bill List -- with no negative votes. It requires that transaction reports filed with the Department of Revenue to contain a separate line signed by the seller or his agent indicating that the transaction involved the exchange of five thousand dollars or more in U.S. currency, money orders or travelers checks. And to -- and for Revenue to forward that to the State Police. We're trying to find out what -- trying to get at drug dealers who use cash - excessive amounts of cash - in transactions in the State of Illinois. That's what the legislation does. It also -- every financial institution would keep a record of every currency transaction involving ten thousand dollars or more and file the record with the Department of State Police. There's also a Retail Merchant's Association amendment on here, which says that a dishonored portion of -- of -- let's see -- current law allows the payee to collect ten dollars or all costs and expenses including attorney's fees incurred in collection with a bad check. Recently a court held that the current Statute doesn't allow the payee to collect nonlitigated expenses. IRMA asked us to put this legislation in, which requires that the payee must send a drawer or written demand by certified mail demanding payment by a date certain and shall include notice of potential liability for costs and expenses. And I would ask for adoption of Amendment No. 3.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz has moved the adoption of Amendment No. 3.

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Is there discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 3 is adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 4 offered by Senator Marovitz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you very much. Amendment No. 4 deals strictly with controlled substances and with probation which first-time offenders get. It's a "Get Tough On Crime" amendment, supported by the State's Attorney of Cook County. And it says that as a provision of the probation, the individual who has been convicted of the drug or controlled substance violation would have to be tested for drugs during the period of his probation at - least three times. They could still have community service. If a person who's given such probation is again convicted under the Controlled Substances Act, within the next five years, his discharge or -- dismissal is admissible in the sentencing proceeding as an aggravating factor of that conviction. I would ask for adoption of this amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Marovitz has moved the adoption of Amendment No. -- No. 4. Is there discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Senator, I wondered if you'd be able -- be willing to pull this amendment, given the action we took earlier today, and -- and see what results with the final compromise on 1410. I -- I believe in debate you indicated some support if we were just dealing with 1410 and the Controlled Substances Act. That perhaps that would be an acceptable thing to ban. I just think this is going contradictory to the amendment we adopted earlier and -- and

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this -- this one's probably going to conference committee anyway. I wonder if we'd be willing to address that subject at that point.

SENATOR MAROVITZ:

I -- I definitely will be -- I will be willing to address that subject. This again...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Fine. Yes. Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Barkhausen.

SENATOR BARKHAUSEN:

I -- I'm sorry, Mr. President, I didn't hear Senator Marovitz's answer to Senator Hawkinson's question.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

I said I'd be willing to address the subject. This deals strictly with controlled substances, and really is a very get-tough provision, requiring -- defendants who are sentenced under this to submit to drug tests at least three times during their probation period. So we're making sure that these individuals are clean and stay clean during their controlled substance probation period.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

Question of the sponsor. Senator Marovitz, what you said may have been -- been just unintentionally, slightly misleading. As -- as I understood it, from what you said, that this requirement of being tested three times would apply to those convicted. What I'm especially concerned about is -- is the fact that practically

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all of these people aren't being convicted, they're getting supervision, and that's not a conviction.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Would you repeat your question?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Barkhausen.

SENATOR BARKHAUSEN:

As -- as you explained the amendment, you said that the testing requirement for those on probation would apply to those who are convicted. And my question was, since most all of these defendants are actually receiving supervision, which is not a conviction, would -- would this testing requirement only be limited to those who are convicted, as opposed to those who are receiving supervision?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

It applies to those people who are given supervision also. They'd be tested - mandatorily tested.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Are there further discussions? Senator Hawkinson.

SENATOR HAWKINSON:

My request was if you would withdraw this amendment now, so we could deal with this subject, since it's inconsistent with the action of abolishing the felony cocaine 1410 probation earlier today.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Well, let me ask you a question. What happens if the other

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one doesn't get called? Then you're forcing this bill to go to conference. And I'm not sure we want to force another bill -- another piece of legislation into conference. We're all going to try and get out of here early, and if we do that, then we're going to force this thing into conference; because the other bill may never even get heard.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hawkinson.

SENATOR HAWKINSON:

Well, my -- when I spoke the last time, my question was if you would deal with it in this bill in conference, and I thought I understood you to say yes. So, if not, let's deal with this subject matter on the other bill in conference. And if this one is intended to be concurred in by the House let's leave this subject matter out of it, because it's inconsistent with what we just did.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Just to save the Body time, I'll pull this - we'll put it in conference. But I think this is going to be the vehicle that we're going to have to deal with. I don't think the other one is going to be.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right.

SENATOR MAROVITZ:

So I'll withdraw this amendment.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz seeks leave to withdraw. Amendment's withdrawn. Further amendments?

SECRETARY HAWKER:

Amendment No. 4 offered by Senator Marovitz.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Okay. This -- this amendment allows the admission of lab analysis of drugs upon presentation of a certificate regarding the test and chain of custody. Currently, in order to admit lab tests into evidence, the profiting party must present a person from the lab, establish chain of custody from the point of confiscation of a substance to its testing, and prove that the method of analysis was proper. This makes it much easier, and would -- would hasten the process of getting these tests admitted into evidence.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz has moved the adoption of Amendment No. 4. Is there discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 4 is adopted. Further amendments?

SECRETARY HAWKER:

Amendment No. 5 offered by Senator Marovitz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Withdraw.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Seeks leave to withdraw. Withdrawn. Further amendments?

SECRETARY HAWKER:

Amendment No. 5 offered by Senator Marovitz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Yeah. This -- this is just a clarification of the intent requirement to defend against a charge based on the defense of entrapment. It really puts case law into the Statute. And I

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would ask for adoption.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz moves the adoption of Amendment No. 5. Is there discussion? Senator Philip.

SENATOR PHILIP:

I -- I've noticed that Senator Marovitz has got about six on the Recall. Now have these things been killed in the House? They didn't get out of Rules? I mean, what is this? Here we're at the eleventh hour, you got all this stuff - all this garbage you're hanging on and nobody's seen any of the amendments - they're not over here - I can imagine they're some real doozies. And -- I mean, we ought to have a good look at this, quite frankly. You know, this last minute stuff - I haven't seen any of these amendments. Not a one. And I just -- I kind of wonder whether we ought to be doing this at all. We ought to probably tell him no. He's got more than anybody.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? Senator Marovitz, may close.

SENATOR MAROVITZ:

Just to clarify. We have shown all these amendments to your staff. All these amendments have been shown to your staff.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz has moved the adoption of Amendment No. 5. Further discussion? If not, those indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 5 is adopted. I'm sorry. Senator Philip. Senator Philip.

SENATOR PHILIP:

I'd like to have a roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. Senator Philip has -- Senator Marovitz has moved the adoption of Amendment No. 5 to House Bill 4124. Those in favor of the adoption will vote Aye. Those opposed, Nay. The

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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 26 -- I'm sorry, the Ayes are 24, the Nays are 26, none voting Present. Amendment No. 5 is lost. Further amendments? Are there further amendments?

SECRETARY HAWKER:

Amendment No. 6 offered by Senator Marovitz.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

I mean if we want to go through this charade we can do it on, you know, verifications and all that stuff and take up a lot of time, but -- oh well, we'll do this amendment since we're going to conference. Well then let's -- let's have it equal for both sides. Okay? We've seen amendments on 2nd Reading from both sides of the aisle that nobody has seen. This last amendment makes -- makes a -- penalty for manufacture, delivery and possession of PCP the same as heroine. PCP is the horse tranquilizer. And that's all it deals with.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz has moved the adoption of Amendment No. 6. Is there discussion? If not, those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 6 is adopted. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. 4190. Senator Luft seeks leave of the Body to return House Bill 4190 to the Order of 2nd Reading for the purpose of an amendment. Is leave granted? Leave is granted. House Bills 2nd Reading, House Bill 4190, Madam Secretary.

SECRETARY HAWKER:

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Amendment No. 1 offered by Senator Luft.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. The amendment simply says that this Act shall take effect upon becoming law. The bill is going to a conference committee. It's a very important law dealing with the Illinois Toll Road Authority. I would ask for the adoption of the amendment, and just move it on to 3rd Reading.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. There has been another -- Senator Rock. There's been another addition to the Recall List. 3722 on Page 10. Senator Topinka seeks leave of the Body to return House Bill 3722 to the Order of 2nd Reading for the purpose of Tabling an amendment. Is leave granted? Leave is granted. House Bills 2nd Reading is House Bill 3722, Madam Secretary. I'm sorry. Senator Topinka.

SENATOR TOPINKA:

Mr. President, Ladies and Gentlemen of the Senate, I would seek leave to Table Amendment No. 2, which was the rather controversial sizable one that went on yesterday, and I think we'll all enjoy that.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka has -- voted on the prevailing side, moves to reconsider the vote by which Amendment No. ...(machine cutoff)...

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2 was adopted. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. The -- the -- Amendment No. 2 is reconsidered. Senator Topinka now moves to Table. Those in favor will indicate by saying Aye. Opposed, Nay. The Ayes have it. Amendment No. 2 is Tabled. Further amendments?

SECRETARY HAWKER:

No further amendments.

PRESIDING OFFICER: (SENATOR DEMUZIO)

3rd Reading. I guess we're starting over at the beginning. Page 6. Page 6. Nope. Page 7. ...(machine cutoff)... 1560. Senator Hall. Page 8. 3242. Senator Topinka. House Bills 3rd Reading is House Bill 3242, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 3242.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

Yes. All this bill now does -- the amendment which we just put on becomes the bill. The original bill is no longer there. And all this does is amend the Historic Preservation Agency, to increase the board of trustees from five to seven members. And it gives it authority for grants and appropriations for rehabilitation and restoration of property on the National Register of Historic Places. It was an agreed bill when it went out of here in the Senate. No one has any objections.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 3242 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 55, the Nays are none, none voting Present. House Bill 3242, having received the required constitutional majority, is declared passed. 3272. Senator Hall. 3288. Senator Kelly. Bottom of Page 8. 3325. Senator Maitland. House Bills 3rd Reading, bottom of Page 8, House Bill 3325, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

House Bill 3325.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. The first part of House Bill 3325 does extend the fees for the nuclear reactors. An amendment, sponsored by Senator Joyce this morning, adds language for the three-member siting board for siting the low-level nuclear waste disposal site. And Floor Amendment No. 2, offered by me this morning, deals with underground storage tanks, and I would seek your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall House Bill 3325 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 3325, having received the required constitutional majority, is declared passed. Page 9. 3390. Senator Karpel. On the -- House Bills 3rd Reading is House Bill 3390, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 3390.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. House Bill 3390 amends the Corridor of Opportunity Development Act to allow DCCA to use eight percent rather than five percent of their appropriations for administrative purposes. It adds an additional wild card enterprise zone to be used for Ford Heights, Illinois. And it extends the sunset date of the Interagency Services Fund to September 30th, 1991.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? Senator Keats.

SENATOR KEATS:

Why are we giving DCCA more administrative money? Less into the program and more into the bureaucracy. Could you explain that?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Karpiel.

SENATOR KARPIEL:

Yes, Senator. Since the Corridors of Opportunity Program was introduced - at that time what was eight corridors, since that time the number has increased to twenty-two, and the Department feels they need more money to administer the program.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall House Bill 3390 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 4, none voting Present. House Bill 3390, having received the required constitutional

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majority, is declared passed. House Bill 3394. Senator Carroll. Senator Carroll here? He's not here. 3468. Carroll. Can we break up the conference in front of Senator Carroll, please? House Bills 3rd Reading is House Bill 3468. No. Take it out. Page 9. 3565. Senator Severns. All right. Page 10. 3722. Senator Topinka. All right. I beg your pardon. Page 10. 3630. Senator Maitland. On the Order of House Bills 3rd Reading is House Bill 3630, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 3630.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. House Bill 3630 is the annual IDOT conveyance bill. I think most of the amendments and the conveyances have been discussed on this Floor before. I -- I would be happy to answer any questions that you might have - otherwise, would seek your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall House Bill 3330 <sic> pass. Those in favor will vote Aye. Those opposed, Nay. The voting -- I'm sorry. 3630. Mr. Secretary, you want to -- all right. Question is, shall House Bill 3630 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. House Bill 3630, having received the required constitutional majority, is declared passed. House Bills 3rd Reading is House Bill 3722, Mr. Secretary.

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ACTING SECRETARY: (MR. HARRY)

House Bill 3722.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Topinka.

SENATOR TOPINKA:

Yes. Mr. President, Ladies and Gentlemen of the Senate, this bill now is basically what it was when it was on the Agreed Bill List. It amends the Abused and Neglected Child Reporting Act. Allows the Department of Children and Family Services to release information concerning pending reports and unfounded reports of child abuse or neglect to authorized persons. At this stage of the game, I don't think it has any opposition.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? If not, the question is, shall House Bill 3722 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 3722, having received the required constitutional majority, is declared passed. 3725. Senator Hall. 3777. Senator Newhouse. Page 11. 3812. Senator Welch. On the Order of House -- I beg your pardon. Senator Newhouse. Do you wish to proceed? All right. Page 11. House Bill 3812, Mr. Secretary, please.

ACTING SECRETARY: (MR. HARRY)

House Bill 3812.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

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SENATOR WELCH:

Thank you, Mr. President. This bill states that a grant of exclusive possession of a residence in an order of protection will be sufficient notice to bring a charge of criminal trespass to real property to the individual trespassing on the property after a domestic dispute. An amendment was added to the bill, this week, retaining that language and adding a provision that five years must elapse, from the current two years, before the record of a person is expunged when the person was charged with domestic battery and subsequently discharged or dismissed upon successful conclusion of a disposition of supervision. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Hawkinson.

SENATOR HAWKINSON:

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

PRESIDING OFFICER: (SENATOR DEMUZIO)

Indicates he will yield. Senator Hawkinson.

SENATOR HAWKINSON:

To the first part of the bill, I don't have any problem with the order of protection being sufficient notice for criminal trespass. I'm assuming, however, that for it to be sufficient notice you have to be able to show that the order of protection was served on the person who's later charged. Is that correct?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

My understanding would be there would have to be notice to the defendant before he would be liable for a crime. Yeah.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Hawkinson.

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SENATOR HAWKINSON:

So in the case of an emergency order of protection that had not yet been served - this would not constitute notice?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Welch.

SENATOR WELCH:

That would be my reading of it. Yes.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall House Bill 3812 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are 1, none voting Present. House Bill 3812, having received the required constitutional majority, is declared passed. With leave of the Body, before we get too far away from it, Page 10, let's return and pickup House Bill 3777. Senator Newhouse wishes to have it called. 3777, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 3777.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Newhouse.

SENATOR NEWHOUSE:

Thank you, Mr. President. Mr. President, this is a vehicle bill and I'd like -- I'd like to get it out of here. Creates the Chicago and Cook County Health Care Plan. It's going into conference, and we'll do whatever needs to be done there.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall House Bill 3777 pass. Those in favor will vote Aye. Those opposed,

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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 -- 2 voting Present. House Bill 3777, having received the required constitutional majority, is declared passed. Page 11 is 3826. Mr. Secretary, House Bills 3rd Reading is House Bill 3-8-2-6.

ACTING SECRETARY: (MR. HARRY)

House Bill 3826.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Daley.

SENATOR DALEY:

Thank you, Mr. President and Members of the Senate. House Bill 3826, as described by Senator Rock earlier, deals with the Democratic Party delegates. And the other amendment dealt -- deals with a State Board of Election bill to provide absentee ballot applications acceptable in all election jurisdiction. I move the -- move the...

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall House Bill 3826 pass. Those in favor will vote Aye. Those opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, the Ayes are 56, the Nays are none, none voting Present. House Bill 3626 <sic>, having received the required constitutional majority, is declared passed. House Bills 3rd Reading is House Bill 4124, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 4124.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

Thank you, Mr. President and Members of the Senate. House Bill 4124 creates the Drug-Free Schools and Community Law. It creates State and local drug-free advisory committees to consult with DASA regarding the distribution of grants and appropriations under this law. It creates a Youth Drug Abuse Prevention Fund income tax checkoff. It creates the Drug Enforcement and Treatment Council to certify and evaluate community organizations and agencies to reduce the incidence of drug use in our schools and in our communities. In addition, this also adds a local DARE officer to local drug-free schools and community advisory committees - at the request of DASA. It makes the State Drug-Free Schools Advisory Committee created by the Act a subcommittee of the Illinois Advisory Council on Alcoholism and Other Drug Dependency. That was requested by DASA. It tries to deal with drug dealers and the use of cash by drug dealers regarding the Currency Reporting Act, dealing with cash transactions throughout the State. And finally, it makes penalties for PCP - a very serious drug - the same as heroine, and I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Is there discussion? If not, the question is, shall --  
Senator Karpiel.

SENATOR KARPIEL:

I'm sorry. What was the one you mentioned about cash transactions around the State?

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz.

SENATOR MAROVITZ:

That is the Currency Reporting Act, which passed the Senate on

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the Agreed Bill List without a negative vote, which attempts to deal with huge transactions that are done in cash, so that there'd be some reporting, so we have an idea what these drug dealers are doing with their cash.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The question is, shall House Bill 4124 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 1, 2 voting Present. House Bill 4124, having received the required constitutional majority, is declared passed. House Bills 3rd Reading is House Bill 4190, Mr. Secretary.

ACTING SECRETARY: (MR. HARRY)

House Bill 4190.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Luft.

SENATOR LUFT:

Thank you, Mr. President. As stated by the Secretary, the subject matter is the Illinois Toll Highway Authority Act. It is a vehicle bill. It will come back next week, hopefully to enlighten us all.

PRESIDENT ROCK:

...(machine cutoff)... Discussion? Any discussion? Senator Fawell.

SENATOR FAWELL:

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

PRESIDENT ROCK:

Indicates he will yield, Senator Fawell.

SENATOR FAWELL:

Senator Luft, I'd really like to know a little bit more of

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what you're talking about. The toll -- I have three of those tollways, and the Tollway Authority, and -- it's the tollway -- authority. Am I -- you are talking about the Tollway Authority. Well, it seems three of those tollways are in my district, out of four, and the Tollway Authority is in my district - I mean, their headquarters. Could you enlighten us a little bit more?

PRESIDENT ROCK:

Senator Luft.

SENATOR LUFT:

This bill has major provisions that will be added to it in a conference committee. There are Members of the House, Representative Keane and Representative Matijevich and others that have been working on it. In our Body, I have had a look at it, as has Senator Schaffer, and my suggestion to you, Senator, would be to discuss this with Senator Schaffer, and maybe he will allow you to be on the conference committee.

PRESIDENT ROCK:

Question is, shall House Bill 4190 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 Ayes, no Nays, none voting Present. House Bill 4190, having received the required constitutional majority, is declared passed. Does any other Member have a bill on the Order of House Bills 3rd Reading that he or she wishes to address? Or are there any other amendments out there that we wish to address? Okay. Senator Zito and I will be here in the morning with the third - yet, third Recall List. Senator Marovitz will be with us, I'm sure. All right. Ladies and Gentlemen, we -- we have only yet remaining -- there's been a request to move to the Order of Consideration Postponed. There are four measures on Consideration Postponed, if you'll turn to Page 21. The only addition that was added as of this morning was

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2-9-0-7. So in addition to those four that are listed, if you would add, with leave, 2907, so we don't need a Supplemental Calendar. The adjournment resolution calls for us - as long as we are all here - the adjournment resolution that the House sent us calls for us to return on Monday. And that's fine. We will return on Monday, as will the House, but they asked us to return at the hour of noon. They are coming in at four o'clock. My suggestion is that - Senator Philip and I have agreed - that we will start no earlier than three o'clock. So we'll just say three o'clock, Monday. Give everybody a chance to get into town. And when we come in we will then begin on the Order of Concurrence. The Calendar indicates there are seventy-nine matters already on Concurrence, and there were a number of additional ones read in this morning. Resolutions. All right. Message 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 143.

(Secretary reads HJR No. 143)

PRESIDENT ROCK:

Senator Demuzio.

SENATOR DEMUZIO:

This is the adjournment resolution - House Joint Resolution 143, as Senator Rock has just explained. I would move to suspend the rules for the immediate consideration and adoption of House Joint Resolution 143.

PRESIDENT ROCK:

All right. Senator Demuzio has moved to suspend the rules for the immediate consideration and adoption of House Joint Resolution

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143. All in favor of the Motion to Suspend, indicate by saying Aye. All opposed. The Ayes have it. The rules are suspended. Senator Demuzio now moves the adoption of House Joint Resolution 143. Calls for us to return Monday. Monday. And by agreement, we'll begin at 3:00 p.m. - three o'clock p.m. All in favor, indicate by saying Aye. All opposed. The Ayes have it. The resolution is adopted. All right. We'll move now to the Order of Consideration Postponed. If the Members wish to pursue this they had best be ready. Senator Netsch, you in particular. House -- House Bill 1784. Read the bill, Madam Secretary.

SECRETARY HAWKER:

House Bill 1784.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Brookins.

SENATOR BROOKINS:

Thank -- thank you, Mr. President. I ask for the passage of this bill. It will be sent to the House. We have an agreement that will be -- go into a conference committee, and it will all be worked out to both sides satisfactions.

PRESIDENT ROCK:

Discussion? Senator Watson.

SENATOR WATSON:

Well, thank you, Mr. President. Our spokesman's not here -- present at this particular time, but I understand from some of the -- the insurance lobby that that's not necessarily the case, Senator. That they are concerned about this legislation and that they haven't agreed to that at all. So, I mean, I can't say anything more than that, but...

PRESIDENT ROCK:

Further discussion? Senator Barkhausen.

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SENATOR BARKHAUSEN:

Mr. President, as I understand it - and I think I know what -- what Senator Brookins is trying to accomplish with this bill - but in my opinion, anyway, I think it's sort of a seriously flawed idea. The legislation would propose to establish what's known as a joint underwriting authority that would require various insurers to chip in to provide a program that can provide -- or can assure that various contractors can get what's known as surety coverage to guarantee the performance of their jobs. One of the problems with this bill is that it would require that all insurers, which are property and casualty insurance companies, participate in this joint underwriting authority even if they're not engaged in the surety business. Merely if they are licensed to carry on -- surety coverage, or to engage in that line of business, which all property casualty companies are, they would have to participate in this program. That effectively means that all personal -- so-called personal lines companies - such as, State Farm and Allstate, which are basically just dealing in auto insurance and homeowners insurance - would have to have their policyholders subsidize surety coverage. And for that reason, and because a joint underwriting authority inevitably involves a subsidy of some kind, I'm not sure that this is something that should proceed, even to a conference committee.

PRESIDENT ROCK:

Further discussion? Senator Brookins, to close.

SENATOR BROOKINS:

On -- on yesterday, I spoke at length with the minority insurance spokesman. We did at that time have an agreement that this bill would go over into a conference committee - that it would be held there - that we would meet around it - that he had some concerns - that all those concerns would be worked out. And that was our agreement. And I think that -- that -- it's a good

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idea, and that I'm asking for a favorable full vote.

PRESIDENT ROCK:

Question is, shall House Bill 1784 pass. Those in favor, vote Aye. Opposed, vote Nay. The voting's open. All voted who wish? Have all voted who wish? Take the record. On that question, there are 18 Ayes, 28 Nays, 3 voting Present. House Bill 1784, having failed to receive the required constitutional minority -- majority, is declared lost. 3318. Senator Smith. Read the bill, please.

SECRETARY HAWKER:

House Bill 3318.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDENT ROCK:

Senator Smith.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I'm asking Senator Berman if he will speak on behalf to the bill.

PRESIDENT ROCK:

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 3318 does four things. I'll mention three of them quickly and I think I'll concentrate on the more controversial part. It provides that the Department shall include recognition of the special clothing needs of school-age children occasioned by cold weather conditions. Amendment No. 1 provides for expedited aid benefits. There is a minimal fiscal impact on that. Amendment No. 3 provides for the Department to expand eye care and dental services. Estimated FY'1991 fiscal impact is four hundred thousand. Amendment No. 4 requires this legislation to become

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effective immediately, and that relates to Amendment No. 2, which is known as the Spousal Impoverishment amendment. And I believe that's the hot item in this bill. That was my amendment that was adopted the other day, and let me tell you why it is here. We wound up with, I think, twenty-nine votes when this was called for 3rd Reading, and I seek not only two more votes, I would like twenty-nine more votes. The issue of spousal impoverishment deals with the question of where the State of Illinois should be in determining the amount of assets and income that the non-ill spouse may maintain when the ill spouse is confined to a facility where Medicaid -- I'm sorry, where Medicare must be implemented for the maintenance of the ill spouse. The question deals with the level of resources that the non-ill spouse may maintain. Congress has set parameters. They've set a maximum and they set a minimum. Last year or earlier this year, the Department of Public Aid adopted the minimum levels. And those minimum levels were an outrage to the senior community. When the senior community bombarded the Department of Public Aid saying this is unfair - this is ruinous to our lives, the Department adopted a revised regulation - a maximum level. And that maximum level is not outrageous. It allows the maintenance of sixty-two thousand five hundred and eighty dollars of total assets by the non-ill spouse, and still qualify for Medicare. This amendment that's in this bill codifies - puts into legislation - that present maximum allowance for the non-ill spouse. Now we may hear some debate - and I want those who are about to speak to listen to me and correct me if I am in error, because I think we ought to know exactly what we're talking about, and be candid in our explanation of the impact of this amendment. The Department, in their request for funds, requested fifteen million dollars, approximately, to fund this spousal impoverishment line. Under their present regulation that request was eight million dollars short. This

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amendment doesn't change that shortfall. The Department will still be eight million dollars short. The difference -- let me correct that -- there is no fiscal difference between the existing regulation and this amendment. The eight million dollars isn't there whether this amendment is passed or not. The question that's involved in this bill is whether we respond to the pleas of seniors and put it into legislation, or whether we leave it up to the prerogatives of the Department to keep it or change it pursuant to rule. I'd be glad to respond to any questions, and I solicit your Aye vote.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Donahue.

SENATOR DONAHUE:

Thank you, Mr. President. Needless to say, it's very difficult to follow such an eloquent speaker. But you -- your point is what we object to in regard to this. The Department of Public Aid is already doing this - right now - by rule - at the maximum level. The other point that he's doing is the COLA, and this would make the only group in the human service area that would have a COLA. Every other group has to come in and negotiate that with the Department of Public Aid and our appropriation staff for what the budget would do. So I would -- this is a very difficult vote - I understand that - but we are already doing everything that this bill says right now at the maximum. So I would hope we could defeat it again.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator -- Senator -- Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President and Members of the Senate. And like the previous speaker, I rise too, in opposition to House Bill 3318. It's very difficult, Senator Berman, at this time to

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get a handle on what -- what the cost of this program really would be with or without the points that -- that -- that you have made. We really don't know where we're going here exactly. It's very difficult to get a handle on it. And I would only suggest to you that - having just been through the budget process, as the four approp people have done this morning, sitting there agonizing over these bills, trying to get them to a reasonable level where we can all leave here with a balanced budget. To take on something like this with no control it seems to me as absolutely the wrong thing to do at this point.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, Senator Berman may close.

SENATOR BERMAN:

Just -- just one second. All right. Thank you, Mr. President, for your courtesy. Let me just respond to a comment that Senator Donahue made.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Pardon me, Senator Berman. Just give us a few more minutes. Senator Berman.

SENATOR BERMAN:

I -- I asked for a clarification from staff as to a comment that Senator Donahue had made in her comments as she referred to a COLA. Let me clarify, and Senator Donahue can nod if I am stating -- stating it correctly. This amendment is no different than the regulation. The regulation provides a COLA, and this is the same as the regulation. Now let me - and I appreciate the candor of both Senator Donahue and Senator Maitland. Ladies and Gentlemen, the issue here is not whether we are short money or long money. If the Department is honest with seniors, and the Department is honest with us, they have appropriated or requested an appropriation which is eight million dollars short. I'm not arguing that. They're not saying that my amendment costs

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something that their regulation doesn't cost. It doesn't. The essence of this - the reason I'm asking for your Aye vote - is so that some seniors in our State - many seniors in our State - can sleep a little better. That's what we're talking about. The reason this is here is the reason that they want this to be embodied in legislation, so that if there's going to be a change the seniors can come to us to debate whether their protection, regarding the assets that they may maintain, will be decided by the General Assembly, rather than by regulation of the Department. Now the -- the Department - and I applaud them for it - responded to the pleas of seniors. They raised the benefit level to the maximum. The fear in the senior community is that they might change that and lower that level. Ladies and Gentlemen, on behalf of the seniors, if that must be done and the requirements of fiscal restraint require it to be done, let us be the bad guys. Let us be the heavies. Let us hear the pros and cons of determining the kind of assets that seniors can maintain when their spouse must go on Medicare. Let's not delegate it to the Department of Public Aid. The Department responded to the seniors, let us -- us -- let us do no less. I urge you to vote Aye on behalf of your seniors. If it must be changed, let it be done here, not by the Department of Public Aid. I sorely plead on behalf of all of your seniors for an Aye vote on 3318.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Question is, shall House Bill 3318 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 30, the Nays are 17, 2 voting Present. House Bill 3318, having received the required constitutional majority, is declared passed. Senator Donahue, for what purpose do you arise?

SENATOR DONAHUE:

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I hate to, but I have to verify the roll call.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Donahue has requested a verification of those Members who voted the affirmative. All Members will be in their seats. The Secretary will read those Members who -- who voted in the affirmative. Madam Secretary.

SECRETARY HAWKER:

The following Members voted in the affirmative: Alexander, Berman, Brookins, Carroll, Collins, Daley, D'Arco, DeAngelis, del Valle, Demuzio, Dudycz, Thomas Dunn, Hall, Holmberg, Jones, J.E. Joyce, J.J. Joyce, Kelly, Lechowicz, Luft, Marovitz, Netsch, Newhouse, Raica, Rea, Severns, Smith, Topinka, Zito and Mr. President.

PRESIDING OFFICER: (SENATOR DEMUZIO)

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

SENATOR DONAHUE:

Senator -- Senator Zito.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Zito on the Floor? Senator Zito on the Floor? He's right here at the Podium.

SENATOR DONAHUE:

Jeremiah Joyce.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Jeremiah Joyce on the Floor? Senator Jeremiah Joyce on the Floor? Strike his name.

SENATOR DONAHUE:

That's all I need.

PRESIDING OFFICER: (SENATOR DEMUZIO)

All right. On that question, the Ayes are 29, the Nays are 17, 2 voting Present. House Bill 3318, having failed to receive the required constitutional majority, is declared lost. 3675.

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Senator Rea. All right. House Bills Consideration Postponed 3rd Reading, House Bill 3675, Madam Secretary.

SECRETARY HAWKER:

House Bill 3675.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Rea.

SENATOR REA:

Thank you, Mr. President. House Bill 3675 has had the two amendments Tabled - Amendments 2 and 3 - and now returns to the original bill, which provides for those OB physicians that are practicing in designated health care shortage areas and family practice physicians practicing within the State who, pursue training, shall be included as providers entitled to funding under the Family Practice Residency Act. Be glad to respond to any questions.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Discussion? Senator Topinka.

SENATOR TOPINKA:

Mr. President and Ladies and Gentlemen of the Senate, when we had this bill in committee it really -- the committee kind of liked it, and as you can see by our voting record for committee action. With the removal of the two rather onerous, ponderous amendments, we still think it's a pretty good bill in its original form, and I would encourage your support.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Further discussion? If not, the question is, shall House Bill 3675 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 46, the Nays are 3, none voting Present.

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House Bill 3675, having received the required constitutional majority, is declared passed.

END OF TAPE

TAPE 4

PRESIDING OFFICER: (SENATOR DEMUZIO)

2907. Senator Rock. Message 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 139.

It is substantive.

And I have a like message on House Joint Resolution 141.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Secretary's Desk. I'm sorry, Executive. Resolutions.

SECRETARY HAWKER:

Senate Resolution 1278 offered by Senator Fawell and all Members.

Senate Resolution 1279 offered by Senator Rea.

Senate Resolution 1280 offered by Senator Demuzio and all Members.

And Senate Resolution 1281 offered by Senator Topinka.

And Senate Resolution 1282 offered by Senator DeAngelis.

They're all congratulatory.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Consent Calendar. All right. With leave of the Body, we will

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add to the Consent Calendar that has been passed out, Senate Resolutions 1-2-7-6, 1-2-7-8, 1-2-7-9, 1-2-8-0, 1-2-8-1, 1282. Is leave granted to add those? Leave is granted. Madam Secretary, have there then been any objections filed to the Resolutions Consent Calendar?

SECRETARY HAWKER:

There have been no objections filed.

PRESIDING OFFICER: (SENATOR DEMUZIO)

Senator Marovitz moves the adoption of the Resolutions Consent Calendar. All in favor, indicate by saying Aye. Opposed, Nay. The Ayes have it. Resolutions Consent Calendar is adopted. Further...(machine cutoff)... Senator Geo-Karis, for what purpose do you arise?

SENATOR GEO-KARIS:

...President, I was on the telephone when 3675 was debated and voted on. And I would have Yes if I were on the Floor.

PRESIDING OFFICER: (SENATOR DEMUZIO)

The record will so indicate. Senator -- further business to come before the Senate? All right. We are coming back at Monday at noon, but nothing will take place until three o'clock. Three o'clock. Three o'clock. All right. Thank you, Walter. All right. Further business? Senator Rock moves that the Senate stand adjourned till Monday.

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